

University of Luxembourg
- National EMN Contact Point -
P.O. Box 2
7201 Walferdange
LUXEMBOURG

www.emnluxembourg.lu

E-mail: coordination@emnluxembourg.lu

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FOREWORD

The opinions and interpretations expressed in this report are those of the author. They do not necessarily reflect the positions of the Luxembourg Ministry of Family and Integration, or the Ministry of Foreign Affairs nor do they represent National Government policy.

The present report was drafted by Adolfo Sommarribas with the assistance of Anne Koch, staff members of the National Contact Point Luxembourg within the European Migration Network, under the overall responsibility of Ass.-Prof. Dr. Christel Baltes-Löhr. Continuous support was provided by the members of the national network of the National Contact Point Luxembourg: Sylvain Besch (CEFIS), Sylvie Prommenschenkel (Directorate of Immigration, Ministry of Foreign Affairs), Germaine Thill (STATEC), and Marc Hayot (OLAI Reception and Integration Agency, Ministry of Family and Integration).

EXECUTIVE SUMMARY

Until 2003, Luxembourg did not have a university. Before that date, the formation and training of the country's elites were made in foreign universities, especially the universities and higher education institutions of the Greater Region (Belgium, France and Germany). Only some years of higher education could be made in four higher education institutions or in certain foreign institutions that implement special programmes in the country (especially in the area of business administration).

This situation began to change with the alteration of the Luxemburgish economy from an industrialised economy to an economy centered in the financial and services sectors. The need of skilled and highly skilled workers that could not be satisfied by the local population, forced Luxembourg to continue depending on the human resources reservoir of the Greater Region. The eventual problem of this situation was that this reservoir is not unlimited and that some of the qualifications required could not be satisfied by this labour force that could only be found abroad. Additionally, a large number of the national students that were educated and formed abroad made a career outside of the country. These were some of the elements that were considered by the Luxemburgish government to create the University of Luxembourg.

Its fundamental objectives are that the university responds to the needs and requirements of the modern academic world and that it can be flexible enough to adapt to the social and economic realities of the country. The University of Luxembourg focused on research and high standards of education, with an international vocation ("open to the world") that promotes multilingualism and the intermobility of all of its students including third country national students.

This internationalisation of its population was achieved using international agreements in order to target universities of third countries and of the European Union. In the first years of the university its focus was on the countries of the Luxemburgish international cooperation programmes and later on it extended to the rest of the world, and especially the developed countries and the rising developing economies. This policy is supported in principle by the Ministry of Higher Education and Research as well as the Ministry of Foreign Affairs (Directorate of Immigration) and allows the University of Luxembourg a certain leeway in this field.

The structure of the student population reflects the international vocation of the university and in part the composition of the global population and of the labour market of the country, because more than 50% of the students of the university are non-Luxemburgish. Even if the percentage of the third country national students is bigger than the percentage of the third country nationals in the global population, it is important to notice that there are inequalities in the statistical representation according to the type of formation. Third country nationals are underrepresented in the bachelor programmes when compared to the Master and PhD programmes.

This situation exposed the fact that the recognition of diplomas becomes a serious issue regarding the admittance of a student and especially if the third country national student comes from a country that has not signed the Convention of Paris/Lisbon on recognition of secondary diplomas. To solve this problem there is the possibility of taking an entry exam but this examination is only carried out in a limited number of third countries. However the logistic problems and the lack of Luxemburgish diplomatic missions in a large majority of third countries is one of the principle problems related to the admission of third country national students.

The actual policy on international student is also the result of the transposition of the Directive 2004/114/CE. However, there are several particularities regarding the transposition of the directive: a) the absence of linguistic requirements when applying for the authorisation of stay; b) the student has limited access to the labour market during his or her studies; c) the possibility to stay and work under certain conditions after the finalization of his or her studies and hence allowing the student to make a first professional experience.

The Directorate of Immigration is also vigilant that the international student residence permit does not become a channel for third country nationals to stay in the country.

The national policy is clear on the objective of the student residence permit. The student must come to study in a higher education institution, obtain a degree and return to his or her country of origin. The fundamental reason of this objective is to avoid the 'brain drain' of the country of origin. This is why the student residence permit is considered of a provisional and temporary nature, which does not allow family reunification or the change of status to another category of residence permit and only gives limited access to work so that the studies will not be compromised.

The national policy offers them the opportunity to stay and to have, under certain conditions, a first professional working experience for a maximum period of two years (and not renewable) where they can apply the knowledge acquired.

Parallel to the problem with the recognition of diplomas in the admission procedure other problems were detected during this study:

- 1) In some cases students have problems adapting to this multilingual environment at the University because some of the programmes are taught in two or three languages.
- 2) International students have problems finding affordable housing in Luxembourg. The offer of affordable housing for students in general is very limited in Luxembourg.
- 3) In order to obtain the authorisation of stay the student must prove that he/she has the financial resources to study. However, students coming from developing countries have problems satisfying this legal requirement and afterwards, they face the problem that the costs of living in Luxembourg are one of the highest in the European Union. Also there are not sufficient scholarships to help this type of students. As with the housing, the problem rises with the students coming from third countries in which a cooperation agreement or an exchange programme does not exist.

- 4) Another problem is the limited access to the labour market during their studies: the possibility to work after the first two semesters exists, except if the work is done in the higher education institution where the student is registered. After this period, third country national students can only work 10 hours per week and if they violate this limitation their residence permit will be revoked or not renewed.

There are certain indicators that could be perceived as a certain misuse of the student residence permit but it is almost impossible to measure. Some situations were mentioned, such as the case of persons who benefit from a student residence permit and do not finish their studies or who do not attend any courses at all.

The fact that the Règlement d'ordre intérieur (ROI – Internal regulation of the University of Luxembourg) only foresees that the student must validate 25 ECTS in the first two semesters to continue with his or her programme and not for the other semesters makes it very difficult to control the progress of international students in the programme and in some cases the student arrives at the end of the programme without having validated 50% of the required ECTS for graduation.

The impact of international students in Luxembourg is minimal seen the the weak numbers of third country national students. There is partial data on the inflows and outflows of international students and no data on the success or failure rate of third country national students. Also there is not data available on intra-EU mobility of third country national students. There is no data available on the residence permit issue as “salaried” workers after they finished their studies due to the recent creation of the university.

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1. INTRODUCTION

The European Migration Network (EMN)¹ Steering Board decided that the research topic “Immigration of International Students to the EU” should be part of the EMN Work Programme 2012, after a first selection made by the National Contact Points (NCPs).

Each (Member) State’s study consists of an analysis of the legal and political situation in the respective (Member) State², complying with the common EMN specifications drawn up in advance.³ Afterwards, a comparative synthesis report will be produced by the European Commission, summarising the principal conclusions of each national report, while highlighting the most important aspects. The study specifications, the different national studies and the synthesis report will be accessible to the general public.

The universities of the European Union have always attracted students from third countries. However, the inflow of international students into the European Union is an important issue, seen that, for third country nationals, is one of the legal means to enter and stay.

The overall objective of this study is to provide an overview of the immigration policies implemented by each Member State and Norway regarding international students and taking into consideration the above mentioned aspects.

At the national level, the topic is highly important if one takes into account that the University of Luxembourg is a young university⁴ which tries to take advantage of the multicultural structure of the Luxembourgish society (foreigners represent 43,04% of the national population)⁵, the multilingual environment and the fact that Luxembourg is an

¹ For more information on the EMN at the European level, please visit www.emn.europa.eu.

² The EMN on the European level is composed of the Commission and one NCP from each European Union Member State, as well as from Norway.

³ European Migration Network, EMN (2011), ‘*Immigration of International Students to the EU: Study Specifications*’, 20th March 2011, MIGRAPOL EMN Doc 155, Brussels: European Commission, <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=3.%20EMN%20Studies> (accessed 1 August 2012).

⁴ The University of Luxembourg was created by Law of 12 August 2003 and is the successor of four higher education institutions that existed in the Grand Duchy of Luxembourg: *Centre universitaire de Luxembourg, Institut supérieur de technologie, Institut supérieur d'études et de recherches pédagogiques, Institut d'études éducatives et sociales*. See http://www.gouvernement.lu/dossiers/education_jeunesse/universite/index.html#1 (accessed 3 September 2012).

⁵ According to the 2011 Census, foreigners represent 43,04% (220.522 foreigners) of the total Luxembourgish population and in this population 170 nationalities are represented. See Statec (2011), ‘*Recensement de la*

important business location focussed on financial and technological services, when attracting national and international students⁶. Another element to be taken into consideration is the

population 2011, Premiers résultats', August 2012, <http://www.statistiques.public.lu/catalogue-publications/RP2011-premiers-resultats/2012/04-12.pdf> (accessed 03 September 2012).

⁶ Bill n° 5059/00 on the Creation of the University of Luxembourg. In the exposition of motives for the law it says: "Dans la définition de son profil, l'Université tient compte à la fois du contexte luxembourgeois et de la nécessité d'un positionnement international.

Pour ce qui est de son ancrage dans le pays, le profil de l'Université de Luxembourg est marqué par les besoins sociétaux et économiques de ce dernier. Elle concourt: a. au développement de la société luxembourgeoise: ancrage de l'identité nationale; b. au développement économique: promotion de la coopération entre l'Université et l'économie, attraction de ressources économiques et humaines étrangères, développement des nouvelles technologies de la communication, promotion de l'esprit d'entreprise; c. au développement et à l'aménagement du territoire: développement régional par la création d'infrastructures modernes sur les trois sites de Luxembourg-Limpertsberg, de Belval-Ouest et de Walferdange. Dans ses principes organisateurs, l'Université tient compte des spécificités traditionnelles du Luxembourg, à savoir la mobilité des étudiants et le multilinguisme.

La mobilité est perçue comme un outil essentiel du positionnement du Grand-Duché dans l'espace européen de l'innovation, espace qui sera de plus en plus compétitif. En effet, afin de pouvoir faire face à la concurrence, le Luxembourg doit disposer d'une élite de cadres supérieurs capables d'agir au-delà des frontières et qui sont impliqués solidement dans les réseaux transnationaux. Pour le Luxembourg, la mobilité de ses étudiants reste donc d'une importance capitale. ... D'autre part, il s'agit de développer un axe „économie, droit, finance“ pour répondre aux besoins d'un secteur économique important du pays. La création d'un programme „School of Finance“ en est un élément important; il s'intégrera dans une faculté qui développera le droit des affaires spécialisé en droit des affaires financières, droit luxembourgeois et droit européen. Par ailleurs, cette faculté reprendra les activités d'enseignement et de recherche du département des études en gestion et en informatique de l'actuel Centre Universitaire de Luxembourg. Le thème central de ce département est l'entreprise de demain vue comme un système complexe. Les compétences à développer principalement dans ce département (l'informatique, les méthodes quantitatives de gestion, la recherche opérationnelle, la statistique et le calcul actuariel) seront focalisées sur l'étude de l'entreprise selon trois orientations complémentaires: 1) communication, coordination et coopération entre les composants de l'entreprise; 2) modélisation et implémentation des connaissances et des processus afin de raisonner sur son fonctionnement; 3) planification, pilotage et maintenance afin d'utiliser au mieux les ressources et de guider l'entreprise dans un environnement en changement rapide. Ce sera sa forte orientation informatique et mathématique, complémentaire à un milieu institutionnel européen et national (droit, économie, finance) fortement sollicité dans les activités de recherche et d'enseignement qui distinguera ce programme parmi toutes les institutions universitaires similaires de la Grande-Région et qui fera sa réputation scientifique.

Dans le domaine des sciences humaines, l'évaluation des formations existantes sera un élément prioritaire. Néanmoins, il s'agira de développer une thématique pour regrouper les sections existantes du Centre Universitaire, à savoir l'histoire, la géographie et la philosophie. Ces thématiques pourraient être les suivantes: le processus de l'intégration européenne, les droits de l'homme dans une perspective globale et interdisciplinaire et les études et recherches sur le Luxembourg.

La psychologie interviendra dans la recherche sur le vieillissement de la population; dans le domaine de la psychologie cognitive elle agira en complémentarité avec les sciences de l'éducation.

En conclusion, retenons que l'objectif premier de l'Université est l'enseignement supérieur de haut niveau, fondé sur la recherche. Par la définition de priorités et d'axes forts l'Université contribue au développement économique, sociétal et culturel du pays et répond aux besoins de la société luxembourgeoise.

L'Université contribue au rayonnement et à la défense de la position du Luxembourg sur la scène internationale. L'Université ne peut répondre à ces objectifs que si elle atteint un niveau d'excellence," Parliamentary document n° 5059/00 pp. 21 – 26.

http://chd.lu/wps/portal/public!/ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gXI5ewIE8TIwN380ATaYmV_Vy_z0GA_YwsLM6B8JJK8hbOIkYGne6CPt7OhqYF7sDEXuo0sLIKD3B19XS0tQ50MPA2cDYNdA52A5hgR0O3nkZ-bql-

http://chd.lu/wps/portal/public!/ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gXI5ewIE8TIwN380ATaYmV_Vy_z0GA_YwsLM6B8JJK8hbOIkYGne6CPt7OhqYF7sDEXuo0sLIKD3B19XS0tQ50MPA2cDYNdA52A5hgR0O3nkZ-bql-QGxpR7qioCACaAJHU/dl2/d1/L01DU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchL1ICSkoXtkExTk1MC01RncvN19EMkRWUkk0MjA4OUpGMDJOMVNVOFFPM0sxNS9xeTNvRjE2NDUwMDUx/?PC_7_D2DVRI42089JF02N1SU8QO3K15_selectedDocNum=11&PC_7_D2DVRI42089JF02N1SU8QO3K15_secondList=&PC_7_D2DVRI42089JF02N1SU8QO3K15_action=document#7_D2DVRI42089JF02N1SU8QO3K15

geographical location of Luxembourg and its importance in the Greater Region (which is composed of bordering regions of France, Belgium, Germany and Luxembourg). The participation of the University of Luxembourg in the project creating a University of the Greater Region⁷ reflects the importance of the aspect of transnational cooperation but also of intra-mobility of third country national students between Member States⁸. It is important to mention that the government has made the development of scientific research and attracting third country national researchers⁹ one of its priorities, as it was mentioned in the EMN NCP LU study “Satisfying Labour Demand through migration”.¹⁰ In terms of legislation, the Law of 29 August 2008 on free movement of persons and immigration¹¹ transposed¹² 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.¹³

⁷ As a result of close networking between the partner universities, the ‘University of the Greater Region’ project aims to increase the mobility of students, scientists and lecturers, all whilst enriching the courses on offer and research profiles. See <http://www.uni-gr.eu/en/about-us/objectives.html> (accessed 3 September 2012).

⁸ Point of view of University officers, Interview 5, 24 May 2012.

⁹ ‘The Luxembourg Government wants to promote the research sector in Luxembourg, in particular by creating an environment that is favourable and attractive to researchers coming from abroad in order to work in high added value sectors. ‘By departing from the principle that research constitutes one of the motors of a competitive economy based on knowledge and skills, the Government has made particular efforts to develop scientific capacities within the University of Luxembourg and public Research Centres. Five establishments in Luxembourg are approved for hosting researchers that are third-country nationals, in accordance with the procedure set by the law of 29 August 2008 on free movement of persons and immigration.’ - National Contact Point Luxembourg within the European Migration Network, EMN NCP LU (2011c), ‘*The Strength of Internal Employment and the Migratory Policy, Luxembourg*’, <https://www.emnluxembourg.lu/type-documentation/la-force-de-l%E2%80%99emploi-int%C3%A9rieur-et-la-politique-migratoire> (accessed 1 August 2012), p. 47; quoting the ‘Annual Policy report on migration and asylum 2011, European Migration Network, National point of contact of Luxembourg; published in April 2011’ (see footnote 99).

¹⁰ EMN NCP LU study “Satisfying Labour Demand through migration” (2011).

¹¹ Official Journal of the Grand Duchy of Luxembourg (Journal Officiel du Grand-Duché de Luxembourg - JO), *Mémorial A*, No. 138, of 10/09/2008, pp. 2024 to 2052, consolidated version of 3 February 2012, JO, *Mémorial A*, No. 80, of 26/4/2008, pp. 874 to 910, <http://www.legilux.public.lu/leg/a/archives/2012/0080/a080.pdf#page=2> (accessed 21 August 2012).

¹² Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Bill on the free movement of persons and immigration N° 5802 (in French), Document No. 5802/00, Ordinary Session 2007-2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2Fpdf&id=981803&fn=981803.pdf (accessed 1 August 2012), ‘*Exposé des Motifs*’, p. 3.

¹³ Official Journal of the European Union (OJ) L 375, 23.12.2004, pp. 12 to 18, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:EN:PDF> (accessed 1 August 2012). In 28 September 2011, the European Commission adopted a report on the application of Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (COM(2011) 587 final), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0587:FIN:EN:PDF> (accessed 3 September 2012).

1.1. Aims of the study:

The specific aims of the study are to:

- Examine the overall historical and political approaches towards international students in Luxembourg;
- Outline EU- and national policy and legal frameworks with regard to the admission of international students and the issuance of residence permits, taking into account measures to prevent, detect, address and reduce the misuse of international student residence permits;
- Review transnational cooperation in the area of higher education;
- Explore the availability of data and the methods of data collection on international students used by Member States;
- Draw conclusions on the effectiveness of practical responses on international students and best practices.

The results of this study are aimed at, in particular:

- The political decision-makers, including the Ministers and the civil servants (at the Community and national level) involved in drawing up and implementing policies relating to international student migration;
- The University of Luxembourg and other higher education institutions;
- Professors, Assistant Professors and university staff who are dealing with the admission and handling of international students;
- National experts, such as university researchers or those belonging to research and think-tanks, which could eventually make use of them;
- The players and practitioners of Non-Governmental Organisations (NGO) and their networks;
- The general public having an interest in the addressed topics;
- The media.

1.2. Methodology

National reports are produced by the respective National Contact Points (NCPs) on the legal and policy situation in their Member State according to common specifications.

Subsequently, a comparative synthesis report is generated by the European Commission with its service provider giving the key findings from each national report, highlighting the most important aspects and placing them as much as possible within an EU perspective. The various national accounts and the summary report are made publicly available.

The EMN engages primarily in desk research, i.e. it collects and analyses data and information already available or published at the Member State or international level. The present report was produced by drawing upon a number of different sources of information, all of which are listed in the bibliography by type of document. This includes sources of national and EU legal documents which are referred to in the report.

1.2.1. Literature review

Initially, a research of academic-oriented literature as well as policy-related publications on international student policy in the national context was made. There are, to the author's knowledge, no empirical studies on third country national students in Luxembourg.

1.2.2. Archival analysis

An archival analysis has been carried out to determine the national vision, policy and legislation in relation to international student policy. This involved the collection and analysis of relevant policy and legal documents, including government programmes, official speeches, opinions of different stakeholders on different bills, the minutes of the public parliamentary sessions, and responses to parliamentary inquiries. Also a compilation of the different annual reports of the different Ministries (Ministry of Foreign Affairs and Immigration, Ministry of Education and Professional Training and Ministry of Higher Education and Research) as well as the statistics reports issued by the University of Luxembourg and the Ministries involved.

1.2.3. Semi-structured interviews

Semi-structured interviews were conducted with ministerial authorities, university officials, NGO representatives working in the field of international students, and student representation organisations. The main objective of these interviews was to obtain their point of view on the

legal framework, procedures (at the administrative and university level), restrictions and problems that the migration of third country national students have.

1.2.4. Workshop

As part of the preparation of this report, a workshop entitled “Immigration of International Students to Luxembourg” was held at the University of Luxembourg on 29 February 2012. The workshop was attended by representatives of the student associations, university representatives and NGO members and aimed at finding out their attitudes and experiences on issues relevant to international students. Workshop participants were asked about their experiences, knowledge and views on international student policy in Luxembourg. The insights gained during the workshop have been incorporated at various points in the present report.

1.3 Definitions

The EMN glossary defines “student” as a “third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation”¹⁴. This definition is based on the definition of ‘student’ under article 2 of 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.

It is important to mention that there is no definition in the national context¹⁵. Neither the Law of 29 August 2008 on free movement of persons and immigration¹⁶ nor case law provides a definition of international students. Nevertheless, the Law defines which institutions are

¹⁴ EMN, ‘Glossary’, <http://emn.intrasoft-intl.com/Glossary/viewTerm.do?startingWith=S&id=302> (accessed 3 September 2012).

¹⁵ See Parliamentary document n° 5802/00, op. cit., p. 71

¹⁶ See Coordinated text. Mémorial A-80 of 26 April 2012.
<http://www.legilux.public.lu/leg/a/archives/2012/0080/a080.pdf>

considered as higher education institutions¹⁷ :

- The University of Luxembourg;
- Educational institutions offering studies leading to an higher technical certificate (Brevet de technicien supérieur), according to the Law of 4 September 1990 reforming the technical secondary education and continuous professional learning;
- Higher education institutions authorised under the Law of 14 August 1976 determining the conditions of institution for private higher education.

Defining international students in Luxembourg is difficult if we consider that the University of Luxembourg does not make any differentiation between a third country national student who comes for the purpose of studying in the country and a third country national already residing in the country with another type of residence permit who decides to study at the University of Luxembourg or any other higher education institution.

After a comparative analysis of the data published by the Directorate of Immigration for the years 2008 to 2011¹⁸ on first residence permits issued to ‘students’ with the data provided of first inscriptions of third-country national students at the University of Luxembourg¹⁹, it can be concluded that the number of first residence permits issued by the Directorate of Immigration corresponds approximately to the number of third country national students arriving in Luxembourg to study (See section 3.1.1).

In the EMN Glossary a ‘third-country national’ (TCN) is defined as “any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union and who is not a person enjoying the Union right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code.”²⁰

There is no clear definition given by the Law of 29 August 2008 of a third country national but according to article 3 a) c), a third country national can be defined as a person who comes

¹⁷ Article 56 (2) of the Law of 29 August 2008

¹⁸ See annual reports of the Ministry of Foreign Affairs for the years 2008, 2009, 2010 and 2011.

¹⁹ Data provided by the Student Life and Studies Services (*Service des Études et de la Vie Étudiante*) of the University of Luxembourg.

²⁰ EMN, ‘Glossary’. This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals. This is also consistent with Article 2 (5) of the Schengen Borders Code which takes as a starting point a wider meaning of Third-Country National. However, this definition differs slightly of the definition used by the Regulation 862/2007 and Directives 2009/50/EC (Blue Card), 2003/86/EC (Family Reunification), 2003/109/EC (Long-Term Residents), 2005/71/EC (Researchers) and 2004/114/EC (Students) <http://emn.intrasoft-intl.com/Glossary/viewTerm.do?startingWith=T&id=305> (accessed 3 September 2012).

from a country outside of the European Union, the European Economic Area (EEA)²¹ and Switzerland.

The International Standard Classification of Education (ISCED)²² classifies education levels into different levels:

- Level 0 - Pre-Primary Education²³
- Level 1 - Primary Education or First Stage of Basic Education²⁴
- Level 2 - Lower Secondary or Second Stage of Basic Education²⁵
- Level 3 - (Upper) Secondary Education²⁶
- Level 4 - Post-Secondary Non-Tertiary Education²⁷
- Level 5 - First Stage of Tertiary Education (not leading directly to an advanced research qualification)²⁸
- Level 6 - Second Stage of Tertiary Education (leading to an advanced research qualification)²⁹

As a consequence, this study will focus on international students that are in levels 5 and 6.

Post-doctoral “students” are only included as a specific target group in this study to the extent that they have a student residence permit. Nevertheless, the law does not expressly foresee this category of third country nationals. There is some confusion when it comes to their legal status because according to the Law of 29 August 2008, they are considered students by the Directorate of Immigration but for the University of Luxembourg and the host research institutes in some cases they are employees, depending on the contract they have signed and they do not have a “researcher”³⁰ residence permit. (See section 2.1)

²¹ Integrated by Liechtenstein, Island and Norway.

²² United Nations Educational, Scientific and Cultural Organisation (UNESCO), Institute for Statistics (2006), ‘*International Standard Classification for Education (ISCED) 1997*’, re-edition of May 2006, <http://www.uis.unesco.org/Library/Documents/isc97-en.pdf> (accessed 3 September 2012).

²³ See UNESCO, Institute for Statistics (2006), pp. 20 and 21.

²⁴ See UNESCO, Institute for Statistics (2006), pp. 22 and 23.

²⁵ See UNESCO, Institute for Statistics (2006), pp. 24 to 27.

²⁶ See UNESCO, Institute for Statistics (2006), pp. 28 to 30.

²⁷ See UNESCO, Institute for Statistics (2006), pp. 31 to 33.

²⁸ See UNESCO, Institute for Statistics (2006), pp. 34 to 38. It defines the bachelor and master degree level in the (Member) States, with programmes having a cumulative theoretical duration of at least two years from the beginning of level 5.

²⁹ See UNESCO, Institute for Statistics (2006), p. 39. It defines the doctorate degree level (PhD) in the (Member) States, with this level typically requiring ‘the submission of a thesis or dissertation of publishable quality which is the product of original research and represents a significant contribution to knowledge.’

³⁰ Article 63 of the Law of 29 August 2008.

Researchers are excluded of this study because they have their own legal status, foreseen by articles 63 to 67 of the Law of 29 August 2008 as a result of the transposition of the Directive 2005/171/EC of the Council of 12 October 2005³¹. The main reason is that the third country national applying for a “research” resident permit needs to have signed a hosting agreement with a research institution in Luxembourg before entering the country. Additionally, the research institution has to issue a certificate of financial responsibility for the person selected.

³¹ Bill n° 5802 on free movement of persons and immigration. The bill mentioned “Le présent article implique une définition du chercheur en fonction de sa qualification et de l’intérêt scientifique des recherches envisagées, critères qui seront appréciés par l’organisme de recherche. Ainsi le demandeur doit être titulaire d’un diplôme de l’enseignement supérieur donnant accès aux programmes de doctorat et il doit présenter une convention d’accueil signée avec un organisme de recherche, prouvant qu’il a été sélectionné pour mener un projet de recherche pour lequel la qualification susmentionnée est requise. Une attestation de prise en charge délivrée par l’organisme de recherche doit être jointe à la demande d’autorisation de séjour. » See parliamentary document n° 5802/00 p. 73.

http://www.chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/041/619/064108.pdf

2. LUXEMBOURG'S EDUCATION SYSTEM AND INTERNATIONAL STUDENTS

2.1. Historical Background

The University of Luxembourg was established relatively late compared to most universities abroad. In order to understand its initial orientation and international strategy we need to look at the historical background and the Luxembourgish specificities in relation to higher education and international students.

Luxembourg is one of the smallest countries of the European Union but at the same time has the largest nominal gross domestic product per capita in the world (USD\$ 106.958,50).³² For the development of its economy, Luxembourg has depended on immigration since the time of the Romans.³³ However, after the decline of the steel industry in the 1970s, the economic focus changed to the tertiary sector and the development of the financial centre, and not to forget the establishment of European institutions on its territory. Luxembourgish migration policy can be considered as economically centred trying to respond to the needs of different business and economic sectors³⁴.

Until 2003, Luxembourg did not have a university. Before the creation of the University of Luxembourg, Luxembourgish nationals and resident migrants had to attend foreign universities and higher education institutions in order to obtain a higher education diploma. The idea of sending its students outside of the country for higher education was considered by some policy makers as an asset because this mobility would result in having professionals from different backgrounds and educational systems which would improve the quality of the work force³⁵. It also allowed for the development of a professional network based on personal contacts. As a means of illustration, in the academic year 1999/2000, the total number of

³² International Monetary Fund. Data and statistics, 2012.

<http://www.imf.org/external/pubs/ft/weo/2012/01/weodata/weorept.aspx?pr.x=47&pr.y=10&sy=2009&ey=2012&scsm=1&ssd=1&sort=country&ds=.&br=1&c=137&s=NGDPD%2CNGDPDPC%2CPPPGDP%2CPPPPC%2CLP&grp=0&a=#cs2>

³³ EMN NCP LU, "Satisfying Labour Demand through migration", 2011

³⁴ Government of the Grand Duchy of Luxembourg (2009), 'Government of the Grand Duchy of Luxembourg (2009) Government Programme [2009-2014] annexed to the Government Declaration by the Prime Minister' (in French), <http://www.gouvernement.lu/gouvernement/programme-2009/programme-2009/programme-gouvernemental-2009.pdf> (accessed 3 September 2012), Ministry of Foreign Affairs (Ministère des Affaires étrangères – MAE), chapter IV, 'Immigration et Asile', title 1, 'Immigration', pp. 21/22.

³⁵ Interview 4, with a public officer of the Ministry of Higher Education and Research, semi-structured (in French), 2 May 2012, lines 12 to 19.

Luxembourgish students studying abroad and benefiting from a financial aid from the Luxembourgish government amounted to 2758 students, distributed among different countries of the European Union and Switzerland.

Table n° 1: Luxembourgish students benefiting of financial aid and studying abroad (by country) during the academic year 1999/2000

Austria	143
Belgium	946
France	742
Germany	670
Italy	17
Portugal	63
Switzerland	96
United Kingdom	81
Total	2758

Source: Ministry of Culture, Higher Education and Research, 2000³⁶ © EMN NCP LU 2012

Before the establishment of the university, there were some higher education institutions in Luxembourg and which offered courses for the first and sometimes also the second year, but the rest of the education would still have to be completed abroad (See 2.1.2). The need for having a national university thus became apparent over the years³⁷. Another argument for the need of a university was based on labour demand, and more precisely on the dependence of Luxembourg on the reservoir of qualified workers from the Greater Region. This qualified and highly qualified population was trained in universities in the neighbouring countries (Belgium, France and Germany). However, with the development of the tertiary sector in the

³⁶ This table only includes the students that fulfilled the criteria to obtain financial aid from the state at the time and were registered in the files. Other Luxembourgish students that paid privately their higher education are not included. See Ministère de la Culture, de l'Enseignement Supérieur et de la Recherche, « Le livre blanc de l'enseignement supérieur au Grand-Duché de Luxembourg », Mai 2000. It is important to mention that the higher education level students during the academic year 1999/2000 (Luxembourgish nationals and resident migrants) represented 1,63% of the national population.

³⁷ Interview 4.

Luxemburgish economy, the increasing demand for these categories of workers risked to exhaust the reservoir in the medium term³⁸.

To understand this link between the Greater Region and higher education policy in Luxembourg, some more information about the development and specificities of the Greater Region is needed.

2.1.1 The Greater Region

The Greater Region, formed by Luxembourg, Saarland and Rhineland-Palatinate (Germany), Lorraine (France) and Wallonia (Belgium), constitutes the biggest political transnational space in Europe and counts almost 25% of the total number of cross border workers (CBWs) in the EU-27, only outnumbered by Switzerland³⁹. Although its dynamics and networks can historically be traced back to the Romans and even earlier⁴⁰, it is from the 1990s onwards that a rise of transnational spaces in Europe became gradually visible⁴¹. For Luxembourg, the Greater Region is important for two main aspects: firstly, the labour reservoir within the Greater Region may compensate the labour shortages in the country, and secondly, it may reduce the problem of the ageing of the active population in the country. Indeed, the Greater Region has so far contributed to stall the “grey revolution” and its consequent challenges such as potential labour shortages, generation dependency and last but not least the viability and maintenance of Luxembourg’s social welfare system⁴². From 1999 to 2009, the share of CBWs in the total domestic employment grew 88,9%⁴³ and in 2011 this share amounts to approximately 43,7% of the total domestic labour force⁴⁴. Moreover, the majority of the CBWs (73% in 2008) with residence in the Greater Region (except Luxembourg) work in Luxembourg⁴⁵. Although European integration may be part of the explanation of the rise of

³⁸ EMN NCP LU, « Satisfying labour demand through migration », 2011, pp 5-6.

³⁹ Wille, C., ‘*Grenzgänger und Räume der Grenze – Raumkonstruktion in der Grossregion SaarLorLux*’ (2012), p. 33.

⁴⁰ <http://www.granderegion.net/fr/grande-region/historique/index.html> (accessed 3 September 2012).

⁴¹ Wille, C. (2012), p. 26.

⁴² Clément, F., Leduc, K., Zanardelli, M., ‘*Le vieillissement actif au Luxembourg : bilan et enjeux*’, in ‘*Les Cahiers du CEPS/INSTEAD No. 2012-02; Collection Population et Emploi*’, 2012, p. 5.

⁴³ Thelen, C., ‘*L’économie luxembourgeoise et les étrangers, aujourd’hui et demain*’, in ‘*ASTI 30+ : Migrations, Recherches, Engagements*’ (2010), p. 235.

⁴⁴ See STATEC, Indicateur Rapides – Série L (Emploi salarié), Edition du 18 juillet 2012, n° 1/2012. The work force was composed in December 2011 of 353118 workers from which 154367 were cross border workers.

⁴⁵ Wille, C. (2012), p. 33.

CBWs on the national labour market⁴⁶, the opening of Luxembourg's economy seems to indicate a rather strategic choice enticing the Grand Duchy's attractiveness⁴⁷.

Nevertheless, the ageing of the CBWs population, the perspective of exhaustion of the reservoir of qualified workers in the Greater Region in conjunction with the governmental policies to focus research in the areas of new technologies and biotechnologies⁴⁸ and satisfying the needs of the financial centre fostered the necessity to have a national university⁴⁹. The objective of such a university would be to educate and train highly qualified students, adapted to the national context, and who could satisfy the needs of the Luxembourgish economy on a long term basis⁵⁰.

⁴⁶ Aubertun, E., 'Un contexte géopolitique nouveau marqué par l'ouverture. La Lorraine et l'Europe', in 'Nouvelle géopolitique des régions françaises', 2005, p. 407.

⁴⁷ Thelen, C. (2010), pp. 224-235.

⁴⁸ Ministère de l'Économie et du Commerce extérieur, 'Propositions d'ordre général du Ministre de l'Economie et du Commerce extérieur pour l'amélioration de la compétitivité nationale, en vue du Comité de coordination tripartite', version du 30 juin 2010, pp. 8-9: 'Le Gouvernement encourage la diversification, soit la spécialisation multisectorielle dans l'optique de créer de nouveaux emplois et de la valeur ajoutée. Les secteurs visés sont les suivants : la biomédecine, l'énergie, les écotechnologies, la logistique, les technologies de l'information et de la communication. Une des propositions d'ordre général du Ministre de l'Economie et du Commerce extérieur pour l'amélioration de la compétitivité nationale vise à promouvoir le cadre nécessaire pour développer l'activité de quartiers généraux.'. Also in the explanatory memorandum of the Bill No. 5059 - '(1) on the establishment of the University of Luxembourg, (2) amending the Law of 31 May 1999 establishing a national fund for research in the public sector, (3) amending the law of 11 August 1996 on the higher education reform, (4) amending the law of 6 August 1990 on the organisation of educational and social studies, (5) amending the law of 24 May 1989 on the labor contract, and (6) amending the law on the reform of teachers training, establishing an Higher Institute for Pedagogical Studies and Research and amending the organisation of the preschool and primary education of 6 September 1983' (hereafter bill on the establishment of the University) – Chamber of Deputies of the Grand Duchy of Luxembourg (2002), Document number 5059/00, 3.12.2002 Ordinary Session 2002-2003, 17.12.2002 http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=707863&fn=707863.pdf (accessed 1 August 2012) – it was mentioned: 'Ainsi pour ce qui est du domaine des sciences, les programmes définis par le Fonds National de la Recherche laissent prévoir que l'Université pourrait développer comme axes la biologie cellulaire, la biologie environnementale et la physique des matériaux. La sécurité et l'efficacité des nouvelles pratiques du commerce électronique tracent le cadre pour l'informatique. Ces domaines constitueront les piliers de la Cité de Sciences, de l'Innovation et de la Recherche à implanter sur les friches de Belval-Ouest.'

⁴⁹ Conseil de gouvernement, 'Résumé des travaux du 13 décembre 2001': 'La qualité de l'université luxembourgeoise dépend de ses objectifs et priorités. Ces choix se font au vu de la spécificité de l'économie luxembourgeoise, de la présence d'institutions internationales, du caractère multiculturel de la société luxembourgeoise et de notre situation géographique.'

http://www.gouvernement.lu/salle_presse/conseils_de_gouvernement/2001/12/13conseil/index.html (accessed 3 September 2012).

⁵⁰ Bill on the establishment of the University. The explanatory memorandum ('Exposé des Motifs') said (p. 26): 'D'autre part, il s'agit de développer un axe „économie, droit, finance“ pour répondre aux besoins d'un secteur économique important du pays. La création d'un programme „School of Finance“ en est un élément important; il s'intégrera dans une faculté qui développera le droit des affaires spécialisé en droit des affaires financières, droit luxembourgeois et droit européen. Par ailleurs, cette faculté reprendra les activités d'enseignement et de recherche du département des études en gestion et en informatique de l'actuel Centre Universitaire de Luxembourg. Le thème central de ce département est l'entreprise de demain vue comme un système complexe. Les compétences à développer principalement dans ce département (l'informatique, les méthodes quantitatives de gestion, la recherche opérationnelle, la statistique et le calcul actuariel) seront focalisées sur l'étude de

It is important to mention that human resources from the Greater Region were used both as an argument for and against the creation of the University of Luxembourg. The main detractors argued that: a) Luxembourg can use the qualified work force living in this region and b) Luxembourg can use the university infrastructure of this region⁵¹. The defenders argued that a) it is more difficult to find highly qualified profiles in the Greater Region; b) that the University can offer innovative and specific higher education formations not available in the universities of the Greater Region⁵².

l'entreprise selon trois orientations complémentaires: 1) communication, coordination et coopération entre les composants de l'entreprise; 2) modélisation et implémentation des connaissances et des processus afin de raisonner sur son fonctionnement; 3) planification, pilotage et maintenance afin d'utiliser au mieux les ressources et de guider l'entreprise dans un environnement en changement rapide. Ce sera sa forte orientation informatique et mathématique, complémentaire à un milieu institutionnel européen et national (droit, économie, finance) fortement sollicité dans les activités de recherche et d'enseignement qui distinguera ce programme parmi toutes les institutions universitaires similaires de la Grande-Région et qui fera sa réputation scientifique. Dans le domaine des sciences humaines, l'évaluation des formations existantes sera un élément prioritaire. Néanmoins, il s'agira de développer une thématique pour regrouper les sections existantes du Centre Universitaire, à savoir l'histoire, la géographie et la philosophie. Ces thématiques pourraient être les suivantes: le processus de l'intégration européenne, les droits de l'homme dans une perspective globale et interdisciplinaire et les études et recherches sur le Luxembourg. La psychologie interviendra dans la recherche sur le vieillissement de la population; dans le domaine de la psychologie cognitive elle agira en complémentarité avec les sciences de l'éducation. En conclusion, retenons que l'objectif premier de l'Université est l'enseignement supérieur de haut niveau, fondé sur la recherche. Par la définition de priorités et d'axes forts l'Université contribue au développement économique, sociétal et culturel du pays et répond aux besoins de la société luxembourgeoise. L'Université contribue au rayonnement et à la défense de la position du Luxembourg sur la scène internationale. L'Université ne peut répondre à ces objectifs que si elle atteint un niveau d'excellence.'.

⁵¹ One of the main detractors was the FEDIL. In the report of the Parliamentary Commission of Higher Education, Research and Culture the commission resumed the position of the FEDIL saying that : « La FEDIL plaide pour une université de taille réduite qui s'intègre dans l'environnement universitaire international, fortement spécialisée dans des domaines à potentiel de retombée socio-économique et qui met primordialement l'accent sur une activité de recherche de haut niveau. La FEDIL fait observer que la création d'une université au Luxembourg doit se réaliser selon le principe de la prudence et que les aspects financiers doivent être analysés en détail (coût des infrastructures à mettre en place et à développer afin de faire fonctionner les facultés universitaires, frais de fonctionnement). Le critère de l'utilité et de la rentabilité dans un contexte luxembourgeois doit prévaloir lors du choix des facultés et de la définition des programmes d'enseignement et de recherche. La FEDIL fait remarquer que la réussite du projet dépendra également de la mise en place de mécanismes efficaces visant à contrôler l'allocation des ressources et à évaluer les résultats obtenus dans les différents domaines d'activité. » See parliamentary document n° 5059/09, pp. 5 – 6.

http://chd.lu/wps/portal/public/!ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gXI5ewIE8TIwN380ATayMvVy_z0GA_YwsLM6B8JJK8hbOIkYGne6CPt7OhqYF7sDEXuo0sLIKD3B19XS0tQ50MPA2cDYNdA52A5hgR0O3nkZ-bql-QGxpR7qioCACAjHU/dl2/d1/L01DU0IKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchL1ICSkoXtkExTkk1MC01RncvN19EMkRWUkk0MjA4OUpGMDJOMVNVOFFPM0sxNS9WZ2xGUDY1MjcwMDU4/?PC_7_D2D_VRI42089JF02N1SU8QO3K15_selectedDocNum=20&PC_7_D2DVRI42089JF02N1SU8QO3K15_secondList=&PC_7_D2DVRI42089JF02N1SU8QO3K15_action=document#7_D2DVRI42089JF02N1SU8QO3K15

⁵² The opinion of the Chambre de Métiers to the Bill n° 5059 expressly mentioned. “Cette situation (nlr. The fact that an increasing large proportion of the global labour force working in Luxembourg is not anymore product of the luxemburgish education but of foreigner education systems) est due essentiellement à trois phénomènes: ° la formation des élites et des cadres supérieurs luxembourgeois qui se fait pour une part essentielle dans les universités et dans les écoles supérieures étrangères; ° la fuite d'un nombre considérable d'élèves indigènes des établissements scolaires luxembourgeois qui ne savent pas répondre à leurs exigences ou à leurs besoins vers des établissements scolaires de la Grande Région; ° l'importation, par l'économie luxembourgeoise qui accuse une plus forte croissance que les économies voisines et qui offre des conditions de

2.1.2 Creation of the University of Luxembourg

Prior to the existence of the University of Luxembourg, several higher education institutions existed such as the Centre Universitaire du Luxembourg⁵³ (CU), the *Institut supérieur de technologie* (IST), the *Institut supérieur d'études et de recherches pédagogiques* (ISERP) and the *Institut d'études éducatives et sociales* (IEES). The CU offered one or two years of academic studies⁵⁴ (cours universitaires) and complementary courses⁵⁵. Luxembourgish students had to go abroad in order to complete their studies⁵⁶ (usually to Belgium, France, Germany, Austria, and the United Kingdom). The IEES was the higher education institution responsible for the education and training of educators and certified educators (éducateur et éducateur gradué) and for the lifelong training of all the professional actors in the socio-educative sector.⁵⁷ The formation lasted 3 years (full time) or 6 years (part time)⁵⁸. The ISERP was created by the Law of 6 September 1983 and it was responsible for the formation of pre-school and school instituteurs (teachers).⁵⁹ The duration of the studies was 3 years. The IST created by the Law of 21 May 1979⁶⁰ delivered a formation of 4 years.⁶¹

The bill creating the University of Luxembourg is the result of a long debate. Willingness to reform higher education appeared for the first time in 1993 with a policy debate in the

rémunération plus attrayantes, d'une main-d'oeuvre étrangère formée par des systèmes d'éducation étrangers.” Parliamentary document n° 5059/05, p. 2.

http://chd.lu/wps/portal/public!/ut/p/c1/04_SB8K8xLLM9MSSzPy8xBz9CP0os3gXI5ewIE8TIwN380ATAyMvVy_z0GA_YwsLM6B8JJK8hbOlKYGne6CP7OhqYF7sDExuo0sLIKD3B19XS0tQ50MPA2cDYNdA52A5hgR0O3nkZ-bql-QGxpR7qioCACaAJHU/dl2/d1/L0lDU0lKSWdrbUEhIS9JRFJBQUlpQ2dBek15cXchL1lCSkoxTkExTk1MC01RncvN19EMkRWUkk0MjA4OUpGMDJOMVNVOFFPM0sxNS9EZ2xGUDY1MjcwMDU0/?PC_7_D2DVRI42089JF02N1SU8QO3K15_selectedDocNum=16&PC_7_D2DVRI42089JF02N1SU8QO3K15_secondList=&PC_7_D2DVRI42089JF02N1SU8QO3K15_action=document#7_D2DVRI42089JF02N1SU8QO3K15

⁵³ Created by article 10 of the Law of 18 June 1969

⁵⁴ See article 1 of the Law of 11 February 1974 on the status of the Centre Universitaire de Luxembourg.

⁵⁵ According to article 9 of the Law of 18 June 1969 these courses have to be followed by the students after the homologation of their diplomas to be admitted in certain professions (i.e. lawyers, doctors, etc.)

⁵⁶ For example, the *Centre Universitaire de Luxembourg* had agreements with Belgian universities which allowed the students of the centre to study two years of Law in Luxembourg and to finish the rest of the career in Belgium or France: Ministère de l'Enseignement Supérieur et de la Recherche, 'Livre blanc de l'enseignement supérieur au Grand-Duché du Luxembourg', May 2000, http://www.gouvernement.lu/dossiers/education_jeunesse/universite/livbleduc/livbl1.pdf (accessed 3 September 2012).

⁵⁷ The studies of certified educator were absorbed by the University of Luxembourg in 2005 and the other formations were absorbed by the Lycée technique pour professions éducatives et sociales (LTPES) created by the Law of 10 August 2005. See <http://www.iees.lu/index.php?id=22#c36>

⁵⁸ See <http://www.iees.lu/index.php?id=22#c36>

⁵⁹ Article 1 of the Law of 6 September 1983 on reform of the formation of instituteurs.

⁶⁰ <http://www.legilux.public.lu/leg/a/archives/1979/0041/a041.pdf#page=15>

⁶¹ 'Livre blanc de l'enseignement supérieur au Grand-Duché du Luxembourg', May 2000, http://www.gouvernement.lu/dossiers/education_jeunesse/universite/livbleduc/livbl1.pdf

Chamber of Deputies. In 1996, the reform of higher education had been realized by the vote of the Law of 11 August 1996⁶².

On 8 May 2000, the White Paper on Higher Education was presented⁶³. This document emphasizes the need to develop higher education in Luxembourg and had two main objectives: a) to assess the situation of higher education in Luxembourg and b) to outline a development plan. It starts from the premise that higher education institutions can no longer be positioned within the country but must be known and recognized abroad.

The conclusions of the White Paper have convinced the Ministry of Higher Education to work on the establishment of a university in Luxembourg in order to increase the visibility of higher education. The entire range of higher education and research should be joined together in a single structure.

After a series of documents were produced with the objective of defining the possible structure of the university⁶⁴ and events with national actors⁶⁵. On 14 November 2002⁶⁶, the Council of Ministers adopted the bill creating the University of Luxembourg that was introduced in Parliament on 17 November 2002.

According to the Law of creation of the University of Luxembourg⁶⁷ the University of Luxembourg is a higher education and research public establishment, which benefits from pedagogic, scientific, administrative and financial autonomy. The University became the

⁶² Law of 11 August 1996 on the higher education reform, JO, *Mémorial A*, No. 66, of 16 September 1996, pp. 2005 to 2016, <http://www.legilux.public.lu/leg/a/archives/1996/0066/a066.pdf> (accessed 3 September 2012).

⁶³ Ministère de l'Enseignement Supérieur et de la Recherche (2000).

⁶⁴ The first concept of the University was established by the Minister on 23 May 2001 which later develop a guidance note adopted by the Council of Ministers on 13 December 2001. See The then Minister for Culture, Higher Education and Research, Madame Erna Hennicot-Schoepges, presented a concept for the University of Luxembourg in 23 of May 2001,

http://www.gouvernement.lu/salle_presse/actualite/2001/05/23schoepges/index.html (accessed 3 September 2012). http://www.gouvernement.lu/salle_presse/actualite/2001/05/23schoepges/unif.pdf (accessed 3 September 2012) and Conseil de gouvernement, 'Résumé des travaux du 13 décembre 2001'.

⁶⁵ On 14 March 2002, a seminar bringing together all actors involved in the project was organized in Mondorf-les-Bains in which the Minister Hennicot-Schoepges made a speech on the higher education system, the founding principles and the priorities of the University, as well as its correlation with the existing education institutions; see http://www.gouvernement.lu/salle_presse/actualite/2002/03/14hennicotuni/index.html (accessed 3 September 2012). See also the speech of the Minister at

http://www.gouvernement.lu/salle_presse/actualite/2002/03/14hennicotuni/discours.pdf (accessed 3 September 2012).

⁶⁶ Conseil de gouvernement, 'Résumé des travaux du 14 novembre 2002', http://www.gouvernement.lu/salle_presse/conseils_de_gouvernement/2002/11/14conseil/index.html#2 (accessed 3 September 2012).

⁶⁷ Article 1 of the Law on the establishment of the University of Luxembourg of 12 August 2003 (hereafter law of 12 August 2003), JO, *Mémorial A*, No. 149, of 06/10/2003, pp. 2990 – 3004, <http://www.legilux.public.lu/leg/a/archives/2003/0149/2003A29901.html?highlight=> (accessed 1 August 2012).

legal successor of the *Centre Universitaire du Luxembourg*, the *Institut supérieur de technologie* (IST), the *Institut supérieur d'études et de recherches pédagogiques* (ISERP) and a part of the *Institut d'études éducatives et sociales* (IEES)⁶⁸.

2.2 Structure of the higher education system in Luxembourg

The University of Luxembourg is the first and only university in the country. However, there are some other foreign universities that have certain infrastructures/campus and deliver specific formations.

2.2.1 The University of Luxembourg

The University is divided into three faculties in charge of higher education diplomas and two interdisciplinary centres. The faculties are:

- The Faculty of Science, Technology and Communication (FSTC), offers courses in sciences, engineering, computer science and life sciences – with a great choice of Bachelor and Master degrees in Information & Computer Sciences, Integrated Systems Biology, Sustainable Development, Engineering Sciences, Mathematics and a European Master in Small Animal Veterinary Science. The faculty also offers a specific training in general medicine⁶⁹.
- The Faculty of Law, Economics and Finance (FDEF) organizes undergraduate courses in law, economics, management, and IT management. Their Masters specialise in European Law, Financial Economics, Banking and Finance, Security Management of Information Systems, and Entrepreneurship and Innovation⁷⁰.
- The Faculty of Language and Literature, Humanities, Arts and Education (FLSHASE) offers Bachelor studies in European culture with a variety of minor subjects such as history, in psychology as well as in social and educational sciences. Master studies

⁶⁸ *Création de l'Université du Luxembourg* (2003), http://www.gouvernement.lu/dossiers/education_jeunesse/universite/index.html (accessed 3 September 2012). See also article 1 and 54 to 57 of the law of 12 August 2003. The other part of the IEES is now the Lycée technique pour professions éducatives et sociales (LTPES) created by Law of 10 August 2005. See <http://www.iees.lu/index.php?id=22#c36>

⁶⁹ See <http://www.wen.uni.lu/fstc> (accessed 3 September 2012).

⁷⁰ See <http://www.wen.uni.lu/fdef> (accessed 3 September 2012).

include Contemporary European History, Psychology, Mediation, Gerontology, Cross-border Communication and Co-operation, Philosophy, Spatial Development and Analysis, and a Master in Learning and Development in Multilingual and Multicultural Contexts and Language Culture and Media – Luxembourgish studies, a new Master in European Governance and a Master within the "Erasmus mundus" programme in German and French Philosophy in the European region⁷¹.

There are also two interdisciplinary centres⁷²:

- The Interdisciplinary Centre for Security, Reliability and Trust (SnT). SnT targets research and PhD education in one of today's most important fields of ICT. SnT fosters interaction and collaboration with industrial, international, and government partners. SnT launched a partnership programme where key partners contribute know-how and resources to develop the research centre⁷³.
- The Luxembourg Centre for Systems Biomedicine (LCSB). The LCSB is accelerating biomedical research by closing the link between systems biology and medical research⁷⁴.

In 2012, the University of Luxembourg hosts 11 Bachelor degree courses⁷⁵, 28 academic or professional Master degree courses⁷⁶ (all in line with the Bologna system) and 9 other courses (certificates; other qualifications). These programmes are generally bilingual (French/English or French/German), while some of them are trilingual or monolingual courses (English). The University of Luxembourg also offers doctoral studies (PhDs). The PhDs can be managed either autonomously by the University of Luxembourg or under a joint supervision with a co-supervisor who is also authorized to manage research in its institution. The university can confer the title of "doctor" in the following areas of research: biology, chemistry, economics, engineering, financial science, geography, history, informatics, law, management,

⁷¹ See <http://www.wen.uni.lu/flshase> (accessed 3 September 2012).

⁷² According with article 16 (1) of the Law of 12 August 2003 the interdisciplinary centres are defined as centre which brings together interdisciplinary teaching and research on cross sectoral thematic issues in several disciplines. These centres promote innovative approaches and new perspectives. The University of Luxembourg can have a maximum of three interdisciplinary centres (article 16 (3)).

⁷³ See <http://www.wen.uni.lu/snt> (accessed 3 September 2012).

⁷⁴ See <http://www.wen.uni.lu/lcsb> (accessed 3 September 2012).

⁷⁵ See <http://www.wen.uni.lu/studies/bachelors>

⁷⁶ See <http://www.wen.uni.lu/studies/masters>

mathematics, philosophy, literature, political science, physics, psychology, social science, science of education and science of languages⁷⁷.

2.2.1.1 The Luxembourg School of Finance: a special case

The Luxembourg School of Finance (LSF), founded by the *Association des Banques et Banquiers, Luxembourg* (ABBL)⁷⁸ in 2000, is the Department of Finance of the Faculty of Law, Economics and Finance of the University of Luxembourg. LSF's mission is to offer post-graduate education and to foster research in the areas of banking and finance. Since January 2003, LSF has been running a part-time, two-year, Master of Science (MSc) in Banking and Finance for professionals from the financial centre. In October 2005, the programme was launched on a full-time, one-year, basis. Since 2003, nearly 150 students have been enrolled⁷⁹.

The core objective of the Luxembourg School of Finance is to be an academic leader in the creation and dissemination of an integrated body of knowledge in banking and finance. In order to fulfil this mission, LSF places a high priority on research. A permanent research programme in the areas of asset and risk management, fund industry, behavioural finance, law and finance, and quantitative finance has been set up at the end of 2005.

2.2.2 Other higher education institutions

According to article 56(2) of the Law of 29 August 2008, other higher education institutions exist in Luxembourg. Some have a particular position (the educational institution is in Luxembourg while the degrees are delivered by recognised institutions outside of Luxembourg), which most often stems from the fact that at the time of their foundation no institution existed in Luxembourg that could give higher educational degrees.

These institutions are:

⁷⁷ See <http://www.uni.lu/studies/doctorate>

⁷⁸ See <http://www.abbl.lu/>

⁷⁹ See The Luxembourg Bankers' Association (*Association des Banques et Banquiers, Luxembourg*), 'Luxembourg School of Finance', <http://www.abbl.lu/abbl/our-partners/lsf> (accessed 3 September 2012).

The Miami University John E. Dolibois Center (MUDEC)⁸⁰ is an overseas campus of the Miami University of Ohio, and based in Differdange. Between 125 and 130 students per semester, who come from Miami as well as from other American universities, study at MUDEC.. The centre is named after John E. Dolibois, a native Luxembourger, a Miami University graduate and former United States Ambassador to Luxembourg from 1981 to 1985. The centre, founded in 1968, is housed in Differdange Castle. It describes itself as an “academic experience” (American study abroad programme) for students during their undergraduate careers. Students may participate in semester, year-long, or summer workshop programmes. 9,578 students have been enrolled since 1968⁸¹.

The Sacred Heart University, John F. Welch College of Business⁸² exists since 1991 and hosts 50 students a year offering four professional certificates and a Master in Business Administration (MBA)⁸³. It is academically accredited by the Association to Advance Collegiate School of Business (AACSB) International⁸⁴. The Master of Science in Social Policy Analysis (IMPALLA)⁸⁵ is organised and hosted (maximum 24 students every year) since 2002 by the Luxembourgish research centre CEPS/INSTEAD, under the auspices of the Belgian University of Leuven (KULeuven) which issues the diplomas. Together with the IMPALLA staff at CEPS, the University of Leuven is also responsible for the admission of the students and verifies the authenticity of the required diplomas and certificates. The Directorate of Immigration of the Luxembourg Ministry of Foreign Affairs decides, however, on the residence permit of the selected students, as the main residence of the students is in Luxembourg during the academic year.

The Open University⁸⁶, created in 2004, hosts bachelor’s degrees, postgraduate diplomas, MBAs and Master programmes accredited by AACSB, EQUIS⁸⁷, and AMBA⁸⁸ and in 2011

⁸⁰ See <http://www.units.muohio.edu/luxembourg/home> (accessed 3 September 2012).

⁸¹ See <http://www.units.muohio.edu/luxembourg/why-luxembourg> (accessed 3 September 2012).

⁸² See <http://www.shu.lu/Home/broker.jsp?uMen=bf820543-bc18-e721-66c1-01e306350fd4> (accessed 3 September 2012).

⁸³ *Maîtrise en administration des affaires*.

⁸⁴ AACSB International is a global, nonprofit membership organisation of educational institutions, businesses, and other entities devoted to the advancement of management education. Established in 1916, AACSB International provides its members with a variety of products and services to assist them with the continuous improvement of their business programmes and schools. See <http://www.aacsb.edu/> (accessed 3 September 2012).

⁸⁵ See <https://www.kuleuven.be/toekomstigestudenten/studieaanbod/english/advanced-masters/impalla.htm> and <http://www.kuleuven.be/toekomstigestudenten/publicaties/SW/IMPALLA.pdf> (both accessed 3 September 2012).

⁸⁶ See <http://www8.open.ac.uk/europe/in-your-country/luxembourg> (accessed 3 September 2012).

⁸⁷ European Quality Improvement System – see <http://www.efmd.org/index.php/accreditation-main/equis> (accessed 3 September 2012).

had around 250 students. The main careers of interest in Luxembourg are Business, Psychology and IT. The UK-based Open University has pioneered and popularised supported distance learning throughout the world. It is a not-for-profit university and the largest in the UK. All its courses are taught in English.

2.2.3 Research institutions that can host doctoral students

Doctoral students can also be hosted by one of the following public research centres⁸⁹ in Luxembourg – PRC Gabriel Lippmann, PRC Henri Tudor, PRC Santé and CEPS/INSTEAD.

Other institutions are LIASIS, Luxembourg's doctoral programme in information technologies (IT) and *the Institut Universitaire International Luxembourg*⁹⁰, which is linked to the Luxembourg Ministry of Culture, Higher Education and Research and which develops training course and research programmes adapted towards the business world⁹¹.

"Host institutions" can also act as employers for PhD researchers financed by Luxembourg's National Research Fund FNR (*Fonds National de la Recherche*, programme AFR promoting public/private partnerships⁹²). However, these PhD researchers do not fall in the category of the "student" residence permit because according to article 63 of the Law of 29 August 2008 they qualify for the "researcher" residence permit, because they come into the territory with a hosting agreement signed by the hosting institution. Furthermore, they do not have to prove that they have enough financial resources to live in the country because the hosting institution has to issue an attestation of financial responsibility in favour of the applicant⁹³. It is also

⁸⁸ The Association of MBAs is the international impartial authority on postgraduate business education. Their accreditation service is the global standard for all MBA, DBA and MBM programmes. See <http://www.mbaworld.com/> (accessed 3 September 2012).

⁸⁹ For a list of all public research organisations in Luxembourg, see EURAXESS Luxembourg, '*Foreign Researcher's Guide to Luxembourg*', http://www.euraxess.lu/var/ezwebin_site/storage/images/home/guide_euraxess.pdf (accessed 3 September 2012).

⁹⁰ The IUIL is specialized in the fields of 'Business Creation and Development', 'Law and European issues', as well as 'Public Sector Management'; the IUIL develops vocational trainings in collaboration with the University of Luxembourg and / or other academic and economic partners, from Luxembourg or abroad. See <http://www.iuil.lu/?ml=26BEDB9C249D> (accessed 3 September 2012). The courses offered can be seminars, professional development or post graduate courses (master, MBA).

⁹¹ See <http://www.euraxess.lu/eng/R-D-in-Luxembourg> (accessed 3 September 2012).

⁹² See <http://www.fnr.lu/en/AFR-PhD-Postdoc-Grants/AFR-en-bref> (accessed 3 September 2012).

⁹³ Article 63 of the law of 29 August 2008.

important to mention that the host institution can be an NGO, which in its aims has a research objective (i.e. CEFIS).⁹⁴

2.2.4 Lifelong learning institutions

The Luxembourg Life Long Learning Centre (LLLC) of the *Chambre des salariés du Luxembourg* (CSL) is more than 40 years old and one of the pioneering establishments of higher education courses in Luxembourg. It organizes four practically oriented Master programmes, two *licences* and three different university diplomas in Luxembourg in cooperation with various universities in France. In addition, it provides access to Masters and Bachelors in cooperation with the Open University in the UK.⁹⁵

2.3. Luxembourg's policy framework regarding International Students

2.3.1 Luxembourg national policy

The national policy is reflected in the legal framework established by the Law of 29 August 2008, which provides the guidelines and specificities of the immigration policy and regulates the entry and stay of international students, as well as in the parliamentary documents and debates around this law (bill n° 5802) and the Law of 12 August 2003 on the creation of the University of Luxembourg.

The main points resulting from the explanatory notes to the Bill on the free movement of persons and immigration⁹⁶ and the parliamentary discussions around it were:

- to create a university that is attractive to students and researchers from the whole world⁹⁷;

⁹⁴ See <http://cefis.lu/page6/page6.html>

⁹⁵ See <http://www.lllc.lu/> (accessed 3 September 2012).

⁹⁶ Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document N° 5802/00 (in French), Ordinary Session 2007-2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=981803&fn=981803.pdf (accessed 1 August 2012).

⁹⁷ Committee on Foreign and European Affairs, Defence, Cooperation, and Immigration (2008), *Report on the Bill on the free movement of persons and immigration*, 03.07.2008, Document No. 5802/17 (in French), Ordinary Session 2007-2008, 10.07.2008, p. 25,

- to limit access to the labour market⁹⁸;
- to avoid 'brain drain'⁹⁹.

It is moreover important to note in this regard that Luxembourg has not integrated the facultative option of the Directive 2004/114/EC requiring sufficient language skills in the study programme as a condition for obtaining the authorisation to stay and the residence permit.

In sum, actors and stakeholders directly involved in this process as well as in possible policy developments are:

- The Ministry of National Education and Professional Training (MENFP), which is responsible for the recognition of secondary school diplomas;
- The Ministry of Higher Education and Research (MESR), which is responsible for higher education and research aspects and the recognition of higher education diplomas;
- The Directorate of Immigration of the Ministry of Foreign Affairs (MAE) which is responsible for the entry, stay and return of third country national students;
- The University of Luxembourg (through dialogue with the Ministries) as well as the other educational institutions. The University, through its faculties, establishes internally the criteria for selecting the international students that they want to admit. This is an internal selection process that will take into consideration the profile of the student (i.e. Curriculum vitae, focus of interests, publications if any, etc.), if he/she comes from a University which has a bilateral agreement with the University or from a country that Luxembourg has a cooperation agreement with. When taking such a decision, especially in the case of doctoral and postdoctoral students, the input of the responsible professor is important¹⁰⁰.

http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=981803&fn=981803.pdf (accessed 27 August 2008).

⁹⁸ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document No. 5802/00, '*Commentaires des articles*', 'ad article 57', p. 71. The bill says: '*La directive permet aux Etats membres de limiter l'accès à des activités économiques pendant la première année de séjour. Il a été fait usage de cette faculté pour les étudiants inscrits à la formation menant au grade de bachelor qui ne sont autorisés à exercer un travail qu'après avoir accompli les deux premiers semestres de leurs études. Une exception est prévue pour les travaux de recherche effectués par l'étudiant en vue de l'obtention d'un doctorat.*'

⁹⁹ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document No. 5802/00, '*Commentaires des articles*', 'ad article 59', p. 72.

¹⁰⁰ The legal status of post-doctoral 'researchers' can be that of a student or a researcher, depending on the contract they conclude with the host institution. MAE, 2012: '*Conditions pour étudiant, « chercheur en*

The rationale behind the bill on free movement of persons and immigration regarding international students was to adapt the national immigration policy to the objectives of the European Union in the context of the Lisbon strategy.¹⁰¹ One of the objectives of Community action in the field of education is to promote Europe as a world centre of excellence for studies and vocational training. Luxembourg considered that one of the key elements of this strategy is to favour the inward mobility of third country nationals. Therefore, it was necessary to create an adequate legal framework in order to implement such a policy¹⁰² and transposing into national law the Directive 2004/114/EC of 13 December 2004¹⁰³.

In this national policy the University of Luxembourg plays an important role. The creation of the University of Luxembourg as such represents the government's intention to attract students from all over the globe and be "of international scope" as the law creating the University states¹⁰⁴.

The mobility principle is also established since the foundation of the University of Luxembourg.¹⁰⁵ Luxembourg intended to create a university that would be 'open to the world',¹⁰⁶ research oriented and with the possibility of studying in different languages¹⁰⁷. Seen that the international policy developed by the University of Luxembourg is based on the mobility of its students, the University has promoted the possibility that its students take at least one semester at a university from abroad¹⁰⁸. Nevertheless, this mobility is based on the principle of reciprocity, so that students from other universities can come to Luxembourg. The development of joint master programmes between the University of Luxembourg and its international partners also had a positive impact in students' mobility. As we can see from

formation », *chercheur et « chercheur détaché » ressortissant de pays tiers*, <http://www.mae.lu/Site-MAE/VISAS-Immigration/Long-sejour-superieur-a-trois-mois/Ressortissants-de-pays-tiers> (accessed 3 September 2012).

¹⁰¹ Parliamentary document n° 5802/00, p. 6

¹⁰² Parliamentary document n° 5802/00, p. 6

¹⁰³ Parliamentary document n° 5802/00, p. 70

¹⁰⁴ Law of 12 August 2003, art. 3 (2) (c).

¹⁰⁵ For more information, please see section 3.1.1.

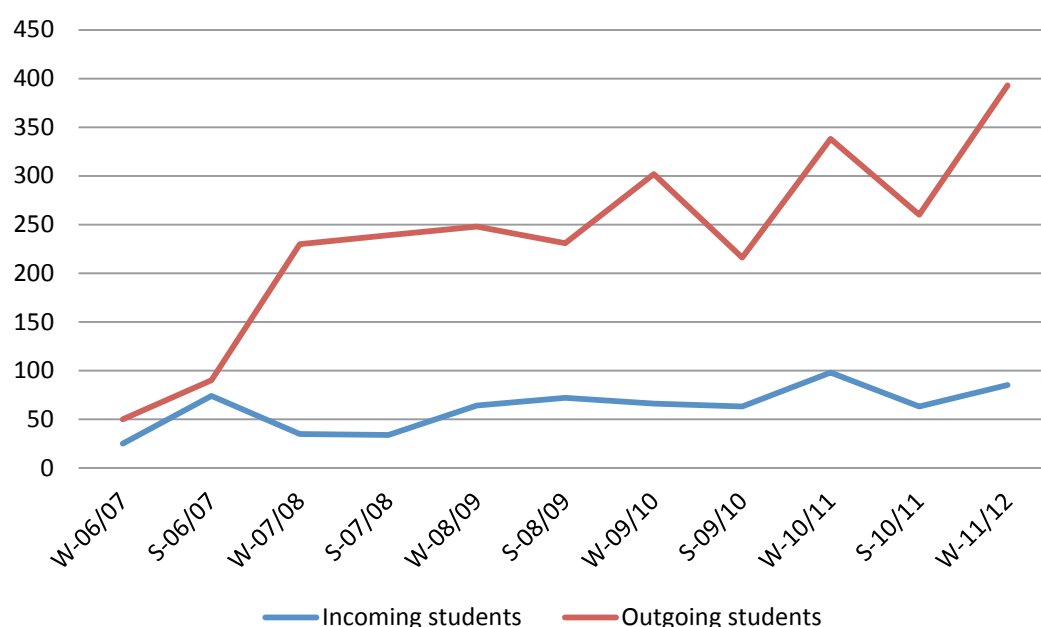
¹⁰⁶ Interview 4, lines 28 to 35: '(...) une université (...) ouverte au monde (...)'. See also Bill on the establishment of the University, Document 5059/00, Explanatory memorandum ('*Exposé des motifs*'), p. 21: '*L'Université est à (...) rayonnement internationale.*'

¹⁰⁷ Bill on the establishment of the University, Document 5059/00, Explanatory memorandum ('*Exposé des motifs*'), p. 21.

¹⁰⁸ In the case of bachelor students the semester abroad is compulsory for the EU and assimilated nationals. For third country nationals it is not compulsory but it is promoted by the University.

the graph below the outgoing and incoming mobility¹⁰⁹ have increased significantly between the winter term 06/07 and the winter term 11/12. The incoming students amounted to 25 in the winter term 06/07 and in the winter term 11/12 they were 85. This represents an increase of 240% in 5 years. The outgoing students amounted to 50 in the winter term 06/07 and in the winter term 11/12 they were 393 students. This represents an increase of 686% in 5 years. This positive increase, not only in the outgoing, but also in the incoming, demonstrates the effectiveness of the international policy and the quality of higher education that is given by the University.

**Graph n° 1: Incoming and Outgoing mobility of the University of Luxembourg.
winter term 06/07 and the winter term 11/12**



Source: Student Life and Studies Services, University of Luxembourg, 2012 © EMN NCP LU

¹⁰⁹ The University of Luxembourg promotes the mobility of its students with other foreign universities (mainly European universities). The bachelor students at least must spend a semester abroad (outgoing) and students from other universities will spend a semester (and sometimes 2 semesters) at the University of Luxembourg (incoming). ERASMUS is the principal framework of this mobility. Nevertheless, there are joint master programmes between the University of Luxembourg and a foreign university so the students made their studies between two universities. Even if the third country national students are not compelled to do the semester abroad the University of Luxembourg encourages and helps them to do so.

This rationale also defined the nature of the type of residence permit that will be issued to the student in the sense that the residence permit has a precarious and temporary nature¹¹⁰. In the comments to article 57 of the bill on free movement of persons and immigration it is clear that the residence permit is issued in accordance with the duration of study programme with a maximum validity of one year. It is also clear that it can be renewed only if the criteria fixed by article 56 is fulfilled and it can be revoked or not renewed if the student does not respect the limitations and conditions imposed by the law¹¹¹.

Regarding the period following the completion of the studies, in principle, a third-country national student can only stay until the date indicated on the residence permit. However, Luxembourg decided to foresee the possibility for the student to stay on the territory after finishing his or her studies, in order to acquire a first professional experience related to the studies¹¹². If the student finds a job before the end of his or her studies he/she can stay in Luxembourg to work for a maximum period of 2 years, but only if the student fulfils the criteria established by article 59 of the Law of 29 August 2008 on free movement of persons and immigration. If the student fulfils these criteria, the Directorate of Immigration can issue a residence permit as “salaried worker”. However, this residence permit cannot be renewed. The MESR as well as the MAE explained these non-renewable residence permits by expressing concerns with the so-called ‘brain drain’ affecting the countries of origin of TCN students (interviews with 4, 6 and 7)¹¹³. Students are encouraged to return to their country of origin upon completion of their studies.¹¹⁴

¹¹⁰ See First instance administrative Court, 1st Chamber, No. 28941. The Court said: *‘C’est ainsi que le ministre, après avoir constaté que la durée de séjour du demandeur sur le territoire luxembourgeois était relativement court - le demandeur étant arrivé au Luxembourg en 2003, et ce seulement sur base d’un titre de séjour précaire - le tribunal devant de concert avec la partie étatique souligner que la délivrance d’un titre de séjour pour étudiants ne l’est qu’à titre provisoire et précaire, sans que la délivrance d’un tel titre ne puisse servir de prétexte à permettre une immigration plus durable - a estimé que cette durée ne saurait être considérée comme étant suffisamment longue afin de ne pas prononcer un refus de séjour.’*

¹¹¹ Parliamentary document n° 5802/00, p. 6

¹¹² Parliamentary document n° 5802/00, p. 72. Luxembourg in this field follows the practice of other Member states.

¹¹³ As a paradox to this viewpoint stands the transposition of the Blue card directive, where no concern of brain drain is expressed – see EMN NCP LU (2011b), *‘Circular and Temporary Migration: Empirical Evidence, Current Policy Practice and Future Options in Luxembourg’*, Luxembourg, <https://www.emnluxembourg.lu/type-documentation/circular-and-temporary-migration-0> (accessed 1 August 2012), p. 72: ‘the issue of brain drain in the context of highly qualified migrants has not been addressed in any of the public documents on the bill and opinions but only with reference to international students’.

¹¹⁴ See parliamentary debates around the amended law of 29 August 2008, comment to art. 59, Bill on the free movement of persons and immigration, Document No. 5802/00. See also First instance Administrative Court, 1st Chamber, No. 28941. The Court said: *‘(...) alors que le fait qu’un étudiant doive, à l’issue de ses études, rompre le cas échéant avec ses connaissances autochtones et retourner dans son pays d’origine, n’a rien*

Return migration and avoiding ‘brain drain’ is in a way also part of the government migration rationale¹¹⁵. Students are intended to return to their countries of origin after their studies.¹¹⁶

2.3.2 The University’s role and strategy

2.3.2.1 International recruitment policy

The University of Luxembourg is a public establishment that thus enjoys financial, administrative and pedagogical autonomy.¹¹⁷ Since it is the country’s only university and the main institution in terms of student numbers¹¹⁸, it plays the main role in attracting international students, always working in cooperation with Ministry of Foreign Affairs (MAE) and the Ministry for Higher Education and Research (MESR) on the definition of this strategy. Empirical insights drawn from some stakeholders’ interviews¹¹⁹, as well as some provisions contained in the law establishing the University of Luxembourg¹²⁰ confirm this intention, not only in 2003, but also now. Critics, however, have argued that currently these are not among the features of the University (or at least not as strong as it was intended at first)¹²¹. In fact, up until the end of the 2010/2011 academic year the University’s priority in international students’ attraction was focused on the countries of Luxembourg’s economic

d’exceptionnel, mais constitue, de manière générale, la règle pour les étudiants étrangers au Luxembourg, ainsi que pour les étudiants luxembourgeois à l’étranger.’

¹¹⁵ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document No. 5802/00, ‘*Exposé des motifs*’ p. 6.

¹¹⁶ First instance Administrative Court, 1st Chamber, No. 28941 of 2 July 2012. The court said: ‘*Le tribunal constate par ailleurs que le demandeur n’expose pas non plus pourquoi son âge (32 ans) et la durée de séjour sur le territoire luxembourgeois justifieraient, concrètement, son maintien sur le territoire luxembourgeois, le demandeur en particulier ne précisant pas concrètement où résiderait l’erreur d’appréciation du ministre, alors que le fait qu’un étudiant doive, à l’issue de ses études, rompre le cas échéant avec ses connaissances autochtones et retourner dans son pays d’origine, n’a rien d’exceptionnel, mais constitue, de manière générale, la règle pour les étudiants étrangers au Luxembourg, ainsi que pour les étudiants luxembourgeois à l’étranger.*’

¹¹⁷ Bill on the establishment of the University, Chamber of Deputies of the Grand Duchy of Luxembourg (2002), Document No. 5059/00 ‘*Commentaire des articles*’, ‘*Article 1er. – Université*’, p. 26. See article 1 of the Law of 12 August 2003.

¹¹⁸ 5686 students in the winter Semester 2011/2012. Source: SEVE, University of Luxembourg 2012 © EMN NCP LU.

¹¹⁹ Interview 3, lines 19 to 22, and 4, lines 28 to 31.

¹²⁰ Art. 3 (2), subpars. c), d) and e).

¹²¹ Interview 7, lines 459-463: ‘(...) Mostly, in academic environment, that would be a multilingual environment, look at the university. Walferdange is known for having most of the courses in German and Luxembourgish. Limpertsbërg – French and English. The administration in Limpertsberg - most of the time they speak French, not even English. And then we have the Technical faculty in Kirchberg, in German, maybe a little bit of English.’

cooperation¹²², by keeping 30 study places for such students. This has changed as of the last academic year (2011/2012): the University has emancipated itself from the State's international economic policy, changed its admission policy towards TCSs and intends to give the same study possibilities to all applicants from all over the globe¹²³.

While the University of Luxembourg has autonomy in what concerns the strategy to attract international students¹²⁴, the MESR follows closely the University's policies and agrees with them¹²⁵, while the MAE is in permanent contact with the University when issuing the authorisations to stay¹²⁶ and cooperates (by motivating or supporting the University actors) in the conclusion of agreements with the Universities of non-EU countries¹²⁷.

The University of Luxembourg has concluded framework agreements with certain countries with whom Luxembourg has cooperation agreements, as for example with the University of Bamako (Mali)¹²⁸ and the University of Cap Verde (Cap Verde)¹²⁹,

¹²² It is important to mention that this was not programmed but a *de facto* decision, because it was easier to attract students from the countries where Luxembourg has an active cooperation through the Ministry of International Cooperation. Point of view of a *fonctionnaire* of the MESR, interview 4. The countries of Luxembourg's cooperation are: Burkina Faso, Cape-Verde, Mali, Namibie, Niger, Senegal, El Salvador, Nicaragua, Laos, Vietnam – available at <http://www.lux-development.lu/pays.lasso?lang=uk> (accessed 1 August 2012).

¹²³ Interview 3, lines 19 to 23. The intention of having an University that would attract students from all over the world had already been underlined during the parliamentary discussions on the Bill on the free movement of persons and immigration: '[l'Université du Luxembourg] Plus que d'autres universités européennes, elle se doit d'être un modèle de tolérance, d'ouverture et de diversité en se rendant attrayante pour des étudiants du monde entier.' Committee on Foreign and European Affairs, Defence, Cooperation, and Immigration, 'Report on the Bill on the free movement of persons and immigration', 03.07.2008, Document No. 5802/17 (in French), Ordinary Session 2007-2008, 10.07.2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=981803&fn=981803.pdf (accessed 4 September 2012), p. 25. See also The University of Luxembourg, Fact Sheet, http://www.uni.lu/university/about_the_university/facts (accessed 4 September 2012) and Luxembourg-American Chamber of Commerce: 'Law, Economics and Finance expressed his interest in further expanding the working relations with U.S. academic institutions and building on the links that had already been established. This initiative led to the organisation of a symposium on "Higher Education and Scientific Research in Luxembourg" which took place on October 3rd and 4th in New York and Ridgefield, CT (...). The target groups differ for bachelor and master students; in the first case the majority are from the Greater Region and in the latter the composition is more international. A remarkable fact is that about 1/3 of master's students remain in Luxembourg after graduating, which constitutes a positive "brain gain" for the country.'

¹²⁴ Interview 4, lines 49 to 55.

¹²⁵ Interview 4, lines 53 to 55.

¹²⁶ Interview 6 – The University provides to MAE a list of therein admitted TCSs; moreover, they make a joint effort to assure that students are in Luxembourg by the time the semester starts.

¹²⁷ Some agreements result from the Government's initiative (although the agreements are concluded between Universities only), whereas other agreements exist where a financial support is granted by the MAE - Interview 9, with an officer of the University of Luxembourg, semi-structured (in French), 25 June 2012, lines 39 and 72 to 74.

¹²⁸ This agreement is for the period from 11 November 2010 to 11 November 2015

The government had given the University of Luxembourg a large leeway and freedom to develop its international strategy. During the first years, the cooperation with other universities was mainly focussed on the universities from partner countries of Luxembourg's cooperation policy¹³⁰ (quota of 30 study places per year were reserved for students coming from these countries). Over the years, however, this has changed, and the same admission conditions apply to all TCN's. The higher education system of the University of Luxembourg is "open to the world"¹³¹. In addition, the University has developed and continues to establish new framework agreements with universities abroad¹³² in Belgium, Canada, China, Cap Verde, France, Germany, India, Italy, Japan, Mali, the Netherlands, Poland, Portugal, Russia, Spain, Switzerland, Thailand, Uruguay and the United States¹³³. The MESR supports the University's "very proactive/voluntarist" strategy.¹³⁴

All these elements can be seen in the continuous growth of the University since its foundation. In total, the University of Luxembourg had 5686 students¹³⁵ in the winter semester 2011/2012, which means that the population has almost doubled between 2005 and 2012¹³⁶ (see graphs below). In the winter semester 2011/2012 53% are international students. Nevertheless only 10,5% are third country nationals. It is important to mention that the total number of third country nationals in academic programmes is 610 students but they only represent 7,1% of the bachelor students, 27,8% of the Master students and 20,3% of the PhD students (See table below). However, the number of non-EU doctoral students has increased 415% from 19 in the winter semester 06/07 to 79 on the winter semester 11/12.

http://www.wen.uni.lu/international/international_agreements/framework_agreements/mali/university_of_bamako_ac (accessed 4 September 2012). See also interview 9, lines 9/10, and Multi-annual agreement between the State and the University of Luxembourg, 2010 – 2013.

¹²⁹ This agreements is for the period of 17 February 2009 to the 17 February 2014 – see

http://www.wen.uni.lu/international/international_agreements/framework_agreements/cap_verde/university_of_cap_verde (accessed 4 September 2012).

¹³⁰ Luxembourg's countries of cooperation are, nowadays, Burkina Faso, Cap Vert, Mali, Namibia, Niger, Rwanda, Senegal, El Salvador, Nicaragua, Laos, Mongolia, Vietnam, Albania, Serbia, Montenegro and Kosovo. <http://www.lux-development.lu/pays.lasso?lang=uk> (accessed 1 August 2012).

¹³¹ Point of view of a responsible officer at the University of Luxembourg, interview 3, semi-structured (in French), 26 April 2012, lines 16 and 19.

¹³² Idem

¹³³ For a detail list of the universities see

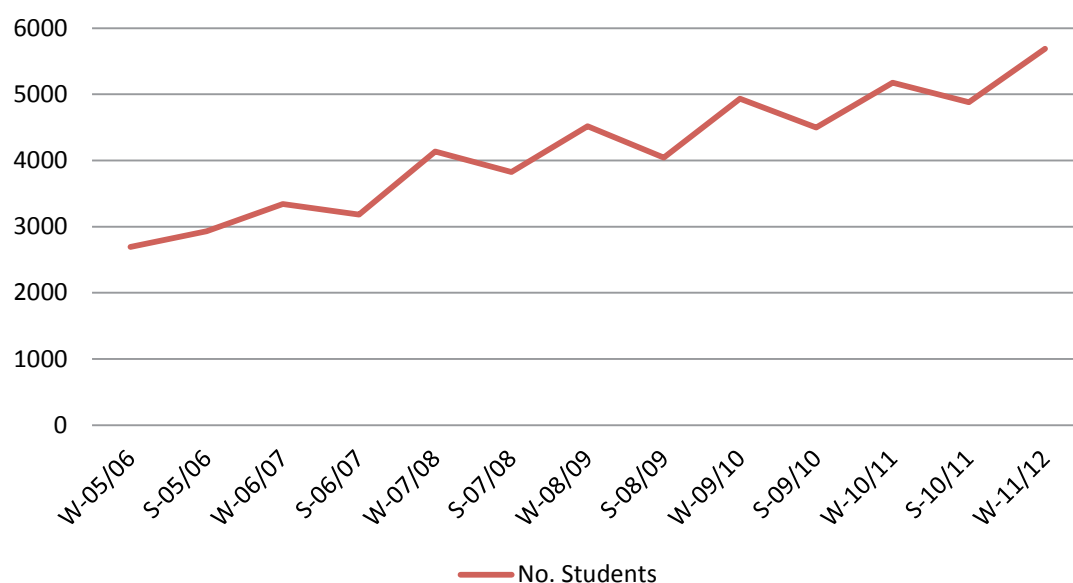
http://www.wen.uni.lu/international/international_agreements/framework_agreements

¹³⁴ Interview 4, lines 54 to 56: *'le Ministère n'interfère en rien, mais que nous partageons, que nous soutenons, parce que c'est une stratégie très volontariste en faveur de certains étudiants. Nous pensons ici au Ministère que c'est une bonne stratégie.'*

¹³⁵ Precisely, 5686 students at the winter semester 2011/2012 of which 3222 bachelor students, 1098 master students, 390 PhD students and 976 students in other programmes .

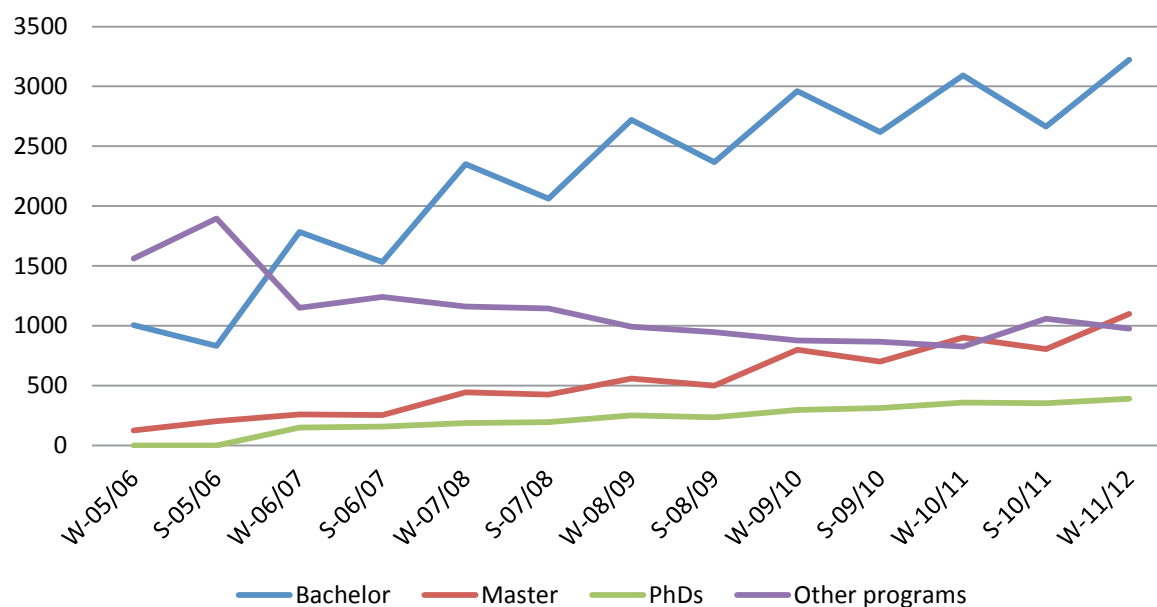
¹³⁶ The number of students increased from 2692 in winter semester (WS) 2005/2006 to 5686. Visiting students excluded. Data source: Students and Student Life Service (*Service des Études et de la Vie Étudiante – SEVE*) of the University of Luxembourg.

**Graph n° 2: Evolution of the student population of the University of Luxembourg
(academic years 2005 – 2012)**



Source: Student Life and Studies Services, University of Luxembourg, 2012 © EMN NCP LU

**Graph n° 3: Evolution of the student population of the University of Luxembourg by
programme (Academic years 2005 – 2011)**



Source: Student Life and Studies Services, University of Luxembourg, 2012 © EMN NCP LU

The share of third country national students at the University of Luxembourg was on average 10,5% in winter semester 2011/2012. This internationalisation of the student population differs when it comes to the type of programme. In the bachelor programmes the majority of the foreign students are EU nationals (see table n°2) and they come from the Greater Region. In the master programmes the situation is different and the foreign population is more international¹³⁷.

Table n° 2: Evolution of the student population of the University of Luxembourg by programme and nationality (Academic years 2005 – 2011)

	W-05/06	S-05/06	W-06/07	S-06/07	W-07/08	S-07/08	W-08/09	S-08/09	W-09/10	S-09/10	W-10/11	S-10/11	W-11/12
Bachelor	1005	831	1784	1531	2350	2062	2719	2366	2962	2619	3093	2664	3222
Luxembourg	-	-	1113	979	1531	1346	1730	1541	1835	1658	1863	1640	1992
EU27 (Luxembourg excluded)	-	-	514	430	667	585	801	665	923	791	1017	841	1000
Other	-	-	157	122	152	131	188	160	204	170	213	183	230
Master	125	203	259	252	442	424	557	498	800	700	900	803	1098
Luxembourg	-	-	84	67	110	107	160	145	241	202	233	203	294
EU27 (Luxembourg excluded)	-	-	135	161	252	249	281	244	379	332	441	385	521
Other	-	-	40	24	80	68	116	109	180	166	226	215	283
PhDs	-	-	148	156	186	195	250	233	296	312	358	352	390
Luxembourg	-	-	32	30	37	40	49	42	59	62	69	61	62
EU27 (Luxembourg excluded)	-	-	97	108	123	127	160	152	188	199	230	233	249
Other	-	-	19	18	26	28	41	39	49	51	59	58	79
Other programs	1562	1896	1150	1241	1159	1143	991	946	876	866	826	1059	976
Luxembourg	-	-	584	721	507	614	300	415	254	392	252	448	323
EU27 (Luxembourg excluded)	-	-	518	480	619	506	662	512	579	458	553	591	635
Other	-	-	48	40	33	23	29	19	43	16	21	20	18
Total UL	1562	1896	1150	1241	4137	3824	4517	4043	4934	4497	5177	4878	5686
Luxembourg	-	-	584	721	2185	2107	2239	2143	2389	2314	2417	2352	2671
EU27 (Luxembourg excluded)	-	-	518	480	1661	1467	1904	1573	2069	1780	2241	2050	2405
Other	-	-	48	40	291	250	374	327	476	403	519	476	610

Source: Student Life and Studies Services, University of Luxembourg, 2012 © EMN NCP LU

The third country national students for the winter semester 11/12 amounted to 576 students (after excluding the students coming from the EEA and Switzerland). Among the non-EU students, the Cameroonians are by far the largest group (98) which represents 17% of the total TCN student population, followed by the Chinese (58) which represents 10,1%, the Senegalese (47) which represents 8,2%, the Russians (40) which represents 6,9% and the Iranian students (24) which represents 4,2%.¹³⁸

¹³⁷ Luxembourg-American Chamber of Commerce, 'Higher Education and Scientific Research in Luxembourg Symposium on October 3 and 4, 2011', in 'Luxembourg Business Journal: Q4.2011', pp. 14 to 16, <http://laccny.com/wp-content/uploads/2012/03/Business-Journal-4thQ-2011.pdf> (accessed 3 September 2012).

¹³⁸ Student Life Service (SEVE) of the University of Luxembourg, 2012

2.3.2.2 Research and economical orientation

The University of Luxembourg has also set itself the goal of being one of the motors of economic diversification in the Grand Duchy. Initial contacts between science and economy have been very promising: (i.e. “Luxembourg School of Finance”, a Master in cooperation with the Luxembourg Chamber of Commerce, etc., joint internship agreement with the American Chamber of Commerce)¹³⁹.

The Government and the University conclude, in fact, multi-annual compromises as to the objectives and priorities in terms of education, research and administration, as well as the financial means from the State¹⁴⁰.

a) 2.3.2.3 Transnational cooperation

One of the key principles of the University of Luxembourg mentioned in article 3 (2) of the Law of 12 August 2003 on the establishment of the University of Luxembourg defines the international character of the University relating to its cooperation with other universities. The mobility of its students and the multilingual character of its education are also fixed in these basic principles.

The global approach of the University of Luxembourg can be seen via the participation in the project of the University of the Greater Region. The ‘University of the Greater Region’, a project funded by the European Union (Interreg Iva), with the aim of creating a joint association of universities (so far, from four countries: Germany, France, Belgium and Luxembourg)¹⁴¹, is also illustrative of the University’s priorities.

¹³⁹ ‘Deadline approaching for businesses to join internship scheme’, in ‘Wort.lu’, 27 August 2012, <http://www.wort.lu/en/view/deadline-approaching-for-businesses-to-join-internship-scheme-503b66cde4b0194b2e3a4a96> (accessed 4 September 2012). See also <http://www.fulbright.be/study-in-belgium/study-in-luxembourg/> (accessed 4 September 2012).

¹⁴⁰ Bill on the establishment of the University, Chamber of Deputies of the Grand Duchy of Luxembourg (2002), Document No. 5059/00, ‘*Exposé des Motifs*’, p. 24, and Multi-annual agreement between the State and the University of Luxembourg, 2010 – 2013, <http://www.wen.uni.lu/university/downloads> (accessed 4 September 2012).

¹⁴¹ University of Luxembourg, Saarland University, University of Liège, University of Lorraine, University of Kaiserslautern and the University of Trier.

The objectives of this project are:

1) Interregional:

- create a joint association of universities by 2012 (UDGR as official entity in 2013)
- increase the mobility of students, scientists and lecturers within GR
- create 'higher education space without borders'
- create innovative cross-border study programmes, cooperation in the area of doctorate training, registration without fees, address practical issues

2) International:

- make the Greater Region appealing to international students
- focus on intra-EU (intraregional) mobility, but also to make the Greater Region more attractive to EU students outside the Greater Region and to TCN students

2.3.2.4 Promotion regulations and third country nationals

The University of Luxembourg does not make any differentiation between EU nationals and third country nationals in the evaluation criteria and promotion during their studies. The Internal Rules of the University (*Règlement d'Ordre Intérieur de l'UL -ROI*)¹⁴² apply to all students, independent of their nationality. They specify the period of time within which the Bachelor (10/12 semesters¹⁴³ with a minimum of 25 ECTS in the first semester) and the Master (4/6 semesters¹⁴⁴) degrees should be validated. This conditions are considered very lineant with the student general population because this condition only applies for the first two semesters and there is no disposition foreseen for the next years¹⁴⁵ so this will allow a third country national to continue residing in Luxembourg to the maximum duration of five

¹⁴² Version of 25.07.2011. http://wwwde.uni.lu/universitaet/downloads/offizielle_dokumente (accessed 27 August 2012).

¹⁴³ Depending on the number of ECTS to accomplish (if equal to or more than 180 ECTS) – see the Grand Ducal regulation on the bachelor's degree and master's degree at the University of Luxembourg of 22 May 2006 (hereafter Grand Ducal regulation of 22 May 2006), JO, Mémorial A, No. 111, pp. 1950 to 1953, <http://www.legilux.public.lu/leg/a/archives/2006/0111/a111.pdf#page=4> (accessed 27 August 2012), art. 4.

¹⁴⁴ Depending on the number of ECTS to accomplish (if equal or more than 60 ECTS) - Grand Ducal regulation of 22 May 2006, art. 4.

¹⁴⁵ See Grand ducal regulation of 22 May 2006 and Internal regulation of the University of Luxembourg.

years for a bachelor programme or three years for a Master programme without having concluded his/her studies. In the future, this situation could be modified by increasing the amount of ECTS that are required to validate during the first two semesters and by regulating the following years¹⁴⁶ as other Member States are doing so¹⁴⁷ and as a consequence it could be avoided that certain groups of third country nationals use the “student” residence permit as a way of entering the territory without the real intention of obtaining a degree.¹⁴⁸

2.4 Debated issues

In this section we are going to analyse certain issues that are relevant for the national and the university policy related to international students. However, for a better understanding of the issue the legal framework will be addressed in Section 3.

2.4.1 Working conditions of third country national students

The limitation of 10 working hours per week for TCS, and more precisely whether these are adequate and sufficient to provide the financial means necessary to cover the high living costs in Luxembourg, has been subject of debate.

It is important to mention in this regard that this restriction responded to the limitation of access to the labour market discussed in the parliamentary documents of the Bill n° 5802¹⁴⁹ and stems from considerations that third country national students study on a full-time basis.

¹⁴⁶ Point of view of universities authorities, Interview 2, 12 April 2012.

¹⁴⁷ Like the Netherlands with the Dutch Modern migration Act that will take effect in 2013. According to this law the HEI's must notify the Dutch Immigration Service directly if the minimum level of 50 percent of the ECTS that must be achieved in one year has not been attained.” EMN NCP NL, Compilation of NL ad-hoc query on art 2 and 12 of the Student Directive, 30 May 2012.

¹⁴⁸ First instance Administrative Court, 1st Chamber, n° 28941 of 2 July 2012.

¹⁴⁹ See Bill on free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document No. 5802/00, ‘*Commentaires des articles*’, ‘ad article 57’ p. 71. The bill says: ‘*Cette disposition reconnaît aux étudiants le droit de travailler dans la limite de dix heures par semaine, afin de préserver l’objectif essentiel de leur séjour qui est de suivre un programme d’études et d’éviter que le statut d’étudiant ne soit détourné de son objet par des ressortissants de pays tiers abusant de cette possibilité pour exercer une activité professionnelle au lieu de s’adonner à des études. La limite de dix heures est considérée comme compatible avec un programme d’études à temps plein, tout en permettant à un étudiant de jouir de la possibilité de compléter significativement les ressources dont il a besoin pour vivre. Cette limitation ne s’applique pas aux périodes de vacances. La directive permet aux Etats membres de limiter l’accès à des activités économiques pendant la première année de séjour. Il a été fait usage de cette faculté pour les étudiants inscrits à la formation menant au grade de bachelor qui ne sont autorisés à exercer un travail qu’après avoir accompli les deux premiers semestres de leurs études.*’.

Consequently, allowing a student to work more than 10 hours could have repercussions on his academic performance¹⁵⁰.

However, this restriction only applies to certain third country nationals¹⁵¹, meaning that there are other groups of foreign students and third country nationals that are excluded from it according to article 55 of the Law of 29 August 2008. These groups are:

- a) third country nationals who are family members of an EU national¹⁵² ;
- b) third country nationals benefiting of the long term residence status;
- c) third country nationals holding a residence permit as a “salaried worker” or “independent worker” ;
- d) third country nationals whose expulsion from the territory has been suspended by legal or de facto motives; and
- e) third country nationals benefiting of the refugee or subsidiary protection status¹⁵³.

It is important to mention that these different categories receive different legal treatment from an immigration perspective because of the legal nature of the residence permit. Nevertheless, from the point of view that all students encounter the same amount of course load and have the same delays to finish the study programme, the limitation in working hours can be a heavy burden for third country national students coming from a developing country and who might only have limited resources available. An EU national or a third country national excluded under article 55 of the Law of 29 August 2008 can work full time and have a full academic load and the only restrictions that he or she will have is: a) the minimum validation of 25 ECTS during the two first semesters in order to continue with the programme and b) the maximum delay of time for completing the programme.

¹⁵⁰ Point of view of the Academic Vicepresident of the University of Luxembourg, Interview 2, lines 242/243 and 257/258.

¹⁵¹ For access to work, see also Liaison Committee of Foreigners' Associations - *Comité de Liaison des Associations d'Étrangers* – CLAE - (2011), *Actes du 7ème Congrès des associations issues de l'immigration*, Luxembourg, 12/13 November 2011, pp. 27 and 54.

¹⁵² See also article 22 of the Law of 29 August 2008.

¹⁵³ See Bill on free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg, Document No. 5802/00, *Commentaire des articles*, 'ad article 55' p. 71. The bill says in commenting article 55: *‘Certaines catégories de personnes sont exclues du champ d'application du dispositif proposé, dont notamment les demandeurs d'asile et les personnes bénéficiant d'une protection subsidiaire ou temporaire, les ressortissants de pays tiers qui sont membres de la famille d'un citoyen de l'Union parce qu'ils bénéficient indirectement du droit à la libre circulation, ainsi que les ressortissants des pays tiers bénéficiant du statut de résident de longue durée dans un Etat membre au titre de la directive 2003/109 qui leur reconnaît un droit de séjour dans les autres Etats membres pour y suivre des études ou une formation professionnelle.’*

Student representatives have been lobbying for the extension of the working hours for third country national students to 20 hours. The University, however, has maintained its position and only brought in a perspective of 12 hours, and one NGO even demanded that all third country national students should have the right to work as soon as they are permitted to reside in the territory (i.e. also first-year Bachelor students who are currently not permitted to work¹⁵⁴). These claims, however, were finally declined by the Directorate of Immigration.

Scholarships are limited and only accessible for a limited number of well-performing students. Given the high number of TCSs in need of additional resources, the existing scholarships are not considered sufficient.¹⁵⁵ Briefly, one may add that students, who are financially less well-off, would have a better access to studying in Luxembourg if they were granted some financial means through work or scholarships.¹⁵⁶

2.4.2 Other debates

The debate around the issuance of residence permits for students should be mentioned here. Due to changes in the registration system of the University, the Directorate of Immigration issued these permits for a period of six months instead of one year. This had implications for the health coverage (required for the residence permit) because it created a problem with the Health National Fund and the Social Security Commun Centre Eventually, after discussions, the permit duration was set back to one year.

Other discussions took place on the difficulties related to the transition of becoming a working person in Luxembourg after the completion of one's studies (no extension of permits for the purpose of job search) and the limit of two years of work after the studies. The question was whether TCNs should be allowed to work in Luxembourg for a longer/unrestricted period of

¹⁵⁴ CLAE (2011), pp. 27 and 54.

¹⁵⁵ CLAE (2011), p. 27.

¹⁵⁶ CLAE (2001), p.27; ASTI, CCPL, FAEL, FNCTTFEL, Fondation Caritas Luxembourg, LCGB, OGB-L, Rosa Lëtzebuerg, SeSoPi-CI and SYPROLUX, for certain issues with the support of CEAL, LUS and UNEL (ASTI *et al.*, 2008), 'Joint Opinion on the Bill on the Free Movement of Persons and Immigration N°5802' (in French), 22.02.2008, Document No. 5802/04, Ordinary Session 2007-2008, 6.03.2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=972931&fn=972931.pdf (accessed 27 August 2012).

time. Some actors¹⁵⁷ moreover pleaded for an easier change concerning the residence status of TCS at the end of their studies (i.e. from student permit to work permit).

¹⁵⁷ CLAE (2011), p. 27; viewpoint of a representative of a student organisation, interview 7, semi-structured (in English), 20 June 2012 lines 371 to 373 and 501.

3. LEGAL AND PRACTICAL CONDITIONS AT NATIONAL LEVEL THAT APPLY TO INTERNATIONAL STUDENTS

The Law of 29 August 2008 establishes in articles 55 to 59 the legal framework on how a third country national who wishes to come and study in Luxembourg can enter and stay in the country. These articles are the transposition 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, which was done by the bill n° 5802 on free movement of persons and immigration filed in Parliament on 7 November 2007¹⁵⁸. It is important to mention that article 55 expressly indicates to which third country nationals the “student” resident permit applies. It excludes a) the third country nationals who are family members of an EU national¹⁵⁹; b) the third country national benefiting of the long term residence status;¹⁶⁰ c) the third country nationals holding a residence permit as a “salaried worker” or “independent worker”¹⁶¹; d) third country nationals whose expulsion from the territory has been suspended by legal or de facto motives¹⁶² and e) third country nationals benefiting of the refugee or subsidiary protection status¹⁶³.

The process for obtaining a “student residence permit” is composed by several steps. For a better understanding of how this residence permit is granted we will proceed to explain it on a step by step basis.

¹⁵⁸ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg, Document No. 5802/00. The explanatory memorandum (*‘Exposé des Motifs’*) says : *‘La politique d’immigration a désormais une dimension communautaire importante depuis le transfert, par le traité d’Amsterdam adopté en 1997, d’une partie des compétences nationales dans le domaine de l’immigration à l’Union européenne. La création d’un espace sans frontières intérieures dans le cadre du Traité nécessite une approche commune dans beaucoup d’aspects concernant l’immigration. Un certain nombre de directives ont été adoptées à cet égard qui sont transposées dans le cadre de la présente loi. Il s’agit de la directive 2003/86 du 22 septembre 2003 relative au droit au regroupement familial, de la directive 2003/109 du 25 novembre 2003 relative au statut des ressortissants de pays tiers résidents de longue durée, de la directive 2004/81 du 29 avril 2004 relative au titre de séjour délivré aux ressortissants de pays tiers qui sont victimes de la traite des êtres humains ou ont fait l’objet d’une aide à l’immigration clandestine et qui coopèrent avec les autorités compétentes, de la directive 2004/114 du 13 décembre 2004 relative aux conditions d’admission des ressortissants de pays tiers à des fins d’études, d’échange d’élèves, de formation non rémunérée ou de volontariat et de la directive 2005/71 du 12 octobre 2005 relative à une procédure d’admission spécifique des ressortissants de pays tiers aux fins de recherche scientifique.’*

¹⁵⁹ Article 55 a) of the Law of 29 August 2008.

¹⁶⁰ Article 55 b) of the Law of 29 August 2008.

¹⁶¹ Article 55 c) of the Law of 29 August 2008.

¹⁶² Article 55 d) of the Law of 29 August 2008.

¹⁶³ Article 49 (1) and (2) of the Law of 5 May 2006.

3.1. Admission

Before applying for an authorisation to stay in Luxembourg, article 56 (1) of the Law of 29 August 2008 requires that the student provides proof of having been accepted at a higher education institution in order to obtain a diploma of higher education. The requirements for entering study programmes vary from one faculty and higher education institution to another.

In the case of the University of Luxembourg, the third country national must apply for admission to the University of Luxembourg in his/her country of origin. The application procedure depends on several criteria relating to the personal situation of the student. Application at the University of Luxembourg is personal, required (for it alone confers the status of student), and semestral (it must be renewed at the beginning of each semester)¹⁶⁴. The application procedure varies if the requested previous diploma was delivered by an institution in the European Union or by an institution outside of the European Union. It is important that the difference of application is made in relation with the country where the diploma was issued and not with the nationality of the applicant, so in principle all students will be treated in the same way in the admission procedure.

Going through the application procedure in its entirety is outside of the scope of this study because it depends not only on the above mentioned elements but also on the type of programme that the student wants to follow¹⁶⁵.

3.1.1 Recognition of diplomas and entry exams

In order to be registered in a certain cycle of studies in Luxembourg, students must have their previous qualifications recognised.

3.1.1.1 Recognition of secondary school diplomas and vocational training

Procedures for the recognition of diplomas and qualifications depend on the country in which the applicant obtained his/her diploma.

¹⁶⁴ See http://www.en.uni.lu/students/application_re_registration (accessed 4 September 2012).

¹⁶⁵ For application and re-registration details, see http://www.en.uni.lu/students/application_re_registration (accessed 4 September 2012).

If a third country national coming from a country that is signatory of the European Convention on the Equivalence of Diplomas leading to Admission to Universities¹⁶⁶ (hereafter Paris Convention), signed in Paris in 1953, and/or the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (hereafter Lisbon Convention), signed in Lisbon in 1997¹⁶⁷ her or she has to obtain the recognition by the Department for diploma recognition within *the Ministère de l'Éducation nationale et de la Formation professionnelle* (Ministry for Education and Vocational Training). The department is competent for the recognition of secondary school leaving diplomas and for vocational training certificates. In the case of an uncompleted cycle of studies, it may also certify the level of education attained.¹⁶⁸

Recognition or equivalence of secondary school diplomas and secondary technical diplomas (baccalaureate) may only be granted on the basis of a complete file.

- 1) For third-country nationals of the countries that are signatories of the Paris and/or the Lisbon¹⁶⁹ Convention on mutual recognition of diplomas, recognition can only be granted for secondary school or vocational and technical diplomas after treatment of the application by the competent departments and if the elements submitted fulfil the following criteria:
 - the diploma must represent an education training of at least 12 years of progressive primary and secondary education and must be successfully completed;
 - the certificate/diploma must give access to enter universities or higher education institution in the country of origin of the applicant;
 - a supporting document is required for certificates/diplomas not expressly specifying this access.

¹⁶⁶ 11 December 1953, Council of Europe Treaty Series (CETS) No. 15, <http://conventions.coe.int/Treaty/EN/Treaties/Html/165.htm> (accessed 4 September 2012).

¹⁶⁷ 11 April 1997, CETS No. 165, <http://conventions.coe.int/Treaty/EN/Treaties/Html/165.htm> (accessed 4 September 2012).

¹⁶⁸ http://www.men.public.lu/reco_diplomes/version_anglaise/index.html

¹⁶⁹ See <http://www.guichet.public.lu/fr/citoyens/enseignement-formation/enseignement-postprimaire/jeune-recemment-arrive-pays/reconnaissance-niveau-etudes/index.html> (accessed 4 September 2012).

- 2) For diplomas obtained in countries non-signatory to the Paris and/or the Lisbon Conventions¹⁷⁰ on mutual recognition of diplomas, the equivalent to the Luxembourgish secondary school diploma or secondary technical school diploma or technician certificate will only be recognized in the following 2 cases¹⁷¹:
 - a) if the applicant holds a diploma issued by a recognized higher education institute and located in a Member State of the European Union, representing a higher education study cycle with a duration of at least 3 years;
 - b) if the applicant can benefit from registration of a higher education institution in an European Union Member State and if the diploma meets the following criteria:
 - proof of the diploma examinations must focus on 2 languages including French or German, as well as on the branches belonging to at least 3 of the following domains: human and social sciences; natural sciences; mathematics; technology; fine arts and music;
 - the diploma must have been obtained after at least 12 years of progressive primary and secondary education.

The Grand Ducal Regulation of 27 October 2006¹⁷² drew up the criteria¹⁷³ for the recognition of high school diplomas when the person has completed his/her baccalaureate in non-

¹⁷⁰ See <http://www.guichet.public.lu/fr/citoyens/enseignement-formation/enseignement-postprimaire/jeune-recevement-arrive-pays/reconnaissance-niveau-etudes/index.html> (accessed 4 September 2012).

¹⁷¹ Amended law of 18 June 1969 on higher education and the accreditation of higher education foreign qualifications and grades, JO, *Mémorial* A, No. 27 of 21 June 1969, pp. 796-800, <http://www.legilux.public.lu/leg/a/archives/1969/0027/a027.pdf#page=4>, art. 4, made operational by the Grand-Ducal regulation of 27 October 2006, JO, *Mémorial* A, No. 195 of 15 November 2006. pp. 3383, 3384, <http://www.legilux.public.lu/leg/a/archives/2006/0195/2006A3383A.html> - see, in particular, arts. 1 and 4.

¹⁷² JO, *Mémorial* A, No. 195 of 15 November 2006. pp. 3383, 3384, <http://www.legilux.public.lu/leg/a/archives/2006/0195/2006A3383A.html> (accessed 4 September 2012), making operational article 4 of the modified law of 18 June 1969 on higher education and the accreditation of higher education foreign qualifications and grades.

¹⁷³ Art. 4: The equivalent to the Luxembourgish school-leaving diploma or school-leaving technical diploma or technician certificate will only be recognized for the certificates stipulated in article 1 in the following two cases:

1. if the applicant is holder of a diploma issued by a recognized higher education institute and located in a Member State of the European Union, representing a study cycle with a duration of at least 3 years,
2. if the applicant can rely on enrolment in higher education in a European Union Member State and if the diploma meets the following criteria:
 - evidence of the diploma examinations must focus on 2 languages including French or German, as well as on the subjects belonging to at least 3 of the following domains: human and social sciences, natural sciences, mathematics, technology, fine art and music.

signatory countries to the Paris and/or Lisbon Conventions.¹⁷⁴ Before then, the problem in Luxembourg was that higher education studies were not recognized if the baccalaureate was obtained in such countries. This regulation enables recognition of the baccalaureate and therefore homologation of higher education studies if they took place in an EU Member State. Nevertheless, the problem remains for all students independent of their nationality who did not undertake their university studies in the EU.

For all TCNs applying to bachelor programmes whose secondary diplomas were not obtained in countries that are signatories of the Paris Convention¹⁷⁵ and/or the Lisbon Convention¹⁷⁶, passing an entry exam is a requirement in order to be accepted at the University¹⁷⁷. The reason for this is that those diplomas are generally not recognised in Luxembourg¹⁷⁸.

The exam takes place annually in Luxembourg and Dakar, Senegal, and consists of one language test (where the two languages of the programme are tested), one general culture essay about general culture in one of the two languages of the chosen programme and one mathematics test¹⁷⁹.

The fact that this exam can only be taken in one of two places, has been identified as a barrier for students who live in a different third country (not Senegal), as it implies financial costs and risks¹⁸⁰. For this reason, on-line examination or video call interviews were proposed. Yet, due to identification and supervision difficulties, this option was not considered as a solution by the University¹⁸¹.

- the diploma must be located in terms of schooling extending over at least 12 years of progressive primary and secondary education.

¹⁷⁴ Third-countries, meaning countries which are outside the EU and which have not signed the Paris and/or Lisbon Conventions.

¹⁷⁵ 11 December 1953, Council of Europe Treaty Series (CETS) No. 15, <http://conventions.coe.int/Treaty/EN/Treaties/Html/165.htm> (accessed 4 September 2012).

¹⁷⁶ 11 April 1997, CETS No. 165, <http://conventions.coe.int/Treaty/EN/Treaties/Html/165.htm> (accessed 4 September 2012).

¹⁷⁷ Interview 3, lines 23 to 27, 50 to 55 and 61 to 63. These exams have actually two target groups: TCNs whose diplomas are not recognised in Luxembourg and Luxembourgish applicants who had not completed the necessary studies to have access to higher education. See also article 12 of the law of 12 August 2003.

¹⁷⁸ For example if it is a third country national that benefits from international protection, the diploma can be recognised under certain circumstances. See article 49 (1) and (2) of the Law of 5 May 2006.

¹⁷⁹ http://www.wen.uni.lu/students/application_re_registration/bachelor_non_eu_semestre_1_country_where_you_held_your_secondary_school_leaving_certificate (accessed 17 August 2012).

¹⁸⁰ Interview 1, lines 44 and 45 ('Yes, for a student from any African country, you should go to Senegal. It costs a lot: for traveling, it is also risky'), and 53 to 55 ('Yes, as I said, all African students should go to Senegal. If you are a Senegalese, it is easier for him/her – as you are in your own country. You probably take exam in the Luxembourgish consulate. But can you imagine a student from Madagascar').

¹⁸¹ Interview 3, lines 118 to 123.

Applicants for cycles of studies at the University are, among other criteria, also selected according to their language skills in the teaching language of the courses targeted, but for most study programmes they are not required to provide proof of their language level. The linguistic requirements are communicated by the University to the potential student. Noteworthy in this context is that the University provides neither the possibility of completing a preparatory year/semester, nor preparatory language classes¹⁸². Students have, however, the possibility to enrol in the regular language courses at the university¹⁸³.

Once that the University of Luxembourg has accepted the student has to begin the application for the authorisation to stay.

3.1.1.2 Recognition of higher education diplomas

Recognition of a third-country national's higher education professional qualification is done in accordance with two distinct procedures: Registration of foreign certificates and Accreditation of certificates.

- 1) Registration of foreign certificates in the Register of Higher Education Qualifications. This Register confirms the duration of the studies and the value of the diploma. Once the diploma is registered there, it enables the recipient to publicly hold the qualification of a higher education grade.

The file for the enrolment procedure in the Register of Qualifications must include:

A duly completed enrolment application form;

A certified copy of the diploma.

- 2) Accreditation of certificates: This procedure is used to access certain regulated professions, namely:

¹⁸² Interview 3, lines 227 to 240.

¹⁸³ Interview 3, line 240.

Discipline	Regulated Profession
philosophy, linguistic and literary disciplines (French, English, German, Italian, Spanish, Latin), history, geography	Professor of Letters in higher education
physics, mathematics, chemistry, biology	Professor of Science in higher education
law	Attorney at Law
medicine	Doctor
dental medicine	Dentist
veterinary medicine	Veterinarian
pharmacy	Chemist

Procedure:

1. In the case where a foreign certificate is obtained in one of the following specialisations,
 - philosophy, linguistic and literary disciplines (French, German, English, Italian, Spanish, Latin), history, geography;
 - biology, chemistry, physics, maths;
 - law;

The applicant must adhere to the accreditation procedure in force, whatever his/her nationality.

2. In the case where a third-country certificate (outside of the EU) is obtained in one of the following specialisations,

- medicine;
- dental medicine;
- veterinary medicine;
- pharmacy;

The applicant must adhere to the accreditation procedure in force, whatever his/her nationality.

If the certificate was issued by an EU member country, the applicant may contact the Health Ministry directly and request authorisation to practice in the following specializations: medicine, dental medicine, veterinary medicine and pharmacy.

To have his/her study qualification or his/her higher education diploma accredited, the applicant must attach the entire document required¹⁸⁴ to the file to be presented to the Homologation Commission of the Ministry for Higher Education and Research.

The certification commission has three months to make a decision. After this period, the applicant can refer the matter to the administrative court. This period runs from the moment the file is complete.

One should again note that Luxembourg does not have bilateral agreements with third-countries for the accreditation of qualifications.¹⁸⁵

Luxembourg remains one of the few countries in the European Union where degrees are recognized by the Ministry of Higher Education and Research and in certain professions by the Ministry of Justice (for example, in the domain of law); and not by a university, even though the University of Luxembourg has existed since 2003. In the domain of law, even nationals from countries in the European Union which do not have a Napoleonic civil law system (for example the United Kingdom, Ireland, and even Germany) may encounter

¹⁸⁴ See <http://www.guichet.public.lu/fr/citoyens/enseignement-formation/etudes-superieures/reconnaissance-diplomes/homologation-diplome/index.html> (accessed 4 September 2012). The documents must be written either in one of the 3 official languages of the Grand Duchy of Luxembourg (French, Luxembourgish or German), or in English, or translated into one of these languages by a sworn translator

¹⁸⁵ Ad-hoc request on the accreditation of professional qualifications obtained outside of the European Union made by the European Commission on 3 November 2010.

problems because the principles of law in their country do not correspond to the principles of French or Luxembourgish law¹⁸⁶.

Even though there are third-countries whose laws are inspired by French law, there are cases where the Ministry of Justice requests a certificate from a comparable Belgian, French or Swiss¹⁸⁷ law institute certifying that the fundamental principles of law of his/her country of origin are similar to the fundamental principles of French or Luxembourg law. And even if the certificate in question is obtained, it may be refused on the basis of non-academic considerations.¹⁸⁸

In the cases of doctors, specialist doctors, dentists, veterinarians or pharmacists, recognition of diplomas is not necessary for a degree issued by a Member State of the European Union. The same applies to a national of a third-country who obtained his/her diploma or degree in a Member State of the European Union. Holders of diplomas or degrees obtained in a country of the European Union may contact the Health Ministry with a view to requesting authorisation to practice¹⁸⁹. If a person holds a degree/diploma issued by a country that is not a Member State of the European Union, the degree must be recognized by the Ministry of Culture, Higher Education and Research¹⁹⁰. It is a prior condition that must be met before obtaining authorisation to practice.

¹⁸⁶ See http://www.mcesr.public.lu/enssup/dossiers/homologation_diplomes/brochure_homologation.pdf (accessed 4 September 2012).

¹⁸⁷ Judgment number 27710C of 12 May 2011¹⁸⁷ of the Administrative Court. It is important to mention that after this judgment the Ministry of Justice accepts the certificate issued by the Swiss Comparative Law Institute.

¹⁸⁸ Judgment number 27710C of 12 May 2011¹⁸⁸ of the Administrative Court. The Court stated: 'As for the opinion of the commission of 5 March 2010, the Court does not share the analysis made by the aforesaid commission that the legal opinion of the Swiss Institute of comparative law would be imprecise 'by omitting to provide a detailed analysis focused on these two systems of law'. It would therefore be advisable to note in the first instance that this commission, in its letter of 20 February 2009, only required the production of an explanatory certificate stating that Brazilian law corresponds in its broad lines to the general principles of the Luxembourg legal system and not a detailed analysis of both legal systems involved.... Lastly, the Court still observes that the Luxembourg authorities still fail to specify at the present time, despite the abundant documentation given by the present respondent whereof Brazilian law does not correspond in its broad lines to the fundamental principles of the Luxembourg legal system, contenting itself with repeating that Mister... ... would not have provided the required proof, instead of analysing the recognition request in the spirit of procedural collaboration.

¹⁸⁹ See <http://www.sante.public.lu/fr/travailler-sante-social/> (accessed 4 September 2012).

¹⁹⁰ See <http://www.sante.public.lu/fr/travailler-sante-social/homologation/index.html> (accessed 4 September 2012).

3.1.1.2.1 Registration of diplomas

Once the international student or third country national residing in Luxembourg is accepted for a Master or Doctoral programme at the University of Luxembourg, he/she must have his/her diploma registered in the register of titles of Luxembourg¹⁹¹. This approach also concerns European students (or any candidate residing in Luxembourg) who wish to register for a Master's or Doctoral programme. Once obtained, a copy of the registration in the register of titles must be submitted to the SEVE. Otherwise, no diploma can be issued at the end of the studies.

A diploma may be recorded in the register of certificates provided:

- it is obtained in accordance with the law and provisions in the country where the title was granted;
- it is recognised by the country where the higher education establishment which granted the title is established;
- it represents the final graduation certificate of a full cycle of higher education studies (minimum 3 years).

The applicant who wishes to record his diploma in the register of certificates must submit an application to the secretary of the Registry of Diplomas of the Ministry of Higher Education and Research together with all the documents required.

Once the diploma has been registered, the Ministry of Higher Education and Research forwards a ministerial order to the applicant with regards to the registration of the diploma in the register of certificates.

The registration will bear the following title:

- the title indicated on the diploma delivered by the higher education establishment;
- or the title indicated on the attestation of successful completion of the diploma programme (only accepted in exceptional circumstances).

¹⁹¹ <http://www.cedies.public.lu/fr/reconnaitre-diplome/registre-des-titres/index.html> Also see: http://www.wen.uni.lu/students/useful_information_from_a_to_z/diploma_recognition#B

Copies of the ministerial order of registration in the register of certificates cannot be delivered. The holder of the ministerial order must himself ensure that certified copies are made for his personal files.

Each diploma can only be registered once. In principle, the registration cannot be amended after completion.¹⁹²

3.1.2 Funding opportunities

Financial assistance from the Luxembourg Government for higher education is granted by CEDIES (*Centre de Documentation et d'Information sur l'Enseignement supérieur*)¹⁹³ that is part of the MESR. This scholarship is granted to all students enrolled in higher education studies who fulfil one of the following conditions:

- they have the Luxembourgish nationality and reside in Luxembourg;
- they are nationals of a Member State of the European Union, reside in Luxembourg and are in the scope of the Regulation (EEC) No 1612/68 on freedom of movement for workers within the Community;
- they are third-country nationals or stateless, have resided in Luxembourg for at least 5 years and hold a secondary school leaving certificate recognized by the Luxembourg Ministry of Education (Ministère de l'Éducation nationale et de la Formation professionnelle)¹⁹⁴;
- they have the status of international protection and reside in Luxembourg.

The grant application is to be handed in to SEVE Mobility together with all other application documents.

¹⁹²See <http://www.guichet.public.lu/en/entreprises/creation-developpement/projet-creation/diplomes/inscription-registre-titres/index.html> (accessed 4 September 2012).

¹⁹³ See <http://www.cedies.public.lu/fr/aides-financieres/index.html> (accessed 4 September 2012).

¹⁹⁴ It shall be mentioned that the scholarship conditions are not linked to the permanent residence status, as TCSs cannot apply for a long-term residence status – art. 80(2) (e) of the amended law of 29 August 2008. However, should third-country nationals have obtained a residence permit that allowing them to apply for this status, the period spent in Luxembourg as university student or trainee will be taken into account by fifty percent (art. 80(3)).

The MESR grants around 60 scholarships per semester (about 2.000 Euros each) to third-country nationals who obtained their secondary school diploma outside of the EU¹⁹⁵. The selection procedure for receiving the scholarship is, however, not undertaken by the MESR, but by the University of Luxembourg, as the MESR has considered the University to be better placed when it comes to assessing the students' situation¹⁹⁶. The criteria for the scholarship distribution are evaluated per study programme and are predominantly based on merit¹⁹⁷: within the study programme, every candidate is classified according to the number of valid ECTS credits compared to the total number of credits that could have potentially been obtained.¹⁹⁸

Difficulties in evaluating applicants' financial conditions (insufficient knowledge of the countries' situation) have created a barrier to primarily considering the financial needs of TCSs. It has been pointed out by some stakeholders that with more involvement of TCSs, it would be possible to identify some key aspects to consider for this purpose during the application.¹⁹⁹

One student association argues that the number of scholarships is insufficient because the number of applicants is much higher than the number of students receiving it²⁰⁰.

Another funding option is granted by the Association of the Friends of the University (*Amis de l'Université*), which is, however, also considered to be insufficient²⁰¹ to cover the large share of TCSs in need.

Apart from these scholarships, there are a few students receiving 500 Euros per semester for a maximum of 10 months, as well as free accommodation, from the MAE.²⁰² These scholarships are granted to selected students from three Universities in China (Shandong, Renmin and Tongji), one in Russia (Moscow State Higher School of Economics) and one in India (PSG

¹⁹⁵ Interview 1, lines 171 and 172; interview 4, lines 352 to 358.

¹⁹⁶ Interview 4, lines 353 to 358; for some details of the procedure requirements, see the Scholarship Regulation (*Règlement de la Bourse*) - http://www.fr.uni.lu/media/files/seve/unite_etudes/reglement_de_bourse_non_ue (accessed 1 August 2012).

¹⁹⁷ Interview 3, lines 278/279.

¹⁹⁸ Interview 3, lines 290 to 292.

¹⁹⁹ Interview 7, lines 112 to 120, and Interview 8, with a representative of a non-profit organisation, semi-structured (in French), 21 June 2012, lines 61 to 66.

²⁰⁰ Interview 1, lines 170 to 172 and 182 and 183; interview 3, lines 295 to 297 (there are about 160/170 applications and only around 60 are granted). One of the experts interviewed furthermore mentioned that, according to the information s/he had received 'a lot of students [TCSs] are in financial need' - interview 7, line 113.

²⁰¹ Interview 7, lines 90 to 96.

²⁰² Interview 9, lines 97 to 103.

College). In the academic year 2012/2013, 15 of these scholarships will be granted: five to students from Shandong University, three to Renmin University, one to Tongji University, two to Moscow State Higher School of Economics and four to PSG College.

The University of Luxemburg has also signed on 10 June 2011 an agreement with the city of Esch, concerning scholarships for students from Coimbra, Portugal. The students will receive 300 euros per month during one semester as a means to pay for their student rooms in Esch. This will be covered by the City of Esch, concerning a joint bachelor's degree in computer science²⁰³.

In this line of reasoning of supporting mobility, the University helps TCSs pursuing their goal of studying in another EU Member State under an exchange programme (for one semester), by providing them with the same amount of money as an EU student would get through the Erasmus scholarship²⁰⁴.

The Government regrets that only a very small percentage of TCSs is receiving this scholarship²⁰⁵. It is important to notice that one of the persons interviewed indicates there are some TCSs who have been living in Luxembourg for more than five years because they cannot finish their studies due to financial difficulties²⁰⁶.

It is important to mention that there is no fast track procedure foreseen in the Law of 29 August 2008 for applications from students that benefit of the funding mentioned above. However, the fact that the student has a sponsor will facilitate the decision procedure because, as mentioned above, one of the requirements is that the student proves that he/she has sufficient resources to study in the country (See section 3.2)

3.1.3 Housing

TCNs consider student accommodation provided by the private market as expensive, while accommodation of the University of Luxembourg is limited. Today, the University of

²⁰³ http://www.wen.uni.lu/international/latest_news/city_of_esch_supports_coimbra_students

²⁰⁴ Interview 3, lines 439 to 444; see also subtitle 4.2 under.

²⁰⁵ 3,9% of the total number of scholarships in this scholarship programme.

²⁰⁶ Interview 4, lines 203 to 207: *'parmi ces 3,90%, il y en a aussi quelques-uns qui sont des étudiants éternels qui n'arrivent pas à finir à l'Université et qui au bout de 5 ans, bénéficient de l'aide financière. Et cela pose problème aussi pour nous. Parce que nous donnons un financement à un étudiant dont nous savons qu'il ne va pas réussir. C'est un nombre relativement restreint, mais quand même, ça pose problèmes.'*

On the TCSs in financial need and the necessary increase of funding possibilities, see also CLAE (2011), p. 54.

Luxembourg has 473 student rooms at its disposal, in 2013 there will be at least 600 rooms²⁰⁷. Subsidising the housing heavily²⁰⁸, the University can (sub)let rooms to students for 360-400 EUR, all charges included (water, electricity, heating, internet, cleaning service of common area)²⁰⁹. To be eligible for the housing demand, the university inscription must be valid, a home insurance and a guarantee deposit of 350 EUR must be paid²¹⁰. Subsequently, the room is reserved for the student.

The University is satisfied that the housing qualities reach a certain quality and comfort²¹¹. There is no repartition by nationality; the aim is to mix different origins.²¹²

Many third-country national students arrive without having a place to stay as it is only possible under certain programmes (countries with mobility agreements) to pre-reserve student rooms. Pre-reservations are made for students coming within the “Global Exchange Programme” and for “incoming”/“mobility” students due to exchange agreements with the sending university, which leaves some rooms unoccupied for a certain period whereas other students are in need of accommodation²¹³. For some students arriving in these schemes, the room is provided “for free”²¹⁴.

Students picked up at the airport by the student associations CEAL and LISEL have therefore to stay in private hostels until they find a room. The costs per night are around 20 Euros, which is considered to be an enormous expense by TCSs, especially as it is “rare to find a room within a week”²¹⁵. Between the demand and the positive or negative answer from SEVE up to 30 days can pass.²¹⁶ A lack of information before departure from the country of origin and limited availability of the responsible contact person has been expressed.²¹⁷ On the other hand, the university is aware of this problem and tries to help in urgent cases, as for

²⁰⁷ Interview 3, line 394.

²⁰⁸ Interview 3, line 399.

²⁰⁹ Interview 3, lines 400 to 402.

²¹⁰ See <http://www.wen.uni.lu/students/accommodation> (4 September 2012).

²¹¹ Interview 3, lines 404.

²¹² See http://www.wen.uni.lu/students/accommodation/general_terms_and_conditions (accessed 4 September 2012).

²¹³ Interview 3, lines 415 to 417.

²¹⁴ Interview 9, line 98; this is so for TCSs coming under the agreements with the Universities identified above (in the previous subtitle ‘3.1.4 Funding’) in China (3 universities), Russia (one university) and India (one university). See also subtitle 4.1.

²¹⁵ Interview 1, lines 78 and 113/114.

²¹⁶ See http://www.wen.uni.lu/students/accommodation/student_of_the_university_of_luxembourg (accessed 4 September 2012).

²¹⁷ Interview 1, lines 118 to 128, and interview 7, lines 135 to 139.

example, if students cannot find accommodation or if they cannot afford to pay for a room from the private sector.²¹⁸

Other housing possibilities are provided by the student association LISEL, which rents out 18 rooms. Each room can accommodate from one to two or three persons²¹⁹, for a price of 200 to 400 Euros per month (depending on their social situation). In two of the houses where such rooms exist, there is the possibility for the TCSs to participate in a volunteer project²²⁰ and consequently pay a reduced amount for their rents.²²¹

The University's policy consisting of dormitories' pre-reservation only for students coming via mobility programmes has been questioned by some civil actors that have participated in the national workshop (organised by the EMN NCP LU on 29 February 2012): should TCSs have priority in access to housing, because of the extra challenges they face when compared to citizens of the European Union?

Many practical issues relate to the high living expenses in Luxembourg. Between student associations and the University of Luxembourg, accommodation is a hot topic: are third-country nationals coming outside of agreements discriminated compared to "privileged" students coming within the framework of cooperation agreements and to whom accommodation is reserved/provided? The lack of information provided on (the scarcity of) accommodation has also been pointed out as a problem. Before they arrive, TCS might not be aware of the fact that they might not get a university dormitory room due to limited student accommodation available and that other private solutions are very expensive²²². The Liaison Committee of Foreigners' Associations (*Comité de Liaison des Associations d'Étrangers – CLAE*) for instance demands that the Luxembourgish authorities invest in sufficient housing possibilities for accommodating foreign students²²³ and that the provision of subsidised student accommodation is related to the financial situation of the student²²⁴.

²¹⁸ Interview 3, lines 415 to 417 and 453 to 455.

²¹⁹ Interview 8, lines 71 and 77.

²²⁰ With the Youth National Service (*Service National de la Jeunesse*), by giving support to homeless people.

²²¹ Interview 8, lines 339 to 333.

²²² CLAE (2011), p. 27.

²²³ CLAE (2011), p. 27

²²⁴ CLAE (2011), p. 54

3.1.4 Information

It is important to mention that the main source of information for foreign students in Luxembourg can be found on the governmental website “de Guichet” (www.guichet.public.lu) under the heading “Enseignement/Formation”. Information is available on how to register at the University of Luxembourg and on how to get diplomas recognized and registered. On the website there are links not only to the University of Luxembourg, but also an explanation on how to obtain an authorisation to stay, the necessary procedure for entering and staying, the explanation of the visa procedure, etc.²²⁵ Furthermore, the person can find all the legislation relating to third country national students (Law of 12 August 2003, Law of 28 August 2008, Grand Ducal regulation of 22 May 2006, Grand-ducal regulation of 5 September 2008). Additionally, there are several publications that explain the procedures and give an overview of life in Luxembourg for international students.²²⁶

Other public websites that can be accessed are: Ministry of Foreign Affairs²²⁷, City of Luxembourg²²⁸, Ministry of National Education²²⁹, Social Security Common Centre²³⁰, Ministry of Higher Education and Research²³¹ and the University of Luxembourg²³².

There are other NGO websites that provide information for third country national students, such as: *Association de Soutien aux Travailleurs Immigrés (ASTI)*²³³, *Comité de Liaison des Associations d'Etrangers (CLAE)*²³⁴ and *LISEL*²³⁵.

The availability and accessibility of information online was overall positively evaluated by the associations interviewed.²³⁶ The University of Luxembourg also sends information via e-mail.

²²⁵ <http://www.guichet.public.lu/fr/citoyens/enseignement-formation/etudes-superieures/inscription-etudes-superieures/inscription-uni-lux-ressortissants-tiers/index.html>

²²⁶ For example “Being a student in Luxembourg”, that is a joint publication between the Ministry of Foreign Affairs and the University of Luxembourg, (2011). The publication is in french and english. See <http://www.guichet.public.lu/fr/citoyens/publications/enseignement-formation/vie-etudiant-luxembourg/index.html>

²²⁷ <http://www.mae.lu/fr/Site-MAE/Bienvenue-au-Ministere-des-Affaires-etrangees/Organisation/Direction-de-l-Immigration>

²²⁸ bierger-center@vdl.lu

²²⁹ www.men.public.lu/reco_diplomes/index.html

²³⁰ www.ccss.lu / www.cns.lu

²³¹ www.mesr.lu

²³² www.uni.lu

²³³ <http://www.bienvenue.lu/page.php?url=installer/sejour/travail/sejouretudiant>

²³⁴ www.clae.lu

²³⁵ <http://www.lisel.lu>

²³⁶ Interviews 1, lines 133 to 139, 7, lines 135 to 137, and 8, lines 305 to 308.

One of the student associations however, criticised the information provided as being simplistic rather than really explaining the correlation between the different aspects of life in Luxembourg (for instance, between the limited number of students dormitory and the financial consequence when looking for a room in the private sector²³⁷). On the other hand, it was affirmed by another interviewee that TCSs, once having been granted the possibility to come to the European Union, tend to not pay much attention to the information provided, no matter how complete and extensively explained it is²³⁸.

3.1.5 Promotion of the University of Luxembourg worldwide

The University of Luxembourg is actively developing international cooperation, not only with other universities in Europe and worldwide, but also with local and international companies, which allows students to do internships and to apply their knowledge in practice. During the last two years, the University of Luxembourg has been establishing partnerships with third countries in order to attract international students to Luxembourg. Partnerships have been concluded with the King Mongkut's University of Technology Thonburi, Thailand (KMUTT)²³⁹, PSG College of Technology, Coimbatore, India²⁴⁰, Roswell Park Cancer Institute in Buffalo, New York²⁴¹, Pekin University²⁴², University of Virginia's College at Wise, Virginia²⁴³, Miami University, University of Northern Arizona, University of Illinois at Urbana, Champagne, The State University of New York (Buffalo) and Columbia University²⁴⁴.

²³⁷ Interview 7, lines 135 to 139 and 153 to 155: 'If a student comes here, he is of course informed that he needs a certain amount, but he faces problems like, for example, not having enough rooms in students dormitory. Instead of paying 500 EUR it end up paying 700 EUR. And are the third-country national students informed beforehand that they are not allowed to work? (...) because for a student coming e.g. from Senegal, or Mozambique, he will not first of all try to find Legilux.lu to try to find the law on working conditions'

²³⁸ Interview 8, lines 305 to 308: '*moi aussi, je pensais que l'université devait dire plus. Mais tout est sur le site. Quand les étudiants sont ici, je leur demande : « est ce que vous n'avez pas lu ? » Le désir de venir était plus fort. Je crois que l'information ne changera rien.*'

²³⁹ http://www.wen.uni.lu/international/latest_news/new_ties_with_maastricht_and_bangkok

²⁴⁰ http://www.wen.uni.lu/international/latest_news/agreement_with_psg_college_of_technology

²⁴¹ Joint Master's programme in systems and cancer biology involving the University of Luxembourg, the Free University of Amsterdam, the Roswell Park Cancer Institute, and the University at Buffalo in the United States. http://www.wen.uni.lu/international/latest_news/first_cansys_students_earned_a_double_masters_degree

²⁴² The latter allows for faculty as well as student exchanges in the area of Law.

http://www.wen.uni.lu/international/latest_news/new_links_with_barcelona_peking_and_virginia

²⁴³ http://www.wen.uni.lu/international/latest_news/new_links_with_barcelona_peking_and_virginia

²⁴⁴ http://www.wen.uni.lu/international/latest_news/amcham_supports_the_university_in_creating_internships_for_us_students

The possibility for students of the University of Luxembourg to take internships in large companies in third countries is another strategy for attracting students. For example, the University has agreements with Huawei Technologies in Shenzhen, Southern China.²⁴⁵

On 23 May 2012, the American Chamber of Commerce in Luxembourg (AMCHAM) has also signed a cooperation agreement to set up an internship programme in Luxembourg for students from the University of Luxembourg's partner institutions in the United States.²⁴⁶

3.2 Authorisation to stay

Once the student has received the admission letter from the University, he/she has to apply for the authorisation to stay at the Ministry in charge of immigration at the diplomatic mission which represents Luxembourg's interest in the country of origin of the applicant²⁴⁷.

3.2.1 Conditions for obtaining a student residence permit

The student authorisation to stay is only issued to the third-country nationals whose principal objective is to study a higher education institute or a university. It will only be issued if he or she fulfils the following conditions:

- a. The applicant has been accepted in a higher education institution²⁴⁸ for obtaining a diploma of higher education;
- b. The applicant has a parental authorisation to pursue the studies if he or she is not 18 years old.

²⁴⁵ http://www.wen.uni.lu/international/latest_news/seven_students_selected_for_a_work_experience_with_huawei

²⁴⁶ http://www.wen.uni.lu/international/latest_news/amcham_supports_the_university_in_creating_internships_for_us_students

²⁴⁷ See the list of diplomatic missions that Luxembourg has and of the other Member States that represents Luxembourgish interests around the world. EMN NCP LU (2011a), 'Visa Policy as Migration Channel, Luxembourg', <https://www.emnluxembourg.lu/type-documentation/visa-policy-migration-channel> (accessed 1 August 2012), pp 149 – 154.

²⁴⁸ The University of Luxembourg, any institute that delivers BTS diplomas and any other higher education institution that is approved in virtue of the Law of 14 August 1976 that has established the conditions of creation of a private establishment of higher education.

- c. The applicant proves that he/she has financial means to sustain himself/herself and to return to his country of origin.
- d. The applicant has a health insurance

The application must be filed in the country of origin of the applicant. If not, it will be considered inadmissible²⁴⁹.

The applicant must disclose his/her identity (names, first names) as well as his/her exact address in the country of residence. He/she must also enclose the following documents:

- a certified copy of his/her valid passport, in its entirety;
- a birth certificate;
- a recent extract from his/her police record or an *affidavit* issued in the country of residence;
- proof that he/she has been admitted in a higher education institution in Luxembourg;
- a parental authorisation in case that the student has not yet reached the age of 18²⁵⁰;
- proof of a health insurance covering all risks on the territory of Luxembourg;
- proof that he/she disposes of enough resources during the studies, covering residence charges and return charges. Resources can be proved:
 - either by a scholarship certificate or a student loan indicating the allocated amount and the duration;
 - or by a bank attestation;
 - or by a financial statement of support²⁵¹

²⁴⁹ Article 39 (1) of the Law of 29 August 2008. See also First instance Administrative Court, n° 28941 of 2 July 2012. '*Force est encore de constater, en ce qui concerne les conditions relatives à l'obtention d'une autorisation de séjour pour étudiant, que la loi du 29 août 2008 exige en son article 39, paragraphe 1^{er}, cité par le ministre que « La demande en obtention d'une autorisation de séjour visée à l'article 38, point 1 doit être introduite par le ressortissant d'un pays tiers auprès du ministre et doit être favorablement avisée avant son entrée sur le territoire. L'autorisation ministérielle doit être utilisée dans les quatre-vingt-dix jours de sa délivrance », l'article 38, point 1 y cité visant notamment l'autorisation de séjour pour étudiant.*'

²⁵⁰ As defined by art. 388 of the Luxembourgish Civil Code – http://www.legilux.public.lu/leg/textescoordonnes/codes/code_civil/L1_T10_minorite_tutelle_emancipation.pdf (accessed 1 August 2012).

²⁵¹ See Ministry of Foreign Affairs website: <http://www.mae.lu/en/Site-MAE/VISAS-Immigration/Long-term-stay-superior-to-three-months/Third-country-nationals> (accessed 4 September 2012).

According to the Grand Ducal Regulation of 5 September 2008 defining the criteria on resources and accommodation as provided for by the Law of 29 August 2008 on the free movement of persons and immigration²⁵² the third-country national applying for this authorisation shall provide proof of monthly resources of 80% of Luxembourg's guaranteed minimum income²⁵³. This 80% threshold has been issue of multiple debates by the civil society²⁵⁴, because it is considered "too high"²⁵⁵.

At the stage of the resources assessment²⁵⁶, any material benefits at the disposal of the applicant, such as free accommodation, as well as employment income, shall be taken into consideration²⁵⁷. This is interesting to note since some third-country nationals do receive benefits like free accommodation, as a result of agreements concluded between universities.

In case the documents are not in German, French or English, a conforming translation by a sworn translator must be enclosed.

During the procedure to grant this authorisation, the Directorate of Immigration and the University of Luxembourg are in contact on a regular basis, trying to assure that the TCSs arrive in Luxembourg in time for the beginning of the semester²⁵⁸.

An incomplete application will be sent back to the applicant. Once the examiner decides that the file is completed, the examiner will pass it to the Minister of Immigration who will take the decision.

If the application is refused or no response is issued within the delays foreseen by the law (normally three months), the applicant can introduce a recourse to the first instance administrative court. The delay for introducing the recourse is three months (art. 16 of the

²⁵² JO, *Mémorial* A, No. 138, of 10/09/2008, p. 2053, consolidated version of 3 February 2012, JO, *Mémorial* A, No. 80, of 26/04/2012, <http://www.legilux.public.lu/leg/a/archives/2012/0080/a080.pdf#page=44> (accessed 1 August 2012), pp. 916 to 918.

²⁵³ Art. 4 (1). The guaranteed minimum income in Luxembourg was firstly defined by the amended law of 29 April 1999 (JO, *Mémorial* A, No. 60, of 01/06/1999). At present it is set at 1 315,31 Euros - http://www.fns.lu/bareme_RMG.php (accessed 8 October 2012). 80% of this value is, therefore, 1 026,59 Euros.

²⁵⁴ See also *supra*, subtitle 2.2.

²⁵⁵ EMN NCP LU (2012), *Minutes of the EMN Workshop: Immigration of International Students to Luxembourg*, 29 February 2012, unpublished; interview 7, lines 15 to 20.

²⁵⁶ Art. 4 (2) of this Grand Ducal Regulation contains the list of documents that are accepted as proof of financial means: a) a certificate of a scholarship or of a student loan stating the amount granted and its duration; b) a bank statement proving the required resources; c) declaration of liability for the TCN's costs during the stay, including those with studies and health (of at least one academic year), as well as with the return.

²⁵⁷ Art. 4 (3).

²⁵⁸ Viewpoint of three public officers at the Ministry for Foreign Affairs, interview 6, semi-structured (in French), 6 June 2012; also interview 3, lines 338 to 340.

Amended Law of 21 June 1999²⁵⁹) from the notification date of the decision. Against the decision of the first instance administrative court the applicant has the right to make an appeal to the Administrative Court (*Cour administrative*). The delay for this is 40 days (art. 38).

3.2.2 Insurance and access to health services

As mentioned above, third-country national students need to have health insurance in order to receive an authorisation to stay.²⁶⁰

Up until 31 December 2010, the State's budget bore the burden of the health-insurance contributions for students (third-country students, basically) registered at the University of Luxembourg and who were uninsured or did not enjoy the status of co-insured.

In 2012, students have had to pay a minimum contribution of 100,88²⁶¹ € to the National Health Fund (*Caisse nationale de santé*, or CNS). Initially, the University of Luxembourg had assumed this contribution.

The initial bill modifying the Law of 12 August 2003 to create the University of Luxembourg, introduced to Parliament on 17 May 2011²⁶², settled the question of students' social security regarding the required health-insurance affiliation by granting the university the possibility of negotiating policies designed for students with the insurance companies. During the Government Council session of 29 July 2011, the Minister for Higher Education and Research had suggested abandoning the option of private insurance and instead resorting to a public-sector solution that would allow students to remain in the personal scope of the general health- and dependency-insurance system.

²⁵⁹ See Mémorial A-196 of 19 September 2011.

²⁶⁰ <http://www.legilux.public.lu/leg/a/archives/2011/0196/a196.pdf#page=18>

²⁶¹ Article 56 of the Law of 29 August 2008

²⁶² See <http://www.ccss.lu/volontaires/maladie/> (accessed 4 September 2012).

²⁶² Bill amending the Law of 12 August 2003 to establish the University of Luxembourg; amending the Social Security Code; amending the amended Law of 25 July 2002 on the establishment of a public institution for the implementation of State facilities at the Belval-Ouest site, Chamber of Deputies of the Grand Duchy of Luxembourg (2011), Document No. 6283/00, 5.5.2011, Ordinary Session 2010/2011, 7.6.2011, <http://www.chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&id=6283> (accessed 4 September 2012). It is important to mention that this bill was not yet voted and the last parliamentary document received is the advice of the Council of State introduced in Parliament on 14 June 2012. See Parliamentary Document No 6283/07, http://www.chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/130/110/112099.pdf (accessed 4 September 2012).

On 14 October 2011, the Government Council adopted governmental amendments to the Bill modifying the Law of 12 August 2003 on the creation of the University of Luxembourg.

The amendments presented to Parliament on 16 November 2011²⁶³ called for the students to affiliate with a legal health-insurance system, as understood by the Social Security Code or under the laws of a State with which Luxembourg is bound by a bilateral or multilateral social-security instrument. They also concerned the definition of the “student” status; the payment conditions of the student’s contributions; and the student’s entry and exit declarations to the Joint Social Security Centre (*Centre commun de la sécurité sociale*, or CCSS). As for the assessment basis, derogation to the mandatory minimum contribution of 100,88 Euros is considered, through the creation of a “student” contribution of 33 €, to be borne by the student²⁶⁴.

In Luxembourg once the student has insurance he/she can have access to the health services.

3.3. D Visa

The D visa or long stay visa entitles its holder to stay for more than 90 days in the territory of the country that issued it. It also entitles its holder to travel in the Schengen area for up to 3 months²⁶⁵. It is important to notice that the new D visa has integrated the ancient D+C visa which disappeared on 5 April 2010 with the Visa Code entering into force.

In Luxembourg, the D visa is a prerequisite for obtaining a resident permit. Article 39 of the Law on the free movement of persons and on immigration is clear that the application for the authorisation to stay and for the visa has to be done from the country of origin. In this case the diplomatic representation that represents Luxembourg does not have any discretion in issuing the visa and it is compelled to send the application directly to the Ministry of Foreign Affairs in Luxembourg, who is the only competent authority that can take the decision related to the residence permit and the D visa. However, the diplomatic representation will help in the examination procedure of the application.

²⁶³ See <http://www.chd.lu/wps/portal/public/RoleEtendu?action=doDocpaDetails&id=6283> (accessed 4 September 2012).

²⁶⁴ EMN NCP LU (2012b), ‘2011 Policy report on migration and asylum’, Luxembourg, https://www.emnluxembourg.lu/sites/default/files/EMN%20NCP%20LU%20Policy%20report%20on%20migration%20and%20asylum%202011_0.pdf (accessed 4 September 2012), pp. 160 – 161.

²⁶⁵ With the visa code the qualification of Visa D+C was incorporated in the new D Visa.

It is necessary to distinguish between the application for the authorisation to stay and the visa. The application for the authorisation to stay has to be introduced first. The delay in which the Ministry of Foreign Affairs has to respond is normally 3 months in the case of students.

In exceptional cases, linked to the complexity of the application's investigation, this period may be extended.

In any case the delay starts to run when the file is completed.

Once the authorisation to stay is accorded, the applicant has 90 days to obtain the D visa in case it is needed or 90 days to enter the country, in case the applicant does not required a visa to enter.

The applicant must file the normal visa application form in the Luxemburgish diplomatic mission or of the Member State that represent Luxembourg's interests in the country of origin of the applicant, and he/she has to present the administrative decision that gives hime/her the resident authorisation.

In any case the applicant must apply for the visa 90 days after the notification of the decision was made to him/her²⁶⁶. If he/she does not apply in that period of time the visa will be refused and the applicant must begin the entire procedure again.

Normally the visa will be issued quickly, as the residence authorisation already has been approved. Nevertheless, if the diplomatic representation discovers new information about the applicant that had been hidden from the embassy or that the documents submitted are false, the diplomatic mission will stop the procedure and contact the Ministry of Foreign Affairs. In this case, the Ministry will have to decide if the visa is going to be denied or not²⁶⁷.

The decision in favour of the the residence authorisation and the issuance of the visa is signed by the Directorate of Immigration. However, the visas are initialized by the diplomatic representation agent who has issued the visa in accordance with the decision, as a proof of validity of the visa.

²⁶⁶ See First instance Administrative Court, 1st Chamber, No. 28941.

²⁶⁷ EMN NCP LU (2011a), p. 64. However, it is important to notice that art. 35.2 of the Visa Code allows another Member State to abrogate a visa. In this case the authorities of the other Member State must inform the issuing country.

3.4 The residence permit

Once the person has been granted an authorisation to stay and the visa, the third country national can enter the territory²⁶⁸.

Within three working days following the entry of the third-country national on Luxembourg territory, the holder of the temporary authorisation to stay must submit a declaration of arrival (*“Déclaration d’arrivée”*) to the municipality (*“Administration communale”*) of the chosen place of residence. A copy of the declaration will be issued to him/her as receipt. The holding of this receipt and of the temporary authorisation to stay proves the lawfulness of the residence up to the issue of the residence permit.

Subsequently, the third-country national must take a medical examination with a general doctor established in Luxembourg²⁶⁹ and authorised to work as such. This visit is not reimbursed by the Social Security Commun Centre. Then, he/she has to take a tuberculosis test at the *“Ligue médico-sociale”*²⁷⁰. These results will be sent to the Ministry of Health who will inform the Immigration Directorate if the medical conditions are fulfilled in order to obtain a residence permit for Luxembourg.

It is important to mention that this residence permit is different from the other ones foreseen by the Law of 29 August 2008 (salaried worker, high skilled worker, independent worker, transferred worker, posted worker, family reunification, private reasons), because the students do not have to prove that they have adequate accommodation in order to obtain the residence permit²⁷¹. However, Luxembourg has a lodging problem in general and the accommodation available is really expensive. This creates a problem for international students seen the lack and affordability of student housing (See Section 3.1.3)

It is also important to mention that the “student” residence permit is considered as a precarious residence permit by the administrative courts.²⁷²

²⁶⁸ Articles 34 (1) and 38 of the Law of 29 August 2008.

²⁶⁹ Article 41 (1) of the Law of 29 August 2008.

²⁷⁰ www.ligue.lu (accessed 4 September 2012).

²⁷¹ See article 58 (1) and (2) of the Law of 29 August 2008.

²⁷² See First instance administrative Court, 1st Chamber, No. 28941. The Court said: *‘C’est ainsi que le ministre, après avoir constaté que la durée de séjour du demandeur sur le territoire luxembourgeois était relativement court - le demandeur étant arrivé au Luxembourg en 2003, et ce seulement sur base d’un titre de séjour précaire - le tribunal devant de concert avec la partie étatique souligner que la délivrance d’un titre de séjour pour étudiants ne l’est qu’à titre provisoire et précaire, sans que la délivrance d’un tel titre ne puisse*

Finally, the third-country national applies for the residence permit at the Directorate of Immigration of the Ministry of Foreign Affairs by using the form to apply for the issuance of the residence permit and joining all the documents enumerated on the form.

After reception of the application for a residence permit and the notification of the medical results by the Ministry of Health, the Immigration Directorate invites the applicant by letter to present himself/herself personally at their counters with his/her valid passport, for the biometric data (photo and fingerprints) to be taken. This data will be incorporated into the residence permit. The applicant may bring a photo. This photo needs to be conforming to the norms of the OACI/ICAO (« standard biometric passport »)²⁷³. The third country national must also pay a 30 euro tax for the issuance of the residence permit.

3.5. Stay

The student residence permit is valid for a minimum period of one year unless the cycle of studies is of a shorter period. In this case, the validity of the residence permit covers only the exact period of the studies in Luxembourg (art. 57 (2)). For bachelor and master students, the permit is issued for a one-year period, until 31 October of the following year²⁷⁴, whereas for PhD students and students of the Luxembourg School of Finance it will be issued for a longer period²⁷⁵.

3.5.1 Registration at the University of Luxembourg

It is important to mention that once the residence permit is obtained, the student must register at the University. TCSs shall pay the same fees as any Luxembourg national. All Bachelor programmes have an enrolment fee of 200 Euros per semester and most Master programmes require the payment of the same amount.

servir de prétexte à permettre une immigration plus durable - a estimé que cette durée ne saurait être considérée comme étant suffisamment longue afin de ne pas prononcer un refus de séjour.

²⁷³ See articles 17 and 18 of the Grand-Ducal Regulation of 5 September 2008 on the implementation of certain clauses concerning the administrative procedures provided for by Law of 29 August 2008 on the free movement of persons and immigration (hereafter Grand-Ducal regulation on the implementation of certain administrative procedures), JO, *Mémorial A*, No. 138, of 10/09/2008, pp. 2058, consolidated version of the 3 February 2012, JO, *Mémorial A*, No. 80, of 26/04/2012, pp. 911 to 916, <http://www.legilux.public.lu/leg/a/archives/2012/0080/a080.pdf> (accessed 4 September 2012).

²⁷⁴ Interview 6.

²⁷⁵ Point of view of the government, Interview 6. The case of PhD students will be of a residence permit of a validity respecting the duration of the contract with the host institution; another example has been that of students of the Luxembourg School of Finance registered for a three semester programme, case in which they have received a permit for a three semester period.

3.5.2 Renewal and withdrawal

In case the residence permit is issued for a one-year period²⁷⁶, it is renewable, upon request, for another one-year period, or for a shorter period in order to finish the studies (art. 57(1))²⁷⁷. For the renewal, the conditions of the initial residence permit must still be met (article 56 (1))²⁷⁸ and the application for renewal must be lodged up to two months before the current one expires²⁷⁹. There are no legal requirements obliging students to return to their country of origin before applying for the renewal. At this level the Directorate of Immigration and the University of Luxembourg are in contact and normally, if all conditions are fulfilled the

²⁷⁶ For bachelor and master students, the permit is issued until the 31st October of the following year, in order to give them time to repeat the exams they failed before the summer and to work during the summer, in case they want to – interview 6.

²⁷⁷ The student must file a form at the Ministry of Foreign Affairs and join all the documents required. See <http://www.mae.lu/Site-MAE/VISAS-Immigration/Long-sejour-superieur-a-trois-mois/Ressortissants-de-pays-tiers>

²⁷⁸ See the First instance Administrative Court, 3rd Chamber of 19 June 2012. The court said: “*Force est au tribunal de constater que le demandeur n’a plus été inscrit à l’Université de Luxembourg durant le semestre d’été 2010/2011, tel que cela ressort d’un courrier électronique du 19 décembre 2011 adressé par le service des Etudes et de la Vie Etudiante de l’Université du Luxembourg à un agent du ministère des Affaires étrangères, Direction de l’Immigration, de sorte qu’il ne remplit plus la condition prévue par l’article 56 (1) de la loi du 29 août 2008 tenant à l’inscription dans un établissement d’enseignement supérieur. Par conséquent, c’est a priori à bon droit que le ministre a, se ralliant à l’avis de la commission ayant siégé le 23 mai 2011 conformément à l’article 149 de la loi du 29 août 2008, procédé au retrait de l’autorisation de séjour du demandeur en qualité d’étudiant.* » See also First instance Administrative Court, 2nd Chamber of 10 November 2008.. The court said: *Il y a également lieu de souligner qu’il ne s’agit pas d’un refus de prolongation d’une autorisation de séjour, étant donné que l’autorisation de séjour dont disposait Monsieur ... en tant qu’étudiant n’était plus valable depuis le 31 octobre 2005. Il s’agit en l’espèce d’une décision prise sur initiative du ministre au vu notamment de la condamnation judiciaire intervenue dans le chef du demandeur.*

Monsieur ... est venu seulement en août 2002 au Luxembourg où il a bénéficié d’une autorisation de séjour en tant qu’étudiant, laquelle était régulièrement renouvelée et valable en dernier lieu jusqu’au 31 octobre 2005. Il a commencé, à peine 3 ans après son arrivée au Luxembourg, à commettre des infractions graves. En date du 7 novembre 2007, Monsieur ... a été condamné notamment pour escroquerie à une peine d’emprisonnement de 30 mois, dont 10 mois ont été assortis du sursis et à une amende de 1.500 €.

Au vu de ces faits et notamment au vu de cette condamnation pénale très récente, il y a lieu de retenir que le ministre a valablement pu retenir que le demandeur est susceptible de troubler la sécurité et l’ordre publics. Les considérations avancées selon lesquelles le demandeur disposerait déjà d’une promesse d’embauche et qu’il pourrait s’inscrire à l’université pour terminer ses études n’enlèvent rien à la constatation ci-avant retenue. »

²⁷⁹ Article 57, pars. (1) and (2) of the Law of 29 August 2008 and art. 10 of the Grand-Ducal regulation on the implementation of certain administrative procedures. See the First instance Administrative Court, 3rd Chamber of 19 June 2012. The court said: “*Aux termes de l’article 39 (3) de la loi du 29 août 2008 : « Par dérogation au paragraphe (1) qui précède, le bénéficiaire d’une autorisation de séjour supérieure à trois mois, à l’exception des personnes visées à la sous-section 4 et sans préjudice de l’article 59, peut avant l’expiration de son titre de séjour faire la demande en obtention d’une autorisation à un autre titre auprès du ministre, s’il remplit toutes les conditions exigées pour la catégorie qu’il vise.* » ...

Force est de constater que le demandeur, au moment de l’introduction de sa demande en obtention d’une autorisation de séjour en qualité de travailleur indépendant, était titulaire d’une autorisation de séjour en qualité d’étudiant, de sorte que le ministre pouvait en principe à bon droit constater qu’il ne tombait pas dans l’hypothèse prévue par l’article 39 (3) de la loi du 29 août 2008 dans la mesure où les étudiants, tel que relevé ci-avant, sont expressément exclus du champ d’application de cette disposition et ne peuvent ainsi pas solliciter une autorisation de séjour à un autre titre.”

renewal is standard procedure²⁸⁰. However, student associations criticise the fact that the renewals require a lot of paper work to confirm that the conditions are still fulfilled²⁸¹.

During the first two semesters the student must validate at least 25 ECTS in order to continue his/her studies²⁸². If the student has not validated the 25 ECTS he/she will be excluded from the programme for two consecutive semesters.

It is important to note that if the Directorate of Immigration is of the opinion that the student does not fulfil the requirements²⁸³, that he/she had provided false information or made false statements, that he/she does not respect the work time limits imposed by article 57 (3) of the Law of 29 August 2008²⁸⁴, that he/she does not make sufficient progress in his/her studies according with the internal regulation of the higher education institution²⁸⁵ or that the student does not finish the programme where he/she is registered for in the maximum period of time²⁸⁶, the residence permit will not be renewed or it can be revoked at any time²⁸⁷.

Article 7 of the Grand Ducal Regulation of 22 May 2006 determines the necessary stages to be accomplished in order to succeed in the studies and to be accepted for next registrations (semester or year): it is required that by the end of the two first semesters students (not only international, but also national) have completed 25 ECTS.

²⁸⁰ Governmental point of view, Interview 6.

²⁸¹ Viewpoint of a representative of a students association, interview 1, semi-structured (in English), 26 March 2012, lines 245 and 246.

²⁸² Article IV.2.101, par. 9, of the ROI establishes that a student that has not accomplished 25 ECTS in accordance with article 7, par. 3, of the Grand-ducal regulation of 22 May 2006, is excluded for 2 consecutive semesters.

²⁸³ Article 57 (1) of the Law of 29 August 2008.

²⁸⁴ Article 57 (4), par. 1, of the Law of 29 August 2008. Transposition of article 12(2) of the Directive 2004/114/EC

²⁸⁵ Article IV.2.101 of the ROI expressly indicates that if the student during his/her two first semesters does not complete 25 ECTS will be excluded from the programme. The article says: *‘Un étudiant qui n’a pas validé 25 ECTS, au sens de l’art. 7 du Règlement Grand-Ducal du 22 mai 2006 relatif à l’obtention du grade de bachelor et du grade de master de l’Université du Luxembourg, est exclu du programme pour 2 semestres consécutifs, et conserve les ECTS des cours ou modules acquis, ainsi que les notes correspondantes. Ainsi, un étudiant qui s’inscrit au 1er semestre de 1ère année d’un Bachelor B (programme de 180 ECTS) en septembre de l’année X, qui n’a pas validé 25 ECTS après les examens cumulés de février et de juin de l’année X+1, est exclu du Bachelor B de l’année X. Il peut se réinscrire en 1er semestre de 1ère année du Bachelor B au plus tôt en septembre de l’année X+2. La durée maximale, au sens de l’Art. 4 Règlement Grand-Ducal du 22 mai 2006 relatif à l’obtention du grade de bachelor et du grade de master de l’Université du Luxembourg, tient compte de la période totale : dans l’exemple considéré, l’étudiant n’aura plus que 8 semestres, et non pas 10, pour terminer son parcours.’*

²⁸⁶ Each bachelor programme at the University must be completed in a maximum of ten to twelve semesters (depending on the total number of ECTS to accomplish in the specific study programme) and the master programme in a maximum of four to six semesters (also depending on the total number of ECTS to accomplish in the specific study programme)

²⁸⁷ It is important to mention that, for the Directorate of Immigration to act, the University of Luxembourg must inform them that the student is not sufficiently progressing and that he is not accomplishing the minimum requirements. Point of view of the Government, Interview 6.

Here the University is the primary filter to determine the continuation of the studies and must inform the Directorate of Immigration. The reason for this is that no reinscription of a student will automatically prevail on any other reason for not renewing the residence permit²⁸⁸.

3.5.3 Employment

Employment engagement during the studies is allowed only under certain conditions and within certain limitations²⁸⁹, according to article 57(3) of the Law of 29 August 2008. No special working permit is necessary to this end,²⁹⁰ but employers must notify the Minister in charge of immigration that he/she has engaged a third-country national student²⁹¹.

Students enrolled in programmes leading to an advanced vocational diploma as qualified technician (BTS), as well as bachelor students, are not allowed to work during their first year of studies, unless they work at the higher education institution they are studying in (art. 57 (3)). It is important to mention that article 57 (3) of the Law of 29 August 2008 (art. 57)

²⁸⁸ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), *Commentaire des articles*, p. 71. The bill says, commenting article 57: *‘Le paragraphe (4) précise les conditions du non-renouvellement ou de retrait du titre de séjour. Il s’agit de conditions supplémentaires venant s’ajouter à celles prévues pour l’octroi des autorisations de séjour à l’article 56, paragraphe (1), sans préjudice des limitations au séjour prévues à l’article 101. Le point 2 vise le cas de l’étudiant qui ne progresse pas suffisamment dans ses études. Ce sont les établissements d’enseignement qui constituent un filtre préalable au contrôle exercé par les autorités compétentes en matière de titres de séjour, dans la mesure où le fait pour eux de ne pas réinscrire un étudiant privera automatiquement celui-ci de la possibilité de renouveler son titre de séjour, faute de continuer à satisfaire à l’article 56, paragraphe (1), point 1.’*

²⁸⁹ This is one of the major points mentioned in Bill on free movement of persons and immigration (Chamber of Deputies of the Grand Duchy of Luxembourg, 2007, Document No. 5802/00) in the comment of article 57. The bill says: *‘Cette disposition reconnaît aux étudiants le droit de travailler dans la limite de dix heures par semaine, afin de préserver l’objectif essentiel de leur séjour qui est de suivre un programme d’études et d’éviter que le statut d’étudiant ne soit détourné de son objet par des ressortissants de pays tiers abusant de cette possibilité pour exercer une activité professionnelle au lieu de s’adonner à des études. La limite de dix heures est considérée comme compatible avec un programme d’études à temps plein, tout en permettant à un étudiant de jouir de la possibilité de compléter significativement les ressources dont il a besoin pour vivre. Cette limitation ne s’applique pas aux périodes de vacances. La directive permet aux Etats membres de limiter l’accès à des activités économiques pendant la première année de séjour. Il a été fait usage de cette faculté pour les étudiants inscrits à la formation menant au grade de bachelor qui ne sont autorisés à exercer un travail qu’après avoir accompli les deux premiers semestres de leurs études.’*

²⁹⁰ Art. 1 of the Grand Ducal regulation of 5 September 2008 on the practice of an employment activity by a student as provided for by law of 29 August 2008 on the free movement of persons and immigration (JO, Mémorial A, No. 138, of 10.09.2008, <http://www.legilux.public.lu/leg/a/archives/2008/0138/a138.pdf#page=34> (accessed 1 August 2012) mentions the only document needed is the residence permit.

See also Committee on Foreign and European Affairs, Defence, Cooperation, and Immigration (2008), *Report on the Bill on the free movement of persons and immigration*, 03.07.2008, Document No. 5802/17 (in French), Ordinary Session 2007-2008, 10.07.2008,

http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=981803&fn=981803.pdf (accessed 4 September 2012), p. 29.

²⁹¹ Art. 2 of the same regulation.

makes reference to the first two semesters of studies, while the Directive 2004/114/EC refers to the ‘first year of residence’ (art. 17(3)). Therefore, the mentioned national provision²⁹², if a student changes from one study programme to another (from one bachelor programme to another, for instance) and is therefore in its second year of residence in Luxembourg, will still not be allowed to work outside the education institution where he/she studies²⁹³.

From the third semester of a bachelor or of a cycle of studies leading to the BTS onwards, students are permitted to work for a maximum monthly average of ten hours per week (art. 57(3)). This time limitation does not apply to the research work undertaken by PhD students at the higher education institution or at any accredited research institute, nor does it apply during school vacations (art. 57(3)). It also does not apply to PhD students who have a work contract with the University of Luxembourg (article 57 (3)).

Time restrictions to employment during the studies have been criticised by some of the persons interviewed and by some stakeholders through their opinions on the bill on the free movement of persons and immigration and later on in the civil society²⁹⁴.

During the debates on the Law of 29 August 2008, there were at least three criticisms to these limitations. The joint opinion of several Luxembourgish associations and organisations focused on the point that the limitations would entail more (social) difficulties to TCSs, creating a contrast between students with more and less financial possibilities, and on the fact that the ten-hour weekly limitation would also limit the spectrum of jobs available for these students.²⁹⁵ The Chamber of Commerce underlined the fact that in order to face the living

²⁹² Interview 6.

²⁹³ Chamber of Deputies of the Grand Duchy of Luxembourg (2008), ‘Amendments adopted by the Committee on Foreign and European Affairs, Defence, Cooperation, and Immigration’, Document No. 5802/13, 19.06.2008, Ordinary Session 2007/2008, 26.6.2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=981007&fn=981007.pdf (accessed 4 September 2012). It was mentioned (p. 10): ‘Dans un souci de traitement égalitaire et aux fins d’éviter toute inscription fictive à une formation universitaire aux seules fins d’obtenir le droit de travailler, il est proposé d’élargir l’interdiction de se livrer à une activité salariée pendant la première année de leur séjour aux étudiants effectuant des études menant au brevet de technicien supérieur. La commission décide de modifier la deuxième phrase du paragraphe (3) de la manière suivante: Amendement 26

„Les étudiants inscrits à une formation menant au grade de bachelor Les étudiants inscrits à des formations menant au brevet de technicien supérieur ou au grade de bachelor n’y sont autorisés qu’après avoir accompli les deux premiers semestres de leurs études, à moins que le travail rémunéré qu’ils entendent exercer ait lieu au sein de l’établissement d’enseignement supérieur où ils sont inscrits.”’.

²⁹⁴ CLAE (2011), pp 27 and 54.

²⁹⁵ ASTI et al., ‘Joint Opinion on the Bill on the Free Movement of Persons and Immigration N°5802’, Document n° 5802/04. They argued: ‘42. L’article 57 (3) règle l’accès au travail, en dehors des vacances scolaires, des étudiants ressortissants de pays tiers. Cet accès est limité à une durée hebdomadaire de 10

expenses in Luxembourg, it should be TCSs decision on how many hours they would have to work and therefore proposed to allow them to work for 40 hours per week.²⁹⁶ The National Council for Foreigners (*Conseil National pour Étrangers*), also considered that the ten hours limitation per week should be increased (to twenty hours), whereas in the first year of studies students should also be allowed to work for a maximum of ten hours per week.²⁹⁷ However, the Council of State in his opinion to the bill n° 5802²⁹⁸ commenting article 57 did not mention any discrimination and it considered that the bill was in accordance with the Directive.

heures. Les étudiants en première année ne peuvent pas y accéder, à moins qu'ils exercent une activité rémunérée au sein de l'établissement d'enseignement supérieur.

Les auteurs du projet justifient cette interdiction de travailler la première année et la limitation à 10 heures par semaine par le fait de vouloir „(...) éviter que le statut d'étudiant ne soit détourné de son objet par des ressortissants de pays tiers abusant de cette possibilité pour exercer une activité professionnelle au lieu de s'adonner à des études“.

L'article 57(3) se réfère aussi au projet de loi 5733, relatif aux aides à la formation-recherche.

L'article 3 de ce projet fixe, lui aussi, à 10 heures par semaine maximum le nombre d'heures de travail hebdomadaire, mais cette fois-ci sans faire de distinction entre les années d'études.

Tout d'abord, il faut constater que l'immense majorité des étudiants de l'Université du Luxembourg sont des ressortissants de l'Union européenne qui ne connaissent à l'heure actuelle aucune restriction en ce qui concerne l'exercice d'un travail rémunéré.

Dès lors, imposer trop de restrictions aux étudiants de pays tiers, à priori pas mieux lotis financièrement que les étudiants de l'UE, revient à accentuer le fossé et la sélection sociales au détriment d'étudiants provenant de couches sociales défavorisées.

Par ailleurs, limiter à 10 heures par semaine pareil travail, réduit le potentiel de jobs entrant en ligne de compte...'

²⁹⁶ Chamber of Commerce (2008), *Opinion on the Bill on the Free Movement of Persons and Immigration* Parliamentary document N°5802/05 of 27 February 2008 (27.02.2008, http://chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/export/exped/se_xpdata/Mag/073/675/067724.pdf p. 12: 'La Chambre de Commerce estime que l'étudiant devrait avoir suffisamment de discernement pour estimer de par lui-même quelle est la charge de travail salariée compatible avec son statut d'étudiant.'

²⁹⁷ National Council for Foreigners (2008), 'Opinion on the Bill on the Free Movement of Persons and Immigration' (in French), 20.3.2008, Document No. 5802/9, Ordinary Session 2007-2008, 30.04.2008, http://www.chd.lu/wps/PA_1_084AIVIMRA06I432DO10000000/FTSShowAttachment?mime=application%2fpdf&id=975922&fn=975922.pdf (accessed 28 August 2008), p. 4: 'les étudiants dûment inscrits à l'Université de Luxembourg devraient être autorisés à travailler dès la première année pendant un nombre maximal de 10 heures par semaine et de 20 heures par semaine pour les années suivantes.'

²⁹⁸ 'Opinion on the Bill on the Free Movement of Persons and Immigration' (in French), 20.05.2008, Document No. 5802/10, Ordinary Session 2007/2008, 29.5.2008, http://chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServingServletImpl/?path=/export/exped/se_xpdata/Mag/001/706/070005.pdf (accessed 4 September 2012), p. 20: 'Le paragraphe 3 de l'article sous examen transpose l'article 17 de la directive. Seule une activité salariée est autorisée, la directive ne faisant pas obligation aux Etats membres d'autoriser aussi l'exercice d'une activité économique indépendante (l'article 17 dispose que les étudiants sont autorisés à être employés et peuvent être autorisés à exercer une activité économique indépendante).

S'agissant de l'interdiction de se livrer à une activité salariée pendant la première année de séjour (article 17, paragraphe 3 de la directive), les étudiants inscrits à un cycle d'études menant au Brevet de technicien supérieur ne semblent pas visés par l'exclusion des étudiants menant au grade de bachelor.

La question se pose d'ailleurs s'il y a lieu d'opter pour une exclusion des étudiants de première année de toute activité salariée.

Le paragraphe 4 de l'article sous examen transpose l'article 12 de la directive.'

After the entry into force of the Law, discussions in the civil society have continued. One of the principal points of discussions was the discrimination concerning access to work.²⁹⁹ In this regard, it should be mentioned that the 7th Congress of Immigration Associations, held on 12 and 13 November 2011 in Luxembourg, adopted as one of the points in its resolution that any form of discrimination concerning access to work should be abolished, and especially with regards to the case of TCSs.³⁰⁰

Moreover, it has been repeated by civil society actors that the spectrum of jobs is very much reduced when the student is limited to only work for 10 hours³⁰¹ and that the lack of knowledge on the employers' side concerning TCSs engagement creates difficulties³⁰². In the above-mentioned Congress, the point was also made that TCSs in the first year of the bachelor programmes of study should be allowed to work³⁰³ and that the weekly maximum hours of work should be twenty, instead of ten, in order to open the possibilities of access to studies also to students facing more financial difficulties³⁰⁴ (instead of privileging the ones with better financial conditions).

It has also been mentioned by two interviewees that the fact that TCSs are not allowed to work and have less financial resources than Luxembourgers creates material and psychological barriers to their progress in their studies and their participation in social activities, which are two sides of the students' lives that are not disconnected from each other.³⁰⁵

²⁹⁹ During the workshop organised by the EMN NCP LU as a preparation to this study, the discrimination of TCNs was brought up at many occasions (not only in comparison with Luxembourgers/EU citizens, but also between nationals from different third-countries and from the financial perspective), although not always consensual among the participants – EMN NCP LU (2012a). Nevertheless, see the Discussion mentioned in Section 2.2.

³⁰⁰ CLAE (2011), p. 12: *'Que toute forme de discrimination légale concernant l'accès au travail et à la formation doit disparaître (préférence communautaire, restriction d'accès selon le titre de séjour, accès à la fonction publique, délais administratif, reconnaissance des diplômes, autorisation de séjour des étudiants des pays tiers,...). Les députés européens luxembourgeois doivent également être attentifs à ces questions : les directives européennes actuelles ou en discussion sont loin de garantir l'égalité de traitement entre travailleurs.'*

³⁰¹ As mentioned at least by one of the interviewees – interview 8, lines 5-6 (*'ce sont surtout les employeurs qui n'ont pas de postes de dix heures'*).

³⁰² Interview 1, lines 300 to 302, and interview 8, lines 275-276.

³⁰³ CLAE (2011), p. 54.

³⁰⁴ CLAE (2011), p. 27.

³⁰⁵ Interview 1, lines 318 to 323 (*'Generally, the TCS financial conditions prevent you from focusing on your studies, it prevents you from integrating into society. If we [third-country nationals] cannot get scholarship and you have 700 EUR expenses per month, and you have 400 EUR per month as an income, it becomes very stressful – how can you pay your rent? How can you integrate? How can you go out? How can you discover the Luxembourgish society? You have to go out. It keeps you in your small environment and you cannot enjoy the whole package'*), and interview 7, lines 60 to 65 (*'So we should not stop them from being able to work, to*

However, the position of the government is to maintain the restriction as foreseen by the law because the main objective of the “student” residence permit is to study and to obtain a degree³⁰⁶ and not to work.³⁰⁷

3.5.4 Family reunification

Family members are not allowed to accompany the international student if they are third country nationals. The main reason is that this situation is not foreseen by article 69 (1) of the Law of 29 August 2008. This article indicates that the family reunification of a third country national family member can only be granted if the sponsoring third country national fulfils the following criteria:

- holds a residence permit valid for at least one year, has been living in Luxembourg for at least twelve months and has reasonable prospects of obtaining the right to long-term residence;
- provides proof of stable, regular and sufficient resources to cover his or her own needs and those of dependent family members without using the social security system;
- he/she has adequate housing for the family member(s);
- he/she has health insurance cover for him/herself and family members.

guarantee them better conditions. Because, on the other hand, what does it mean for a student coming to Luxembourg, not allowing him to work, becoming a depressive, sad person because of financial problems? We have to think about this too, because nobody is paying attention to this either. There is no study on what is the effect of financial situation on his motivation for studies. Nobody is talking about that.’)

³⁰⁶ This position is confirmed by judgment n° 28941 of the First instance Administrative Court, 1st Chamber of 2 July 2012. The court said: « ...à l'issue de ses études, rompre le cas échéant avec ses connaissances autochtones et retourner dans son pays d'origine, n'a rien d'exceptionnel, mais constitue, de manière générale, la règle pour les étudiants étrangers au Luxembourg, ainsi que pour les étudiants luxembourgeois à l'étranger. »

³⁰⁷ Bill on the free movement of persons and immigration, Chamber of Deputies of the Grand Duchy of Luxembourg (2007), Document No. 5802/00, p. 71 : ‘La limite de dix heures est considérée comme compatible avec un programme d'études à temps plein, tout en permettant à un étudiant de jouir de la possibilité de compléter significativement les ressources dont il a besoin pour vivre. Cette limitation ne s'applique pas aux périodes de vacances. La directive permet aux Etats membres de limiter l'accès à des activités économiques pendant la première année de séjour. Il a été fait usage de cette faculté pour les étudiants inscrits à la formation menant au grade de bachelor qui ne sont autorisés à exercer un travail qu'après avoir accompli les deux premiers semestres de leurs études. Une exception est prévue pour les travaux de recherche effectués par l'étudiant en vue de l'obtention d'un doctorat.’ Interviews 4, lines 134 to 139, and 6. One interviewed expert has furthermore given examples of some previous misuses in this regard - Interview 4, lines 122 to 128.

It is evident that the student, in most of the cases, rarely fulfils the proof of sufficient resources for himself/herself and as a consequence the possibility of family reunification is not authorised by law.

3.6 Period following the completion of study

As we mentioned in the policy section (Section 2.3), a third country national student can stay in the country after finishing his/her studies for a first professional experience. However, the student must introduce the application before the expiration of his/her residence permit³⁰⁸.

When reaching the end of their studies, no extra period is granted to TCSs for a job search or any other purposes. Since the residence permits for students on bachelor and master programmes are always valid until the 31st October of the year in which the student finishes his/her studies³⁰⁹, the Government's position is that the period of time going from the end of the studies until the 31st of October is sufficient to look for a job.

However, for PhD students there seems to be time pressure to search for a job before finishing their studies, since their residence permit is only valid until the day their contract with the hosting institution expires. Therefore, there were discussions between the University and the Government on whether there should be a time-period granted to them after finishing the studies so that they can start a job search.³¹⁰

A salaried worker residence permit can be authorized for a maximum period of 2 years if the applicant fulfils the following conditions:

- a. The applicant has obtained his higher education diploma;
- b. He/she wishes to complete his/her academic education with a first professional experience that serves the economic interests of the Grand Duchy of Luxembourg and those of the country of origin;
- c. The economic activity that the applicant wants to develop is related to his/her academic formation;
- d. He/she is in possession of a work contract that has been declared vacant at the

³⁰⁸ See note on students posted by the Ministry of Foreign Affairs. <http://www.mae.lu/Site-MAE/VISAS-Immigration/Long-sejour-superieur-a-trois-mois/Ressortissants-de-pays-tiers>

³⁰⁹ Art. 57 of the amended law of 29 August 2008 and interview 6.

³¹⁰ Interview 6.

ADEM³¹¹.

The graduate international student who intends to apply for an authorisation does not have to leave Luxembourg in order to file the application. However, the fact that the student has finished his/her studies does not mean that the “salaried worker” residence permit will be issued automatically.

The residence permit issued on the basis of article 59 allows the beneficiary to take up employment but is limited to one economic sector and one profession. It may however, be exercised with several employers, either simultaneously (2x20 hours) or consecutively.³¹²

This possibility given to TCSs of staying in Luxembourg and working after the studies have been completed could be regarded as a more favourable provision than the one expressed in article 4 of the Directive 2004/114/EC, as the latter has no article providing for this possibility.

The fact that the mentioned possibility is limited to two years has been criticised by student associations/organisations, firstly because it might become very difficult to find a job while still studying³¹³ and secondly because it restricts TCSs freedom of choice.³¹⁴ The difficulty mentioned by different student associations is the transition to work at the end of the studies in the exams/dissertations period as the residence permit expires by the 31st of October each year. To find a potential employer that is willing to hire them is also not easy. From the Government side, the concern presented to justify this limitation is the possible ‘brain drain’

³¹¹ In the case of article 59 of the Law of 29 August 2008 does not require that the applicant pass the labour market test because he is not concerned by article 41 (1) 1. The labour market test only applies to the applicants of an authorisation to stay as « salaried workers ». Before the labour market test was done in the scope of the examination of an application for an authorisation to stay. Nowadays the procedure was modified by law of 18 January 2012 which creates the Agency for the Development of Employment (ADEM). Now the labour market test is made in addition to the examination of the application of authorisation of stay. The employer has to declare that the post is vacant at the ADEM. If the agency in the following three weeks from the declaration of the vacancy has not proposed the employer a suitable candidate who fulfill the profile required, the employer can ask the ADEM a certificate that which certifies the right to engage for this post a person of his/her choice. This certificate has to be issued in a 5 day period from the demand of the employer.

³¹² See note on students. Ministry of Foreign Affairs. <http://www.mae.lu/Site-MAE/VISAS-Immigration/Long-sejour-superieur-a-trois-mois/Ressortissants-de-pays-tiers>

³¹³ Interview 1, lines 291 to 293 (‘as a student you have to find a job before you finish. You have to find one before. It is very difficult: studies and looking for new work.’), and interview 7, lines 359/360 (‘We are talking about people who are in the last year of their studies. I think you know, that be it for bachelor or master, the last six-eight months are totally spent to write the thesis.’)

³¹⁴ Interviews 7, lines 370 to 373 (‘There are students who want to stay here, and those who want to go home. And what has to be respected is the personal wish. If students want to stay here, if they have qualifications to fulfil certain job, they should not be discriminated, because of the [...] *permis de séjour*.’).

occurring in the third countries without such a limitation and the fact that the students have the possibility of finding a job before the expiration of the residence permit.³¹⁵

According to article 39(3) of the amended Law of 29 August 2008, TCSs are not allowed to apply directly for a transfer to any other migration status.³¹⁶ This position has been confirmed by the First instance Administrative Court, 3rd Chamber of 19 June 2012³¹⁷.

3.7. Misuse³¹⁸ of the student residence permit

The scope of the phenomenon of misuse of the student residence permit for other activities or for obtaining another residence status is very hard to determine because of the lack of available data. This is a very sensitive issue because certain behaviour can be seen as misuse by some while for others it is not the case. The perception of the phenomenon is thus subjective.

3.7.1 Breaking the limitation of work imposed by article 57 (3) of the Law of 29 August 2008

One of the provisions of the Law of 29 August 2008 is the limited working hours for third country national students. Not respecting this limitation could consequently be seen as

³¹⁵ Bill on the free movement of persons and immigration, Document No. 5802/00, pp. 6 and 72. Interesting to note in this regard is that in this same parliamentary document it was mentioned that the concern with brain drain was, in fact, following an orientation from the European Commission: '*Lors de l'adoption de la directive, la Commission européenne a insisté sur le fait que la volonté de favoriser l'admission des ressortissants de pays tiers à des fins d'études exige que des mesures d'accompagnement soient prises par l'Union et ses États membres, afin d'éviter d'amplifier le phénomène de la fuite des cerveaux du Sud vers le Nord qui a déjà pris une ampleur sans précédent.*' (also in p. 72).

One of the interviewee had also confirmed this brain drain concern: interview 4, lines 274 to 278 ('*Nous voulons que ces personnes [third-country national students] retournent dans leurs pays, pour mettre leurs connaissances et leurs compétences au service de leur population. Et ça c'était une idée à la base, parce que nous avons toujours dit: nous ne voulons pas que cette personne reste en Europe, parce qu'elle fait des études supérieures, je ne dirais pas pour rien, mais qu'ils serviront à rien à leurs pays d'origines.*')

³¹⁶ This means that in case they want to apply to any other status, if they believe they fulfill the required conditions, they will have to go back to the countries of origin and lodge an application for an authorisation to stay for the new status.

³¹⁷ The court said: « *Le législateur a toutefois expressément exclu cette possibilité pour les personnes visées à la sous-section 4 de la loi du 29 août 2008, à savoir les étudiants, les élèves, les stagiaires et les volontaires. Il s'ensuit que plus particulièrement le bénéficiaire d'une autorisation de séjour en qualité d'étudiant ne peut pas, avant l'expiration de son titre de séjour en qualité d'étudiant, solliciter une autorisation de séjour à un autre titre.* »

³¹⁸ It is important to mention that the term misuse is polemic in itself but seen that the specifications of the study expressly mentioned it it will be use in this report.

misusing the student resident status. While this phenomenon exists, no quantitative and precise data exists on it.

The Government identifies the problem of working outside the terms of the permission (more than the permitted ten hours per week) as one almost impossible to specifically track or avoid it for practical reasons³¹⁹. Indeed, checking if students (and employers) respect this limit would be too difficult logistically.

Students refer to this issue as a result of the existing legal limitation combined with the high living cost in Luxembourg and the very few possibilities of getting scholarships, and thus being the only possible mean at the TCSs hands to fund their studies³²⁰.

It is interesting to point out is that one of the reasons³²¹ to impose restrictions for student employment was precisely to avoid another misuse – that the students' status would not be diverted from the initial purpose (studies)³²².

3.7.2 Forged documents

Concerning the use of forged qualifications³²³, it should be mentioned that there is no particular 'prevention' policy in place, at least in the stricter sense, since the policy in Luxembourg is not to verify the authenticity of each diploma presented by the students. Diplomas are verified if a doubt or suspicion is raised towards a particular document provided to the authorities by the TCS.³²⁴ In case of a doubt on the authenticity of a document, the Directorate of Immigration will transmit it to the Judicial Police that will carry out the authentication process of the document. If they considered that it is a false document, they will inform the public prosecutor who will decide on whether or not to open a criminal investigation against the person³²⁵ that has used the document pressing charges of forged documents and use of forged documents³²⁶. Nevertheless, once the report of the Judicial

³¹⁹ Interview 6.

³²⁰ Interview 1, lines 212/213 ('If you do not have a scholarship, and you can work only 10 hours a week, your only solution is to work illegally'), and interview 7, lines 30/31 ('And I think that what is happening right now is that this regulation is opening one thing: putting the students into a situation of having to work illegally, without a contract.').

³²¹ The other reasons were already indicated *supra*, in subtitle 3.3.

³²² See, for more details, subtitle 3.2.1.

³²³ Which was not referred to as a problem concerning uniquely TCSs.

³²⁴ Interview 4, lines 101 to 104.

³²⁵ Code d'Instruction Criminelle

³²⁶ Articles 193 to 209-1 of the Criminal Code

Police has been drawn up, the Ministry of Immigration, through the Directorate of Immigration, can decide to revoke or not to renew the residence permit of the student in accordance with article 101 (1) 4 of the Law of 29 August 2008.

The entry exam that applicants to higher education studies in Luxembourg are requested to pass³²⁷ and the use of new technologies to interview the candidates in third countries can be seen as useful measures to fight against the use of forged documents and qualifications before they enter the country.

The phenomenon of using forged documents exists but to the best of our knowledge there are no documented cases where the residence permit has been revoked or where criminal charges have been filed. Nevertheless, the Ministry of Foreign Affairs has rejected a “student” visa because the person had used forged documents³²⁸.

3.7.3 Misuse of student residence permit by staying in the country without studying

Some of our interview partners considered as misuse situations where TCSs progress in their studies, but accomplish only the minimum requirements to pass to another year and thus continue the studies very slowly on purpose³²⁹, as well as others who do not even accomplish the minimum of 25 ECTS in the first two semesters and then change their registration at the University to another study programme³³⁰.

3.7.4 Misuse of the student visa or residence permit

In this type of situation, the individual uses the migration process foreseen by article 56 of the Law of 29 August 2008, but once arrived in Luxembourg does not attend any classes and does not pass any exams. Given that the residence permit is valid for one year and that the

³²⁷ For more information concerning these exams, please see *supra*, subtitle 3.1.

³²⁸ See First instance Administrative Court, 2nd Chamber, n° 25291 of 25 February 2009. In this case the Gouvernement questioned the validity of an application of family reunification because in a previous occasion the applicant had applied for a student visa with forged documents. The court said: « *Afin de mettre en cause la sincérité du mariage avec Madame ..., le délégué du gouvernement a mis en avant la différence d'âge entre les époux, la précarité de la situation du demandeur au Nigeria en ce qu'il se serait vu refuser déjà à trois reprises un visa, dont deux visas « court séjour » et un visa « étudiant » en raison de la présentation de faux papiers, et la séparation géographique des intéressés combinée au fait que suivant les indications de son passeport Madame ... n'est rentrée au Nigeria qu'une fois par an.* »

³²⁹ Interview 3, lines 144 to 146.

³³⁰ Interview 4, lines 173 to 187.

University does not send the list of third country nationals who did not attend the courses or did not validate the required 25 ECTS until the end of the academic year, the Directorate of Immigration cannot take the respective measures to revoke the residence permit and expel the student of the territory (applying article 57 in relation with article 101 (1) 1 of the Law of 29 August 2008). The problem of this delay in communication allows the third country national to reside in Luxembourg during a year and at the end he can just disappear to another Member State of the European Union³³¹.

3.7.5 Application for the Luxemburgish nationality without having finished the studies

This type of case can be considered more as an indicator of a possible misuse than a misuse in itself.

This concerns the case of third country national students that have come to study in Luxembourg and have passed the minimum of 25 ECTS, or if they have changed their career, and in that way that have stayed in the territory for at least seven years. As we have mentioned above, there are several such cases of students who after seven years have demanded the Luxemburgish nationality at the Ministry of Justice in accordance with the Law of 23 October 2008³³². To our knowledge there has not been any decision on these cases until now. However, it is important to wait for these decisions by the Ministry of Justice.

³³¹ Interview with an NGO, 21 June 2012 and Government point of view, Interview, June 6, 2012.

³³² Interview with a NGO, 21 June 2012 and Interview 3.

4. TRANS-NATIONAL COOPERATION IN THE AREA OF INTERNATIONAL STUDENTS

4.1. Bilateral/multilateral agreements including Mobility Partnerships

Luxembourg has cooperation agreements with some targeted developing countries³³³. However, the University of Luxembourg concludes framework agreements with other universities in third countries that are not the targeted countries of the Luxembourg cooperation policy.

After the foundation of the University of Luxembourg the first framework agreements to attract third country national students were signed with targeted countries with which Luxembourg had cooperation agreements and thus profiting from the resources and logistics that the government had already established. However over the years, as the University grew, it signed cooperation agreements with developed third countries outside of the European Union (i.e. United States, Canada and Japan) and with rising economies such as India and Russia (See Section 2.3.2.1).

At the beginning of the academic year 2012/2013, however, the University of Luxembourg changed its policy and from now on receives applications for first year bachelor programmes from nationals of any country in the world.³³⁴ Nevertheless, the University of Luxembourg maintains the framework agreements with universities of countries targeted by Luxembourgish international cooperation. There are nowadays two agreements meeting this condition: one with the University of Bamako, Mali, and another one with the University of CapVert.³³⁵

However, there are framework agreements with some rising economies (Russia, China and India) allowing for the exchange of students. In the context of these agreements, students coming to Luxembourg have the advantage of a tuition waiver (fees are paid to the partnership university, not to the University of Luxembourg) and priority concerning the reservation of student accommodation³³⁶.

³³³ The countries of Luxembourg's cooperation are: Burkina Faso, CapVert, Mali, Namibia, Niger, Senegal, El Salvador, Nicaragua, Laos, Vietnam – available at <http://www.lux-development.lu/pays.lasso?lang=uk> (accessed 1 August 2012).

³³⁴ See also 3.1.2.

³³⁵ Interview 9, lines 9/10 and 20. See also annex B.

³³⁶ One of the experts interviewed has mentioned that to date no student coming under mobility programmes had been refused accommodation by the University – interview 9, lines 171 to 173.

Following an initiative of the MAE, for a smaller group of students to be selected each year from five Universities in these countries (three in China – Shandong, Renmin and Tongji -, one in Russia – Moscow State Higher School of Economics – and one in India – PSG College), the accommodation also provided for free.³³⁷ These students come on joint master programmes and receive, at the end of their studies, one diploma from each University (the partner university and the University of Luxembourg).³³⁸ Furthermore, each of these students receives a scholarship from the Luxembourg State, of 500 Euros per month, for a maximum of ten months.³³⁹

In the case of PhD students with a joint supervision (one supervisor from the University of Luxembourg and one from a University in another country), an agreement for each student is signed with the partner University.³⁴⁰ The University of Luxembourg negotiates on a case-by-case basis on the duration of the stay of the student at each university and at the end of his or her studies the student receives two diplomas (one from each University) as well.³⁴¹

4.2. Cooperation with the EU (and EU-financed mobility programmes) or international organisations

The Directive 2004/114/EC of 13 December 2004 emphasises the importance of third-country national students' mobility within the EU (recital 16 and articles 6(2) and (8)). It provides for the existence of a facilitated admission procedure for TCSs participating in Community programmes, as well as a mandatory admissibility of the TCS who intend to continue or complement studies undertaken in other Member State within a 'period that does not hamper the pursuit of the relevant studies', if the TCS meets certain conditions (article 8(1), (a) to (c)). Article 58 of the amended Law of 29 August 2008 provides for such facilitation. The TCS will be authorised to stay in the territory if the following conditions are met:

1. The TCS fulfils the requirements of article 56;
2. The TCS has sent, with the application, a file with a full description of his/her academic record and evidence that the course he/she wishes to follow complements

³³⁷ Interview 9, line 98.

³³⁸ Interview 9, lines 82 to 84.

³³⁹ Interview 9, lines 97 to 103.

³⁴⁰ Art. IV.10.201 of the ROI.

³⁴¹ Interview 9, lines 438 to 441.

- the one he/she has already completed;
3. He/she participates in a Community or bilateral exchange programme;
 4. He/she has been admitted as a student in another Member State for no less than two years.

The conditions of paragraphs 3 and 4 are not applied in case the student is obliged to attend part of the courses in one of the higher education institutions defined in article 56(2) of the amended Law of 29 August 2008.

The student meeting these conditions shall receive a student residence permit (article 58(3)).

In the context of intra-EU mobility, until the academic year 2011/2012 there was only one Erasmus Mundus Programme at the University of Luxembourg, a Master on '*Philosophie allemande et française dans l'espace européen*'³⁴².

For outgoing TCSs, it should be mentioned that the master programmes contain one mandatory mobility semester, an obligation that may not apply to TCSs³⁴³. If TCSs want to complete this semester abroad, however, there are no special conditions for its realisation. The University helps these students pursuing their goal of studying in another EU Member State, by providing them with the same amount of money as an EU student would get through the Erasmus scholarship³⁴⁴. As a matter of fact, no administrative difficulties were reported concerning TCSs outgoing in the context of mobility programmes in general³⁴⁵.

Another cooperation project is that of the University of the Greater Region described in Section 2.3.2.3.

4.3 Other forms of (non-legislative) cooperation with countries

Besides the legal and formal exchanges agreed upon (through agreements or contracts), one of the University of Luxembourg's features is the flexibility and openness, which, together with the internationalisation of some professors, provides good opportunities for informal exchanges. There are, therefore, some situations where professors from two universities agree

³⁴² Interview 9, line 408. See also annex B.

³⁴³ This decision can be taken by the Dean if the TCS has obtained the diploma for the secondary level of studies in a country non-Member of the EU (art. IV.3.102 of the ROI).

³⁴⁴ Interview 3, lines 439 to 444.

³⁴⁵ Interview 1, lines 274-275.

that a student should come to Luxembourg for a certain period of time (during the Master or the PhD).³⁴⁶

Another non-legislative ad-hoc collaboration is the verification of the authenticity of the diploma. The MESR contacts universities abroad if they have doubts about the authenticity of a diploma³⁴⁷. This procedure, however, is not always very fast, as the contacts are done by regular post.³⁴⁸ In some cases the only documents that are joined with the application by a student for an authorisation of stay are certified copies. If the University has doubts about them, the University can ask the applicant to present the original through the diplomatic mission (via MAE) that represents Luxembourg's interests in the country of origin. In such cases, and following the procedure of authorisation of stay, the applicant must present the original document to the diplomatic mission³⁴⁹ and if the latter has doubts of the authenticity of the document it can verify it in the country of origin.³⁵⁰

³⁴⁶ Interview 9, lines 442 to 447.

³⁴⁷ Interview 4, lines 96/97.

³⁴⁸ *Ibidem*.

³⁴⁹ These representations can, then, more easily check the authenticity of the diploma – interview 3, lines 86 and 91 to 93.

³⁵⁰ Interview 3, lines 83 to 93.

5. IMPACTS OF INTERNATIONAL STUDENTS IN LUXEMBOURG

Since the Law on free movement of persons and immigration came into force only at the end of 2008, it is difficult to assess its impact on the national labour market context.

To measure the impacts of international students in Luxembourg, a number of indicators would have been useful, which, however, were not available at the time of completing this study. These comprise:

- The number of students that apply for a “salaried worker” residence permit after the completion of their studies;
- The extent to which international students make the transition to highly-skilled workers³⁵¹.

As we mentioned above, staying in Luxembourg for working after completion of one's studies is, for third country nationals, only possible under certain conditions and for a maximum non-renewable duration of 2 years. According to article 59 (2) and (3) of the Law of 29 August 2008 the job that the student finds must be in the same field as his/her studies³⁵².

One of the reasons that were advanced by the bill n° 5802 for establishing this restriction concerning the limitation to work was the concern regarding the ‘brain drain’ faced by the countries of origin, following an orientation of the European Commission³⁵³.

The extent of the misuse of the ‘student route’ in Luxembourg is not exactly known, but some practices have been perceived as such (i.e. using the permit to stay in the country without attending classes or trying to apply for the Luxembourgish nationality after having spent 7 years and not finishing the studies - See section 3.4). The problem of working more hours than allowed (that is a reason for not renewing or revoking the residence permit) and

³⁵¹ The Law of 29 August 2008 was modified by Law of 8 December 2011 that was published in the Mémorial n° A.19 of 3 February 2012.

³⁵² Art. 59(3): ‘*en relation directe*’.

³⁵³ Bill n° 5802 on free movement of persons and immigration, Parliamentary document p. 72: ‘*Lors de l'adoption de la directive, la Commission européenne a insisté sur le fait que la volonté de favoriser l'admission des ressortissants de pays tiers à des fins d'études exige que des mesures d'accompagnement soient prises par l'Union et ses Etats membres, afin d'éviter d'amplifier le phénomène de la fuite des cerveaux du Sud vers le Nord qui a déjà pris une ampleur sans précédent.*’.

See also section 3.3.

the retard that students have in their studies are also a problem³⁵⁴, especially because of the financial situation.

Generally, immigration to Luxembourg has a positive impact on its demographic composition³⁵⁵. Most of the student population of the University of Luxembourg is less than 30 years old as can be seen from the table below.

Table n° 3: Age of the students by programme (winter term 06/07 – winter term 11/12)

	W-06/07	S-06/07	W-07/08	S-07/08	W-08/09	S-08/09	W-09/10	S-09/10	W-10/11	S-10/11	W-11/12
Bachelor	1784	1130	2350	2062	2719	2366	2962	2619	3093	2664	3222
Adult Students (> 30 ans)	45	38	60	49	85	66	111	90	127	94	127
Etudiants ≤ 30 ans	1739	1493	2290	2013	2634	2300	2851	2529	2966	2570	3095
Master	259	252	442	424	557	498	800	700	900	803	1098
Adult Students (> 30 ans)	89	70	142	135	162	146	229	169	228	194	324
Etudiants ≤ 30 ans	170	182	300	289	395	352	571	531	672	609	774
Doctorants	148	156	186	195	250	233	296	312	358	352	390
Adult Students (> 30 ans)	35	37	55	57	81	73	110	111	145	123	136
Etudiants ≤ 30 ans	113	119	131	138	169	160	186	201	213	229	254
Autres Formations	1150	1241	1159	1143	991	946	876	866	826	1059	976
Adult Students (> 30 ans)	233	238	427	377	246	198	244	207	257	298	303
Etudiants ≤ 30 ans	917	1003	732	766	745	748	632	659	569	761	673
Totaux											
Adult Students (> 30 ans)	402	383	684	618	574	483	694	577	757	709	890
Etudiants ≤ 30 ans	2939	2797	3453	3206	3943	3560	4240	3920	4420	4169	4796

Source: Student Life and Studies Services, University of Luxembourg, 2012 © EMN NCP LU

The impact of immigration of international student on the demographic structure is minimal seen the weak number of third country nationals. It is also difficult to put forward estimation because of (a) the temporary character of this type of migration and (2) the fact that its impact is likely to be similar to the one of students in general. Students in general have a positive impact on the average education of the society as well as on the age pyramid. Relatively speaking, the creation of the University and its ability to keep Luxembourgish students in the country and attract students from everywhere in Europe and the world should have impacted in this regard much more on Luxembourg's age structure than the immigration of third

³⁵⁴ Bill n° 5802 on free movement of persons and immigration, Parliamentary document n° 5802/00 p. 71: 'Cette disposition reconnaît aux étudiants le droit de travailler dans la limite de dix heures par semaine, afin de préserver l'objectif essentiel de leur séjour qui est de suivre un programme d'études et d'éviter que le statut d'étudiant ne soit détourné de son objet par des ressortissants de pays tiers abusant de cette possibilité pour exercer une activité professionnelle au lieu de s'adonner à des études.' One interviewed expert has furthermore given examples of some previous misuses in this regard - Interview 4, lines 122 to 128.

³⁵⁵ Statec (2010) Bulletin du Statec, no. 5-2010. Projections socio-économiques 2010-2060. Statec <http://www.statistiques.public.lu/catalogue-publications/bulletin-Statec/2010/PDF-Bulletin-5-2010.pdf>

country national students in particular, which is a smaller part of it (10,5%)³⁵⁶. Due to the restrictions of extending the stay after completion of their studies (directly linked to the temporary nature of their residence status), the long-term impact of third-country students in terms of family formation or on the labour market should be limited. As for now, figures on these types of impact are not yet available.

There is no particular data or study available on the attitude towards international students in Luxembourg. However, the public opinion towards migrants in general is in international comparison rather positive in Luxembourg. Right-wing parties are much weaker than in other EU Member States and xenophobic populism is, despite occasional happenings³⁵⁷, relatively rare in Luxembourg³⁵⁸. Parallel to the increasing unemployment, the public debate has swung to the (potential) negative effects of immigration³⁵⁹. Nevertheless, the generally welcoming attitude towards immigrants in Luxembourgish politics and media, where the positive effects of immigration (contribution to the economy, demographic impact) are highlighted, prevails³⁶⁰. Along the same line of a welcoming attitude towards migrants, a recent study has concluded that confidence in others or towards particular categories (e. g. other nationalities) appears to be generally quite high and has increased over the past decade, although the authors have also concluded that selected social networks are very homogeneous in terms of nationality and linguistic practices (a homogeneity that is more pronounced among Luxembourgers)³⁶¹.

Student migration undoubtedly contributes to Luxembourg's cultural diversity. The share of the foreign population at the University of Luxembourg is considerable (53%), but it is

³⁵⁶ Source: Student Life and Studies Services, University of Luxembourg, 2012

³⁵⁷ For instance, the incident of the *National-Bewegung* founder Pierre Peters who was condemned by the court for his xenophobic statements on his website and the distribution of flyers in May 2012. (More information: <http://www.wort.lu/de/view/fremdenhass-30-monate-auf-bewaehrung-fuer-pierre-peters-4fab7025e4b0d2706d4f21e3> and <http://www.asti.lu/2011/01/13/lasti-porte-plainte-contre-un-flyer-de-peters/>)

³⁵⁸ Fetzer, Joel S. (2011) Luxembourg as an immigrant success story. The Grand Duchy in Pan-European Perspective. Lexington Books.

³⁵⁹ Allegrezza, S. (2007) L'immigration et les conséquences économiques. Un point de vue luxembourgeois. In: S. Allegrezza, M. Hirsch and N. v. Kunitzki. L'immigration au Luxembourg, et après? Luxembourg: Institut d'Etudes Européennes et Internationales du Luxembourg: 78-84 and Kollwelter, S. (2007) Immigration in Luxembourg: New Challenges for an Old Country. In: Migration Information Source. Fresh Thought, Authoritative Data, Global Reach.

³⁶⁰ Kollwelter 2007.

³⁶¹ Jacobs, A., Legrand, M and, Mertz, F. (2011), '*RED 15: L'intégration au Luxembourg – Focus sur les réseaux sociaux, la confiance et les stéréotypes sur les frontaliers. L'étude en un coup d'œil : Conclusions et enjeux*', Luxembourg : Centre for Intercultural and Social Studies and Training (*Centre d'étude et de formations interculturelles et sociales* – CEFIS), <http://www.cefis.lu/files/re0301sume0301-red-15.pdf> (accessed 30 August 2012).

mainly composed of EU nationals (80,4% of the total foreign population³⁶²). Therefore, all this information leads us to conclude that the impact of non-EU TCSs in Luxembourg is limited.

³⁶² Source: Student Life and Studies Services, University of Luxembourg, 2012

6. STATISTICS ON THIRD COUNTRY NATIONAL STUDENTS

In this section we are going to describe the data related to residence permit granted to third country national students, before analysing the supplementary data of the University of Luxembourg related to the composition of its student population. It is important to bear in mind that the University of Luxembourg considers a third country national as a person that comes from a non-EU country (it includes the assimilated countries) independent of the resident permit he/she holds. This consideration is important in order to understand why the figures from the Directorate of Immigration and the University of Luxembourg are not very similar.

6.1 Statistics on residence permits

As stated above (See section 1.2), in our national context, there is no available data allowing to draw a distinction between those students arriving in Luxembourg for the purposes of study and those third country national residing in Luxembourg under a different residence permit that apply to study at the University (e. g. as a family member or a person benefiting of international protection status). Notwithstanding this, the number of issued authorisations to stay and that of first residence permits are considered to be very approximate to the number of third country national students arriving in Luxembourg.

The Law of 29 August 2008 on free movement of persons and immigration transposed the Directive 2004/114/EC as we mentioned above. The previous law; (Law of 28 March 1972³⁶³) did not distinguish between the student resident permits and other categories. Therefore, we present figures from 2009 onwards (and, where possible, from 2008).

No statistics are presented for the number of D visas, for this visa is considered to be a ‘permit to travel and enter’³⁶⁴ in Luxembourg and it is not a residence permit. We have to mention that some of the applicants, for whom the the authorisation to stay is already granted,

³⁶³ Amended Law of 27 March 1972 on 1. the Entry and Stay of Foreigners; 2. the Medical Control of Foreigners; 3. the Employment of Foreign Labour Force, JO, *Mémorial A*, No. 24, of 13/04/1972, consolidated version of 21 December 2006, JO, *Mémorial A*, No. 230, of 27/12/2006, <http://www.legilux.public.lu/leg/a/archives/2006/0230/a230.pdf#page=4> (accessed 4 September 2012).

³⁶⁴ EMN (2012), ‘EMN Synthesis Report - Visa Policy as Migration Channel’, version 2: 10th July 2012, unpublished.

come from third countries that do not require a visa to enter the Schengen area so this step can be omitted³⁶⁵.

6.1.1. Statistics on residence permits: first issuances and renewals

The number of residence permits (first issued and renewed) is the one reflecting approximately the number of TCSs in Luxembourg³⁶⁶.

³⁶⁵ EMN NCP LU (2011a).

³⁶⁶ Sachant toutefois qu'au cours d'une même année civile un étudiant peut avoir obtenu un premier titre de séjour ainsi que son renouvellement, respectivement deux renouvellements de son titre de séjour.

**Table n° 4: Residence permit issued by category (including first issuances and renewals)
2009 – 2011**

Categories	2009	2010	2011
Researchers	15	36	48
Pupil	200	241	353
Student	204	266	317
Family Member	3391	2999	3021
Community Service Provider	1	3	3
International Protection	296	225	218
Long-term residence	1104	770	1259
Sportsman (incl. Trainers)	15	28	30
Trainee	12	12	11
Posted worker	23	18	21
Highly Qualify Worker	195	128	186
Independent worker	87	70	53
Retired worker	195	105	72
Salaried worker	1815	1306	1556
Transferred worker	167	226	282
Private Reasons (non specified) ³⁶⁷	386	504	392
Private Reasons (other)			170
Private reasons art. 78 (1) a (sufficient resources)			109
Private Reasons art. 78 (1) b (autonomous permit)			1
Private Reasons art. 78 (1) c (family or personal ties)			52
Private Reasons art. 78 (1) d (humanitarian reasons)			3
Volontaire	5	8	6
Total	8111	6945	8163

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

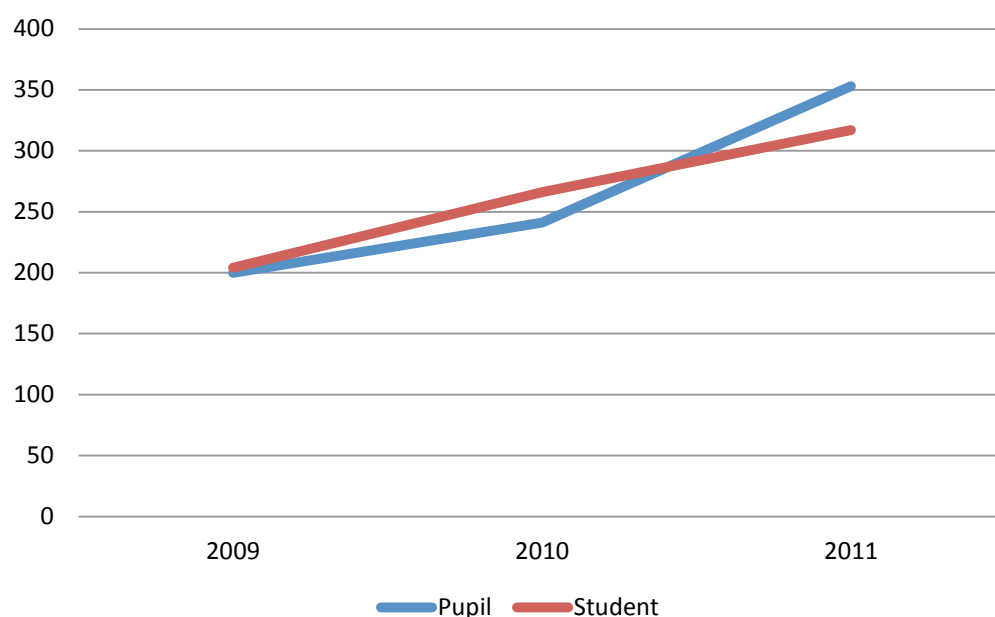
As we can see from table n°4, the total number of residence permit (first issued or renewed) by the Directorate of Immigration of the Ministry of Foreign Affairs for third country national students is relatively small in comparison with the global number of residence permits. We can also see that the total number of residence permit issued was 204 in 2009,

³⁶⁷ The category « Private reasons » was divided according the amendment of article 78 (1) of the Law of 29 August 2008 by the Law of 1 July 2011

266 in 2010 and 317 in 2011. Nevertheless, these numbers represent only 2,5% of the residence permits issued in 2009, 3,8% in 2010 and 3,9% in 2011.

The number of residence permits has increased by 64,3% between 2009 and 2011 as we can see from the graph below.

Graph n° 4: Residence permit (first issuances and renewals) issued to third country national pupils and students³⁶⁸ (2009-2011)



Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

It is important to mention that the Law of 29 August 2008 on free movement of persons and immigration came into force at the end of 2008. As a consequence, the official statistics provided in this section are only for the period 2009 – 2011.

The Directorate of Immigration disposed of statistical data on the nationality of the third country national student residence permits (first issuances and renewals) for the years 2008 to 2010. In relation with the valid permits (first issued and renewed) for students during the period 2008 and 2010 we can notice a decline between 2008 and 2009 (from 242 to 183). For the year 2011 the numbers have increased to 399³⁶⁹. These numbers are difficult to

³⁶⁸ We included the pupils only for being consistent with the category “education reasons” established by Eurostat. See <http://appsso.eurostat.ec.europa.eu/nui/setupModifyTableLayout.do> Nevertheless, the number of pupils is not relevant for this study.

³⁶⁹ Source : Directorate of Immigration, 2012.

reconcile with the ones of table n°4. The difference can be explained as a result of the entry into force of the Law of 29 August 2008 that transposed the student Directive and changed the categories that were previously used by the Directorate of Immigration.

Table n°5: Residence permit (first issued and renewals) issued to third country national students

	2008	2009	2010	2011
Total number	242	183	261	

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

In the top 10 nationalities of valid residence permits issued (first issuance and renewals), we can see that the nationalities are the same with the exception of 2008 where the Americans took the lead. Students coming from India are taking a relevant percentage of the residence permit because they passed from 5 residence permits in 2008 to 15 in 2010, passing over the Russian Federation that has lost a position in 2010. Other countries that take importance are Iran and Algeria, which in 2010 ranked in 6th and 7th position. It is important to mention that the 106 residence permits delivered to American nationals in 2008 were issued under the previous law of immigration and then the categories changed substantially with the entry into force of the Law of 29 August 2008, so in principle the old categories are not comparable with the ones established by the transposition of the “student” Directive.

What is surprising is that the United States is at the end of the Top 10, especially if one thinks of all the framework agreements that the University of Luxembourg has signed with American universities.

With the creation of the University of Luxembourg and the framework agreements that the University has signed with third countries, specially developing economies like India, Russia and China or with countries that the University has cooperation framework agreements with, like Senegal, the internationalisation of the student population is growing (see tables n° 6, 9).

Table 6 shows the attraction of students from the Magreb (Algeria and Morocco) who are sometimes residing in neighbouring countries, especially in France and in Belgium.

Table n°6: First issuance and renewals of students residence permits 2008-2010**Top 10 nationalities**

	2008		2009		2010	
Position	Country	Total	Country	Total	Country	Total
1st main	United States	106	Cameroon	34	Cameroon	48
2nd main	Cameroon	25	Senegal	21	Senegal	33
3rd main	Senegal	19	China	20	China	28
4th main	China	13	Russian Federation	13	India	15
5th main	Maroc	9	Serbia	7	Russian Federation	15
6th main	Turkey	7	United States	6	Iran	13
7th main	Russian Federation	7	Algeria	5	Algeria	10
8th main	Brazil	6	Maroc	5	Morocco	6
9th main	India	5	India	4	Serbia	6
10th main	Algeria	3	Iran	4	United States	5
Total Top 10		200		119		179
Other nationalities		42		64		82
Total		242		183		261

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

6.1.2. Statistics on first issued residence permits

The data on the first issuance of student residence permits reflects in a certain manner the new entries of third country national students during the academic year.

As we can see from the table below, the number of first issued student residence permits has more than doubled between 2009 and 2011 passing from 83 to 171 persons (106% augmentation in 2 years).

Table n°7: First issuance of students residence permits 2009 - 2011

	2009	2010	2011
Number	83	97	171

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

The large majority of the student residence permits are only issued for the period of 6 to 12 months, and mostly correspond to the entire academic year (i.e. in 2009 they represented 85,5%, in 2010 only 75,2% and in 2011 62,0%).

Nevertheless, the Directorate of Immigration is issuing more and more residence permits that go beyond the 12 months. This is explained with some specific programmes as those of the International School of Finance where the residence permits are issued for the total duration of the programme that normally is a year and a half other academic programmes that do not last more than two years. This type of permit has almost tripled (283,3%) between 2009 and 2011 passing from 12 (14,5%) in 2009 to 46 (26,9%) in 2011. “Student” residence permits with a validity of 6 months are becoming less rare and they have passed from 4 (4,1%) in 2010 to 19 (11,1%) in 2011, as we can see in the table n°5.

Table n°8 First issuances of students residence permits by duration (2009 – 2011)

	2009	2010	2011
3 ≤ 6 months		4	19
6 ≤ 12 months	71	73	106
>12 months	12	20	46
Total	83	97	171

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

The internationalisation of the student population can be corroborated with the data on first issuance of student residence permits to third country nationals. If we look at table n° 9 we can see that the Top 10 nationalities represents 70,2% of the total first issuance of students residence permits in 2011.

Table n°9: Top 10 nationalities by first residence permit issuance 2009 - 2011

Position	2009		2010		2011	
	Country	Total	Country	Total	Country	Total
1st main	China	15	China	17	Cameroon	28
2nd main	Cameroon	7	Cameroon	12	China	21
3rd main	Rusia	7	India	11	Senegal	20
4th main	Serbia	5	Iran	7	Rusia	12
5th main	United States	5	Rusia	5	India	8
6th main	Senegal	4	Maroc	3	Iran	8
7th main	Iran	3	Mongolia	3	Algeria	7
8th main	Mongolia	3	Serbia	3	Mexico	6
9th main	Colombia	2	Senegal	3	Pakistan	5
10th main	Japon	2	Turkey	3	Tunisia	5
Total top 10		53		67		120
Other nationalities		30		30		51
Total		83		97		171

Source: Directorate of Immigration, Ministry of Foreign Affairs, 2012 © EMN NCP LU

After having analyzed the statistics of student residence permits issued by the Directorate of Immigration we now turn to the supplementary data provided by the University of Luxembourg.

6.2 Statistics on the composition of the student population of the University of Luxembourg

As we can see from table 10 the third country national student population has grown from representing 7,9% in 2008 to 10,4% in 2011. This is in parallel with the proportion of the Luxemburgish student population that has been reduced from 49,0% in 2008 to 47,0% in 2011 (see graph n°6). Curiously the student population coming from the rest of the European Union, EEA and Switzerland is stable (in average) from 2008 (42,2%) to 2011 (42,3%).

Table n° 10: Composition of the student population of the University of Luxembourg. 2008 - 2011

	2008		2009		2010		2011	
Luxembourg	2239	49,6%	2389	48,4%	2417	46,7%	2671	47,0%
EU-27 (excl. Luxembourg)	1905	42,2%	2069	41,9%	2242	43,3%	2405	42,3%
EEA + Switzerland	15	0,3%	16	0,3%	15	0,3%	16	0,3%
Third country nationals	358	7,9%	460	9,3%	503	9,7%	594	10,4%
Total	4517	100,0%	4934	100,0%	5177	100,0%	5686	100,0%

Source: University of Luxembourg, 2012 © EMN NCP LU

Table n° 11: Difference between the data of third country national student residence permits and third country national students at the University of Luxembourg (2009 – 2011)

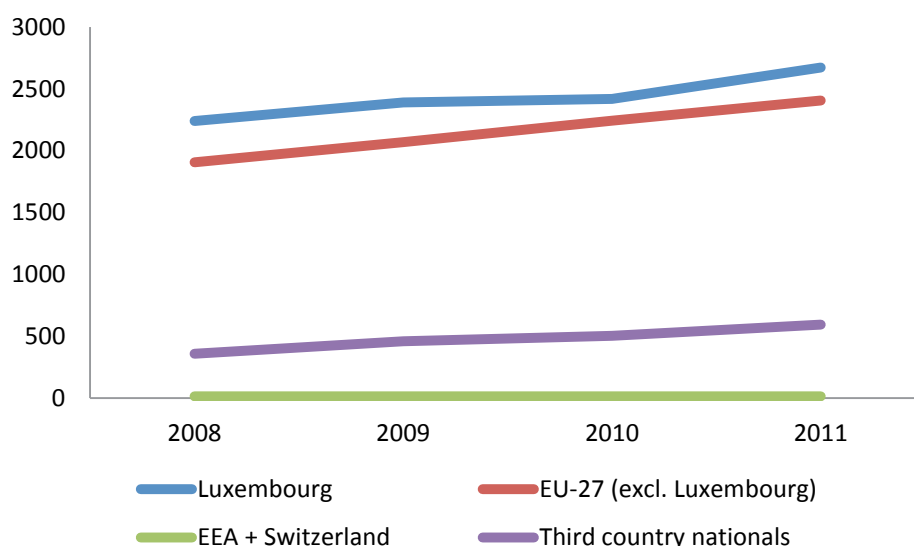
	2009	2010	2011
TCNS residence permits (1)	204	266	317
TCNS at UL (2)	460	503	594
Difference (2) –(1)	256	237	277
Difference (en %)	56%	47%	47%

Source: University of Luxembourg, 2012 © EMN NCP LU

The difference between the number of third country national students who study at the University of Luxembourg and the number of the third country national student residence permit (first issued and renewed) gives us an indication on the number and proportion of third country national students who pursue a higher education but hold a different residence permit (i.e. international protection, salaried worker, family member, etc.)

Graph n°5 shows that the population of all the categories has, in nominal terms, continued to grow with the exception of the students coming from the EEA countries and Switzerland. In the Top 10 list of the nationalities of third country national students at the University of Luxembourg as well as in the statistics of the Directorate of Immigration

Graph n°5: Increase in the student population of the University of Luxembourg by nationality of origin 2008 – 2011



Source: SEVE, Univeristy of Luxembourg, 2012 © EMN NCP LU

In the Top 10 list of the nationalities of third country national students at the University of Luxembourg as well as in the statistics of the Directorate of Immigration, the Cameroonian citizens take the first position. How can it be explained that these students come to study in Luxembourg, especially when there are no framework agreements between any university in Cameroon and the University of Luxembourg? We found out that theis students migration developed via different sources: 1) some of the students have relatives in Luxembourg³⁷⁰ and 2) there was a tradition of Cameroonian citizens to study in Luxembourg, even before the creation of the University of Luxembourg, especially at the IST (*Institut supérieur de technologie*) whichis the precursor of the Faculty of Sciences³⁷¹. It is also important to mention that Luxembourg and Cameroon are members of the International Organisation of La Francophonie.³⁷² Luxembourg has had cooperation agreements with Cameroun³⁷³ and

³⁷⁰ Testimonial of a Cameroonian student. See [http://www.wen.uni.lu/studies/fstc/master_in_information_and_computer_sciences_academique/video_more2/testimonials/guy_s_testimonial/\(language\)/fre-FR](http://www.wen.uni.lu/studies/fstc/master_in_information_and_computer_sciences_academique/video_more2/testimonials/guy_s_testimonial/(language)/fre-FR)

³⁷¹ Explication given by a Cameroonian student. See [http://www.wen.uni.lu/studies/fstc/master_in_information_and_computer_sciences_academique/video_more2/testimonials/charles_testimonial/\(language\)/fre-FR](http://www.wen.uni.lu/studies/fstc/master_in_information_and_computer_sciences_academique/video_more2/testimonials/charles_testimonial/(language)/fre-FR). See also CV of Adrienne Lambo Ouafu who is doing a PhD in the University of Luxembourg. [http://www.wen.uni.lu/research/flshase/languages_culture_media_and_identities_lcmi/staff/adrienne_lambo_ouafu/cv/\(language\)/fre-FR](http://www.wen.uni.lu/research/flshase/languages_culture_media_and_identities_lcmi/staff/adrienne_lambo_ouafu/cv/(language)/fre-FR)

³⁷² Organisation internationale de la francophonie. <http://www.francophonie.org/English.html>

there is also the *Agence scientifique de coopération entre l'Afrique et le Luxembourg* (ASCAL), which develops programmes of transfer of technologies between Luxembourg and certain targeted countries in Africa³⁷⁴. We can see as well that other countries with which Luxembourg has cooperation agreements figure in the list, as for example Senegal, as well as the growing economies where not only the University of Luxembourg but the Grand Duchy of Luxembourg is developing stronger ties (China, Russia and India). The case of students from Serbia-Montenegro is interesting because most of this student population resides in Luxembourg and came during the Balkan conflict.

Other nationalities that are increasing are the Americans and the Iranians. In the case of the Americans we found that the population has more than doubled in the last 4 years passing from 8 students in 2008 to 19 in 2011. The case of the Iranian students is very interesting because it has being multiplied by 7 in four years passing from 3 students (0,8% of the TCN student population) in 2008 to 24 amounting to 4,% of the TCN student population.

As we can see from the table below the Top 10 nationalities represents 60,7% of the total third country national student population. The third country national student population has passed from 358 in 2008 to 594 in 2011, which represents an augmentation of 65,9% in 4 years.

³⁷³ See Rapport annuel 2011 de la Direction de la Coopération au Développement. <http://www.cooperation.lu/2011/236/L'aide-d'urgence>. See also, www.europaforum.lu, Un nouvel accord de coopération entre le Luxembourg et la BEI va permettre de financer des projets d'assistance technique à la microfinance dans les pays ACP

<http://www.europaforum.public.lu/fr/actualites/2011/07/bei-microfinance/index.html>

³⁷⁴ See <http://www.acsal-science.org/>

Table n° 12: Top 10 nationalities of third country national students at the University of Luxembourg 2008 – 2011

Countries	2008		2009		2010		2011	
Cameroon	50	14,0%	60	13,0%	78	15,5%	98	16,5%
China	27	7,5%	40	8,7%	47	9,3%	58	9,8%
Senegal	21	5,9%	32	7,0%	37	7,4%	47	7,9%
Russian Federation	22	6,1%	33	7,2%	35	7,0%	40	6,7%
Iran, Islamic Republic of	3	0,8%	6	1,3%	16	3,2%	24	4,0%
Serbia-Montenegro	35	9,8%	36	7,8%	33	6,6%	21	3,5%
United States of America	8	2,2%	12	2,6%	16	3,2%	19	3,2%
Ukraine	8	2,2%	8	1,7%	15	3,0%	19	3,2%
India	6	1,7%	9	2,0%	16	3,2%	18	3,0%
Algeria	11	3,1%	13	2,8%	16	3,2%	17	2,9%
Total Top 10	191	53,4%	249	54,1%	309	61,4%	360	60,7%
Third country nationals	358	100,0%	460	100,0%	503	100,0%	594	100,0%

Source: University of Luxembourg © EMN NCP LU

The third country national student population has passed from 358 in 2008 to 594 in 2011, which represents an augmentation of 65,9% in 4 years.

It is also important to see how this population is distributed in terms of the different programmes available. As we saw in table 10, the third country national students represent 10,4% of the total student population.

However, only 556 (93,6%) are registered in the different programmes offered by the University of Luxembourg. The other 38 students (6,4%) are third country nationals that follows specific formations inside the University but not a bachelor, master or PhD programme. Third country national students following these programmes represent 11,8% of the effective student population of the University of Luxembourg.

The data in table n°13 demonstrate that third country nationals are underrepresented in the bachelor programmes (6,4%) when compared to the master (25,1%) and PhD (18,7%) programmes.

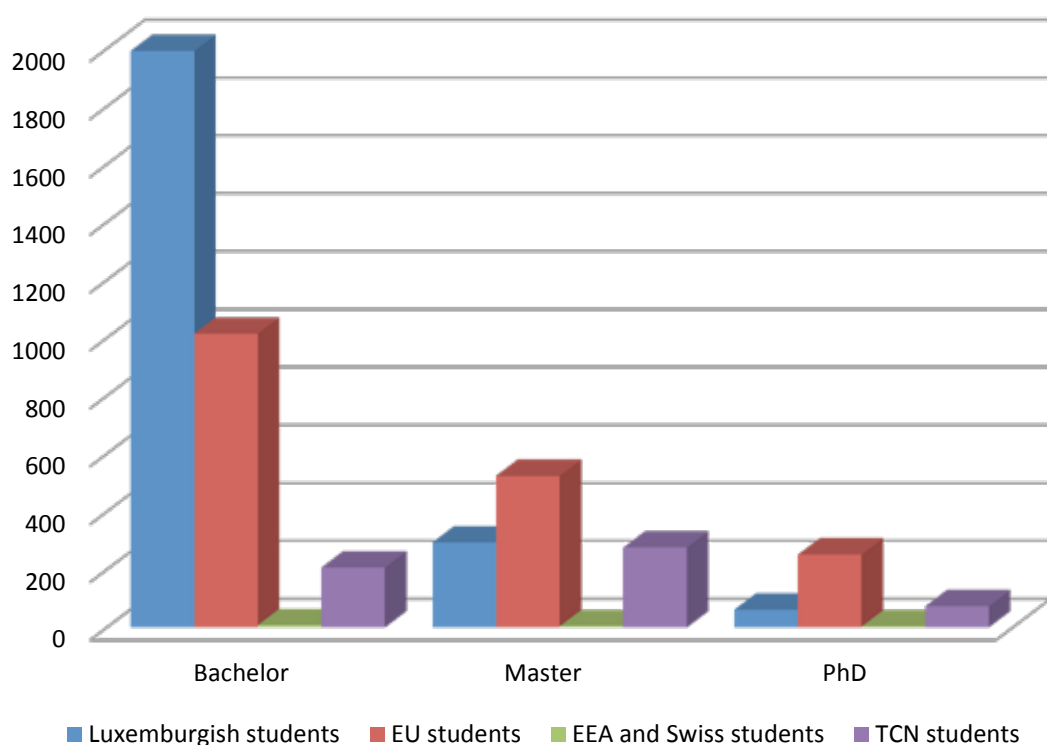
Table n°13: Composition of the student population by programme and by nationality 2011 – 2012

	Bachelor	%	Master	%	PhD	%	Total	%
Luxemburgish students	1992	61,8%	294	26,8%	62	15,9%	2348	49,9%
EU students	1015	31,5%	524	47,7%	252	64,6%	1791	38,0%
EEA and Swiss students	8	0,2%	4	0,4%	3	0,8%	15	0,3%
TCN students	207	6,4%	276	25,1%	73	18,7%	556	11,8%
Total	3222	100,0%	1098	100,0%	390	100,0%	4710	100,0%

Source: University of Luxembourg, 2012 © EMN NCP LU

The internationalisation of the University of Luxembourg is accomplished above all in the Master and the PhD programmes and it shows the implementation of the international strategy developed by the university in the last few years for establishing itself as a high quality and innovative higher education institution.

Graph n°6: Composition of the student population by programme and nationality 2011 - 2012

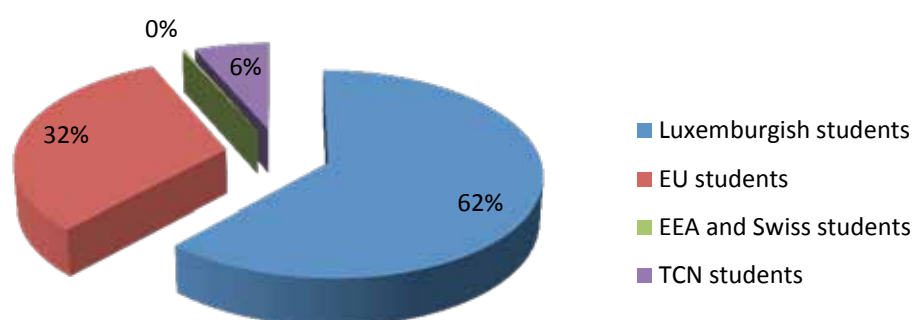


Source: University of Luxembourg, 2012 © EMN NCP LU

How we can explain the fact that the third country national student population is underrepresented at the bachelor level? As we already have mentioned the third country national students represent only 6,4% of the bachelor students. In contrast the Luxemburgish students represent 61,8% and the other EU nationals constitute 31,5% of the same population (See graph n°7).

Nevertheless, the third country national bachelor students represent 37,2% of the total effective third country national student population.

Graph n°7: Bachelor students by nationality



Source: University of Luxembourg, 2012 © EMN NCP LU

In the Top 10 nationalities of bachelor students we found almost the same nationalities as in the global third country national student population.

Nevertheless, the comparaison between third country national student nationalities at the bachelor level in relation with its proportion in the global student population underlines the existence of over and underrepresentations (table n°14).

We can clearly show an important over-representation of the Cameroonian and Senegalian students. However, the Chinese students are underrepresented, to the point that they are not represented in the first five positions: they only rank position 7 in the bachelor list. An explanation for this is that the Chinese students come to study at the master and doctoral

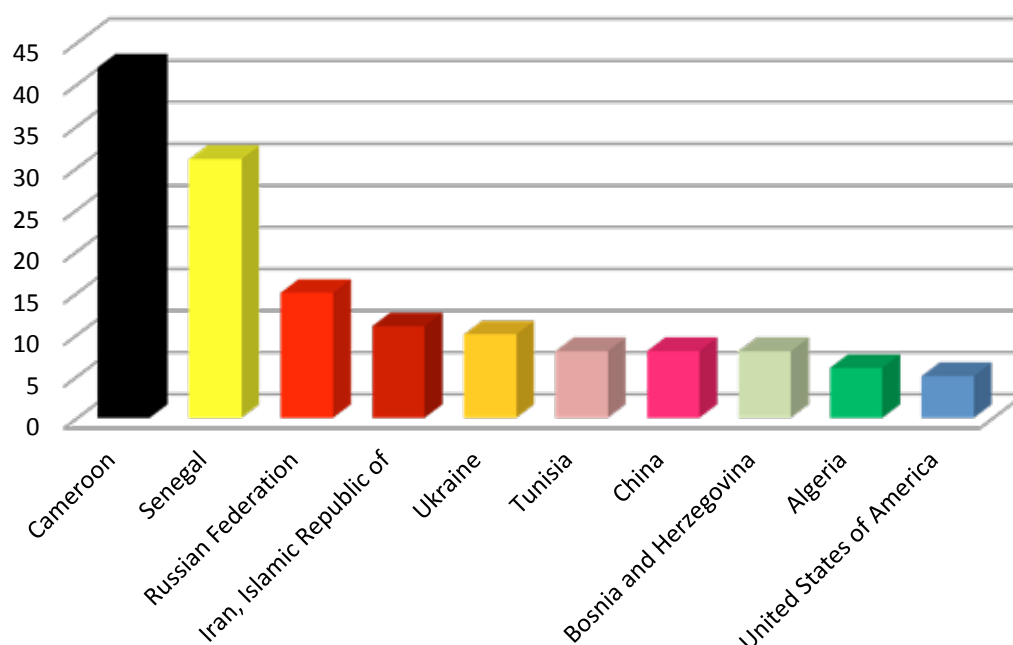
levels, and for this reason there is only 13,7% of the total Chinese population at the bachelor level and they only represent 3,9% of the third country national bachelor students. The Indian students also do not appear in the Bachelor TCNS Top 10 list - the case of India is better reflected in the Master and PhD programmes (See tables n° 15 and 16). Contrary to these important nationalities in the global population we found that in the Top 10 of the bachelor TCNS nationalities the Bosnian students are very present. This can be explained when taking into account the fact that they are residents in the country and that they have done their primary and secondary education in Luxembourg.

Table n°14: Top 10 nationalities of third country nationals in bachelor programmes (2011)

Nationality	Number	%(1)	%TCNS population (2)	Différence (1)-(2)
Cameroon	42	20,3%	16,5%	3,8%
Senegal	31	15,0%	7,9%	7,1%
Russian Federation	15	7,2%	6,7%	0,5%
Iran, Islamic Republic of	11	5,3%	4,0%	1,3%
Ukraine	10	4,8%	3,2%	1,6%
Tunisia	8	3,9%	2,1%	1,8%
China	8	3,9%	9,8%	-5,9%
Bosnia and Herzegovina	8	3,9%	1,6%	2,3%
Algeria	6	2,9%	2,9%	0%
United States of America	5	2,4%	3,2%	-0,8%
Total Top 10	144	69,6%	57,9%	11,7%
Total TCN	207	100,0%	594	

Source: University of Luxembourg, 2012 © EMN NCP LU

Graph n°8: Top 10 nationalities of third country national bachelor students 2011 - 2012



Source: University of Luxembourg © EMN NCP LU

When compared to the bachelor students, the position of the third country national students at the master level is more consolidated, because it represents 25,1% of the master student population. There is a change in the positions of the top 10 nationalities after the 4th position. Here the American students have more weight (they are 12 and therefore representing 4,3% of the third country national master student population and 63,2% of the total American student population at the University of Luxembourg). The targeted countries of the University are also well represented: all the countries of the BRIC are included (China, Russia, India and Brazil) as well as the United States and the countries with which Luxembourg has cooperation agreements (Senegal) and Cameroon, which is a country with a strong family network.

Table n°15: Top 10 nationalities of third country nationals master students 2011 - 2012

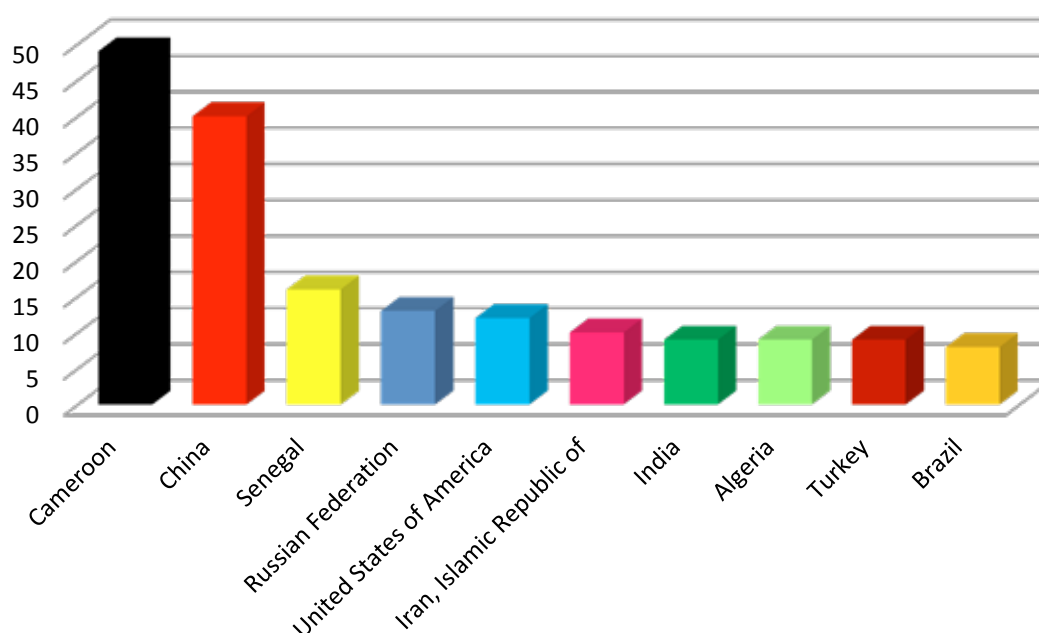
Nationality	Number	%(1)	% Total TCNS (2)	Différence (1)-(2)
Cameroon	49	17,8%	16,5%	1,3%
China	40	14,5%	9,8%	4,7%
Senegal	16	5,8%	7,9%	-2,1%
Russian Federation	13	4,7%	6,7%	-2,0%
United States of America	12	4,3%	3,2%	1,1%
Iran, Islamic Republic of	10	3,6%	4,0%	-0,4%
India	9	3,3%	3,0%	0,3%
Algeria	9	3,3%	2,9%	0,4%
Turkey	9	3,3%	2,3%	1,0%
Brazil	8	2,9%	1,6%	1,3%
Total Top 10	175	63,4%	57,9%	5,5%
Total TCN Master Students	276	100,0%	594	

Source: University of Luxembourg, 2012 © EMN NCP LU

Again we found the Cameroonian and Senegalian students in the first position. The Chinese students are well represented at the master level where they occupy the second position. The table reflects not only the policy of the University of recruiting students in the target countries of the Luxemburgish cooperation but also the new international policy developed over the last few years.

It is significant to notice that at the Top 10 list of the master programmes the Turkish and Brazilian students made their entry.

Graph n°9: Top 10 nationalities of third country national master students 2011 – 2012



Source: University of Luxembourg, 2012 © EMN NCP LU

At the PhD level the situation is totally different in comparison to the bachelor and master programmes. In this case, the student population is more in line with the new international policy of the University, especially in relation to the framework agreements signed³⁷⁵. For example, we see that three countries of the BRIC (China, India and Russia³⁷⁶ - see graph n° 10) represent 37% of the third country national doctoral student population. The Top 10 third country national PhD students represent 69,9% of the total third country national PhD student population.

³⁷⁵ http://www.uni.lu/international/international_agreements/framework_agreements

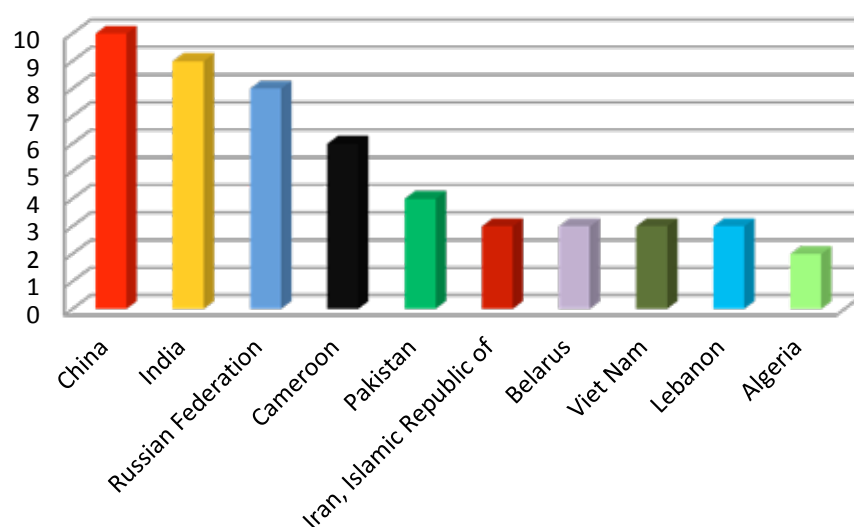
³⁷⁶ The University of Luxembourg has signed framework agreements in China with the Peking, Renmin, Shandong and Tongji universities, PSG College of Technology in Coimbatore, India and with the Steklov Mathematical Institute (Moscow), Moscow State Higher School of Economics and National medical academy of Omsk in Russia. http://www.uni.lu/international/international_agreements/framework_agreements

Table n°16: Top 10 nationalities of third country nationals PhD students 2011 - 2012

Nationality	Number	%(1)	% Total TCNS (2)	Différence (1)-(2)
China	10	13,7%	9,8%	3,9%
India	9	12,3%	3,0%	9,3%
Russian Federation	8	11,0%	6,7%	4,3%
Cameroon	6	8,2%	16,5%	-8,3%
Pakistan	4	5,5%	1,0%	4,5%
Iran, Islamic Republic of	3	4,1%	4,0%	0,1%
Belarus	3	4,1%	1,1%	3,0%
Viet Nam	3	4,1%	1,0%	3,1%
Lebanon	3	4,1%	0,6%	3,5%
Algeria	2	2,7%	2,9%	-0,2%
Total Top 10	51	69,9%	46,6%	23,3%
Total PhD TCN Students	73	100,0%	594	

Source: University of Luxembourg, 2012 © EMN NCP LU

Graph n°10: Top 10 nationalities of third country nationals PhD students 2011 – 2012



Source: University of Luxembourg, 2012 © EMN NCP LU

To comprehend the underrepresentation of third country national students at the bachelor level in relation with the Master and PhD programmes we must not only focus on the nationality of the students but also on where the student obtained his/her secondary diploma.

In the study we actually determined the existence of the problem of the recognition of diplomas in the admission of students in the University of Luxembourg.

Table 17 shows the student nationality and the country where the student has obtained his/her secondary school diploma.

Table n°17: Bachelor students nationality and country where secondary school diploma was obtained, 2010 - 2011

Nationality	Country where diploma was obtained	2010	2011
Luxembourg	Luxembourg	1795	1 907
France	France	182	171
Germany	Germany	154	148
Belgium	Belgium	79	76
Portugal	Luxembourg	212	232
France	Luxembourg	69	65
Cameroon	Cameroon	31	30
Italy	Luxembourg	61	48
Romania	Romania	10	12
Luxembourg	Belgium	31	25
Luxembourg	France	17	35
China	China	2	2
Senegal	Senegal	23	31
Italy	Italy	11	8
Portugal	Portugal	17	11
Russia	Russia	6	12
Poland	Poland	10	10
Spain	Spain	4	3
Belgium	Luxembourg	20	17
Germany	Luxembourg	18	28
Total		2752	2871
Luxembourg	No indication		25
Eu students	No indication		186
EEA and swiss nationals	No indication		8
TCN students	No indication		132
Total	No indication	341	351
Global total		3093	3222

Note: In 2011, between the bachelor students, we find 1907 Luxemburgish students who have obtained their secondary diploma in Luxembourg.

Source: University of Luxembourg, 2012 © EMN NCP LU

For 2752 students in 2010 and 2871 in 2011 the nationality is reported in relation with the country of origin of their diploma.

- For 2010 and 2011, we can conclude that, between these students, the majority of the EU nationals have obtained their diplomas in a Member State;
- The Russian students have obtained their diploma in Russia, which is a country that has signed the Paris Convention.
- The Cameroonian and Senegalian students have obtained their diplomas in their country of origin, which are countries that have a cooperation agreement with Luxembourg.
- If we look only at the year 2011, we can observe that: 3% (60) of the Luxemburgish students have obtained their secondary diplomas in Belgium or in France;
- 47% (390) of non-Luxemburgish students who are EU nationals have obtained their secondary diploma in Luxembourg

From 186 EU-nationals, 25 Luxembourg citizens, 8 EEA citizens and 132 third country national students we don't know where they have obtained their secondary school diploma. We have seen that a large majority of the third country national students in Luxembourg attend the University in Luxembourg without having a student residence permit, because they reside in the country with another kind of residence permit.

This situation shows us the difficulties third country national students are confronted with when trying to be admitted at bachelor level, especially for those students who are originally from a country with whom Luxembourg does not have any kind of agreement and that is not a signatory to the Paris or Lisbon Conventions (as discussed above). We can advance the hypothesis that a large part of the 132 third country national students registered in the bachelor programmes have either obtained their secondary diploma in Luxembourg or in another Member State or in a country that is signatory to the Paris or Lisbon Conventions.

7. CONCLUSIONS

Europe is the birthplace of the university as higher education institution, with the foundation of the University of Bologna in 1088³⁷⁷. Since the XVII century European higher education institutions have been attracting international students from all over the world. Most of the Member States have universities that were founded since the Middle Ages³⁷⁸ and still continue operating. Luxembourg has a particular situation in this context: until 2003 Luxembourg did not have a university: Luxemburgish students (nationals and resident migrants) who wanted to get a higher education had to attend universities in either the neighbouring countries (Belgium, France and Germany) or other countries. Some of the reasons for not having a university before that date were: 1) the cost of establishing a higher education institution was very high compared to the population of the country and it was easier to benefit from the higher education infrastructure in the neighbouring countries and 2) the possibility of Luxemburgish students attending different universities brought not only different perspectives but it also developed a personal network abroad.

Since the end of the XIX century, the development of the Luxembourgish economy has been heavily depending on the migrant labour force. Most of this labour force comes from the Greater Region (border regions with Belgium, France and Germany), but also from other EU-countries. The steel industry's crisis of the 1970's changed the orientation of the Luxembourg economy from an industrial sector to the financial and service sectors³⁷⁹. The transformation of the Luxembourgish economy from the industrial sector to the tertiary sector implied an internationalisation of the economy in itself. However, compared to the rest of the Member States, Luxembourg has a foreign population composed mainly of EU nationals. Third country nationals are a minority in the total population and in the active work force.

³⁷⁷ Nuria Sanz, Sjur Bergan: "The heritage of European universities", 2nd edition, Higher Education Series No. 7, Council of Europe, 2006, p. 136. The word "university" was coined at its foundation. Rüegg says: "The university is a European institution; indeed, it is the European institution par excellence.... No other European institution has spread over the entire world in the way in which the traditional form of the European university has done..." Rüegg, Walter: "Foreword. The University as a European Institution", in: A History of the University in Europe. Vol. 1: Universities in the Middle Ages, Cambridge University Press, 1992pp. XIX–XX.

³⁷⁸ In Italy we find the universities of Bologna (1088), Padua (1222), Naples (1124), Siena (1240), Macerata (1290) Rome (1303), Perugia (1308), Florence (1321), Camerino (1336), in France: Paris (1150), Toulouse (1229), Montpellier (1289), United Kingdom: Oxford (1167), Cambridge (1209), Spain: Salamanca (1218), Valladolid (1241), Madrid (Complutense – 1293), Portugal: Coimbra (1290), Czech Republic: Prague (Charles – 1348); Poland: Krakow (Jagiellonian University – 1364); Austria: Vienna (1365); Hungary: Pécs (1367), Germany: Heidelberg (1386), Leipzig (1409), Rostock (1419), Sweden: Uppsala (1477), Denmark: Copenhagen (1479)

³⁷⁹ EMN NCP LU "La force de l'emploi intérieur et la politique migratoire" (2011), pp. 27-29

The size of the country and of its population and the need of skilled and highly skilled workers that could not be satisfied by the local population, forced Luxembourg to continue depending on the human resources reservoir of the Greater Region. The eventual problem was that this reservoir is not unlimited and that some of the qualifications required could not be found in the Greater Region or elsewhere. This was one of the elements that was considered by the Luxemburgish government when deciding on whether or not the University of Luxembourg should be created³⁸⁰. With the creation of the University of Luxembourg, Luxembourg began to adapt its higher education strategy to the objectives established in the Lisbon strategy. The fundamental objective is that the university responds to the needs and requirements of the modern academic world. Its objectives are: a) high education standards, b) to be economical and research focused; and c) to have an international approach. Their international strategy is focused on the mobility of international students.

This position is coherent with European policy in the field of education since one of its objectives “is to promote Europe as a whole as a world centre of excellence for studies and vocational training”³⁸¹. In this context one of the key elements is promoting the mobility of third country nationals for the purpose of studies.

The fact that the “student” residence permit is one of the legal migration channels that allows a third country national to stay in a Member State for a period of time (depending if it is a bachelor, master or doctoral degree), compel the Member States and the European Union to develop migration policies which allow, on the one hand, the universities to attract these students which allow for a diversity in the student body and, on the other hand, preventing that the student route is being misused as a migration channel³⁸².

The Luxemburgish policy reflects the implementation of these objectives that can be observed in the principle laws on the subject: the Law of 12 August 2003 on the creation of the University of Luxembourg and the Law of 29 August 2008 on free movement of persons and immigration.

The objective of attracting international students is accomplished through the use of international agreements targeting universities of third countries and framework agreements

³⁸⁰ See parliamentary document n° 5059/00. Bill on the creation of the University of Luxembourg

³⁸¹ Council Directive n° 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.
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:EN:PDF>

³⁸² European Migration Network (2011), p. 2.

with universities inside the European Union. The government has always encouraged the university's international policy and has given a large leeway to implement it.

In the first years of the university it focused on the targeted countries of the Luxembourgish international cooperation programmes (such as Cap Vert, Senegal, Mali, etc.) In the last few years, the scope of selecting international students has expanded to developed economies (i.e. United States of America, Canada, Japan, Australia) as well as fast developing economies (India, China and the Russian Federation). The University of Luxembourg is also very actively developing international cooperation with local and international companies allowing the students to do internships and apply their knowledge in practice. The transnational cooperation of the University of Luxembourg with its involvement in the project of the University of the Greater Region, as well as the implementation of framework agreements (not only with other universities but also with international companies), allow both, intra EU and international student mobility.

However, even though this policy is supported by the government, especially by the Ministry of Higher Education and Research, it is still a fact that the Directorate of Immigration is vigilant that this international policy will not be abused by third country nationals to enter and stay in the country.

The Law of 29 August 2008 which transposed into national law the Directive 2004/114/EC had certain particularities a) the absence of linguistic requirements when applying for the authorisation of stay; b) the student has limited access to the labour market during his/her studies; c) the possibility of stay and work under certain conditions after the finalization of his/her studies allowing the student to make a first professional experience.

The national policy is clear on the objective of the student residence permit. The student must come to study in a higher education institution, obtain a degree and return to his/her country of origin. This is the reason why the student residence permit is considered of a provisional and precarious nature. It is important to mention that the policy established by the Law of 29 August 2008 on free movement of persons and immigration³⁸³ and implemented by the

³⁸³ Comment to article 57 of the bill n° 5802 on free movement of persons and immigration. The bill mentioned: "La limite de dix heures est considérée comme compatible avec un programme d'études à temps plein, tout en permettant à un étudiant de jouir de la possibilité de compléter significativement les ressources

Directorate of Immigration only admits third country national students that are going to study full time, so there is no possibility for these students to study part time.

The residence permit can be revoked or not renewed if the international student does not respect the conditions under which the residence permit was granted, if he/she violates the time limitation for work or does not make sufficient progress in his/her studies. It also offers them the opportunity to stay and to have a first professional working experience where they can apply the knowledge acquired³⁸⁴. This “salaried worker”³⁸⁵ residence permit can only be obtained if the student fulfills some requirements and if the job is in accordance with the field of studies and is limited to a maximum period of two years and is not renewable. The objective is to avoid the ‘brain drain’ in their countries of origin.

The internationalisation of the student population in Luxembourg is evident: there were 98 nationalities represented in the winter semester 2011/2012, and if we exclude the EU Members states, EEA and Swiss nationals there were 69 nationalities coming from third countries. However, they only represent 10,5% of the student population. This internationalisation of the student population apparently is coherent with the Law of creation of the University of Luxembourg and the principles on which the legislator justified the transposition of the Directive.

If the composition of the university’s international population reflects in a certain way the composition of the population of the Grand Duchy, it is important to mention that this population is composed by international students who are residents and did their previous education in the country as well as students who come from other Member states of the European Union and third country national students who arrive in Luxembourg with an authorisation of stay as “student”.

The proportion of the third country national students in the student population is higher than the proportion that third country nationals in the global population. Nevertheless, the proportion of third country national students varies significantly depending on the type of

dont il a besoin pour vivre. Cette limitation ne s’applique pas aux périodes de vacances. » See parliamentary document n° 5802/00 p. 71.

http://www.chd.lu/wps/PA_1_084AIVIMRA06I4327I10000000/FTSByteServletImpl/?path=/export/exped/sexdpata/Mag/041/619/064108.pdf

³⁸⁴ In this sense, Luxemburgish legislation goes beyond than the EU acquis of the Directive 2004/114/EC

³⁸⁵ This residence permit is “suis generis” because it does not have to fulfill the requirement of the labour market test and can be apply in Luxembourg and not abroad.

formation they follow: third country nationals are underrepresented on the bachelor level when compared to their proportion at the master and PhD levels.

Finally, the large majority of the third country nationals who are admitted to study in Luxembourg come from countries with which the University of Luxembourg has cooperation or framework agreements (ie. China, India, Russian Federation and the United States), with the exception of Cameroon, where a family network has been developed. This fact puts in evidence the problem with the admission of students who come from countries where neither the University of Luxembourg nor the Grand Duchy have cooperation agreements.

Third country national students are confronted with different kind of problems, such as:

- Admission: Third country nationals can be confronted with obstacles during the admission procedure. The recognition of diplomas is a serious issue especially if the third country national student comes from a country that has not signed the Convention of Paris/Lisbon on recognition of secondary diplomas. To solve this problem there is the possibility of making an entry exam but this examination is only carried out in certain third countries.
- Multilingualism: In Luxembourg there are three official languages (Luxembourgish, French and German) and at the University some of the programmes are taught in two or three languages. In some cases students have problems adapting to this multilingualistic environment.
- Housing: International students have problems finding affordable housing in Luxembourg. This situation can be explained by the fact that the University of Luxembourg is located in the capital of the country where the financial services centre operates. Therefore, there is a high demand for housing and in consequence the price of housing is higher than in other major cities. As a consequence, affordable housing for students in general is very limited. However, the University of Luxembourg and some NGOs put all their efforts to resolving this problem.
- Financial support: For obtaining the authorisation of stay the student must prove that he/she has the financial resources to study. If the student has a scholarship or sufficient resources there is no problem. However, students coming from developing countries have problems satisfying this legal requirement for obtaining their authorisation to stay and afterwards for living in Luxembourg. There are not sufficient scholarships to help this type of students. As with housing, this problem affects in

principle third country national students who come from countries with which neither the University of Luxembourg, nor the Luxembourgish government have a cooperation agreement or an student exchange programme.

- In addition third country national students have limited access to the labour market during their studies: they have the possibility to work after the first two semesters, except if the work is done in the higher education institution where the student is registered. After this waiting period the student can work but is limited to 10 hours per week.

There are certain indicators that could be perceived as a misuse of the student residence permit but it is almost impossible to measure. The political, financial and economic situation of the country not only tempts the international students to stay in the country when they finish their studies but also attracts third country nationals who try to take advantage of the student residence permit to stay in the country. Some situations were mentioned before, such as persons who benefit from a student residence permit and do not even finish their studies or do not attend their classes.

The fact that the ROI only foresees that the student must validate 25 ECTS in the first two semesters to continue with the programme in the third semester, that a bachelor programme must be completed in a maximum of 5 years and a master programme in 3 years, makes it very difficult to control the progress of international students and in some cases the student arrives at the end of the programme without having validated 50% of the required ECTS for graduation.

Some of these problems have generated some discussion at the national level.

One of the aspects that has been regularly discussed is the possibility to work. This situation creates a different treatment among students, especially between foreign students coming from the EU or the EEA and third country nationals

The main issue is that some students that come from very poor countries which do not benefit from international cooperation agreements, have neither financial nor housing aid, and do not have the financial capability to study and can not work on the side more than it is allowed by the law. This phenomenon not only puts the development of the studies in jeopardy (the

student does not put the emphasis required to its studies) but also means that if caught the student risks that its residence permit will be revoked or not renewed and that he/she can be expelled of the country.

The so-called ‘brain drain’ is another issue subject to discussion. The parliamentary documents of the Law of 29 August 2008 on free movement of persons and immigration clearly established that the law has to restrict the ‘brain drain’ from their countries of origin. However, with the implementation of the Blue Card Directive, transposed by Law of 8 December 2011 for attracting highly qualified workers both policies are apparently in conflict. On one hand an international student who has studied in the country can look for a first working experience if he fulfills the requirements of article 59 of the law and can work in the country for two years. However, seen that this “salaried worker” residence permit will not be renewed after the two years, the person must return to the country of origin. Nevertheless, once the “international student” returns to his/her country of origin nothing forbids him/her to apply as a highly qualified worker and return to the country. This situation demonstrates that the ‘brain drain’ issue is far from being resolved and that there is no clear policy at the moment.

If one looks at the latest developments and framework agreements signed by the University of Luxembourg, and its focus on developed and rising economies, we can question ourselves if this policy is more economically and research oriented, even though the university’s policy is to attract third country national students from all over the world. However, it is necessary to wait some time to verify the implementation of this policy, seen that the university is less than 10 years old.

The impact of international students in Luxembourg is minimal seen the weak numbers of third country national students. There is partial data on the inflows and outflows of international students and no data on the success or failure rate of third country national students. There is also no data available on intra-EU mobility of third country national students and still no data available on the residence permit issue as “salaried” workers after they finish their studies, which is also due to the recent creation of the University.

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LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de la Famille et de l'Intégration
Office luxembourgeois de l'accueil
et de l'intégration

The objective of the European Migration Network, created by Decision N° 2008/381/CE of the Council, dated 14 May 2008, is to provide up-to-date, objective, reliable and comparable information on immigration and asylum to Community institutions, the authorities and institutions of the Member States, and the general public, to foster the development of policies and facilitate the decision-making process within the European Union