

IMMIGRATION OF INTERNATIONAL STUDENTS FROM THIRD COUNTRIES TO AUSTRIA

Study of the National Contact Point Austria in the European Migration Network

Elisabeth Musil
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IOM International Organization for Migration



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REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

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International Students
from Third Countries to Austria**

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The opinions presented in the study are those of the authors and do not necessarily represent the position of the Federal Ministry of the Interior and/or the International Organization for Migration.

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, the Council Decision 2008/381/EC constitutes the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also has a role in providing this information to the wider public.

The NCP for Austria is located at the Research and Migration Law Department of the Country Office Vienna of the International Organization for Migration (IOM), which was established in 1952 when Austria became one of the first members of the organisation. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends to develop and implement national projects and programmes to address these.

The main task of the NCPs is to implement the annual work programme of the EMN, including drafting the annual policy report and topic-specific focussed and main studies, publishing studies, answering Ad-Hoc Queries from other NCPs, carrying out a visibility strategy and networking in several forums. Furthermore, the NCPs in each country have set up national networks consisting of organisations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research, but rather collect and analyse primarily existing data; however, exceptions might occur if existing data and information is not sufficient. EMN studies are elaborated in accordance with uniform specifications that are valid for all EU Member

States plus Norway in order to achieve comparable EU-wide results. Since the comparability of the results is frequently accompanied by challenges, the EMN has also elaborated a Glossary, which assures the application of a similar terminology in all national reports.

Upon completion of the national reports, the European Commission and a service provider draft a synthesis report, which summarises the most significant results of the national reports. All national studies and synthesis reports as well as the Glossary are available on the website of the European Migration Network at www.emn.europa.eu.

EXECUTIVE SUMMARY

This report is the Austrian contribution to the EMN Study on the “Immigration of International Students to the European Union” as part of the EMN Work Programme 2012. The aim of this EU-wide study is to provide an overview of the Austrian policy, practice and legislation related to international students (ISCED levels 5 and 6) from third countries, with a view to assisting policymakers and practitioners to achieve a balance between actively attracting international students for the purposes of study and preventing the misuse of international student routes to migration.

In line with the methodology of the EMN, this study was, primarily, undertaken through secondary, desk-based, research. Additionally, primary research to generate new information was carried out through interviews with 18 experts from institutions working in the area of international students. According to the common specifications for this EU-wide study, the term ‘international student’ refers to “a third-country national arriving to Austria from a third country for the purposes of study”. It was emphasised by the interviewed experts that there is not only one type of international student; on the contrary, the term international student refers to a highly heterogenic group of persons: to programme and exchange students as well as to free movers and persons making use of short-term or long-term mobility rights. All of this makes it difficult to make general statements about this group, and assertions are only possible with reservations.

Statistics

Statistics show that, in the academic year 2010/11, 53,036 students were enrolled in the tertiary level (ISCED 5-6). They represented 15 per cent of the total student population at this educational level (361,797). In an OECD comparison, Austria was one of the countries with the highest percentages of international students among their tertiary enrolments, following Luxembourg, Australia and the United Kingdom. The share of international students was even higher at some ISCED levels: while at the bachelor level (ISCED 5A First degree) their share was 15 per cent, at the

master level (ISCED 5A Second and further degree) their proportion was 17 per cent and in advanced research programmes / PhD level (ISCED 6) it was 22 per cent. Almost three-quarters of the international students (38,688; 73%) or 11 per cent of all students were international students from another EU Member State. International students from non-EU country amounted to 14,309 students (27%), which amounted to 4 per cent of all students.

In the academic year 2010/11, 63,754 students graduated from Austrian higher education institutions in the areas ISCED 5 and 6. A share of 3 per cent (1,659 students) was non-EEA mobile students. The main country of origin of international non-EEA graduates was Bosnia and Herzegovina (14%), followed by Turkey (8%), China (7%), Pakistan and Croatia (6% for both countries). While graduates from Bosnia and Herzegovina (83%), Turkey (78%), Croatia (66%), Ukraine (63%), and Serbia (60%) mainly graduated at the bachelor level, almost all graduates from Pakistan graduated at the doctoral level (95%).

Policy framework

The policy framework regarding international students from third countries in Austria must be seen in the specific national context that is characterised by low tuition fees, a high proportion of international students in general and, regarding students from third countries, a high regional concentration of students from Former Yugoslavia and Turkey. It was emphasised by the interviewed experts that this renders comparisons with other countries difficult.

From a higher education and research policy perspective, the international mobility of students, graduates, as well as scientific and artistic university staff is regarded as a very important part of the internationalisation of Austrian higher education institutions. Internationalisation and mobility have thus become cornerstones in the strategic considerations of universities.

From a migration and labour policy point of view, one of Austria's main priority regarding international students from third countries is to observe and fulfil the obligations under EU law (e.g. transposing the Students Directive). Furthermore, students are covered by the Austrian strategy of attracting (highly) qualified labour force. As such, in 2011 the government simplified access to the Austrian labour market for students from

third countries. Furthermore, the government has sought to ease the conditions for international students from third countries to remain in the country upon graduation from an Austrian higher education institution and search for a job.

Education is also a prioritised area of activity for the Austrian Development Cooperation (ADC), and education and science were therefore defined as one of the ADC priority themes. A 'Higher Education and Scientific Cooperation Strategy for the Austrian Development Cooperation' was developed by the Austrian Development Agency and the Federal Ministry of European and International Affairs in 2009. This strategy fundamentally changed the approach towards scholarships. ADC funding of such programmes on the principle of individual financial support was reduced and integrated into a comprehensive institutional capacity development programme.

Legislative framework

The Austrian migration law does not foresee special provisions to attract third-country students to pursue study opportunities within Austria's higher education system. However, Austria recently revised its framework for the validation and recognition of acquired qualifications as well as its information strategy.

Legislation in Austria on the conditions for students from third countries concerning entry (admission) and stay is mainly derived from EU law, namely the Students Directive. Third-country nationals who wish to study in Austria may apply for a 'Residence Permit – students' in person at the competent Austrian representation authority abroad. The application is forwarded to the competent settlement and residence authority in Austria that decides on the application, while the decision must be awaited from abroad. After entering Austria with the visa, the residence permit can be collected within six months after being informed, and within the validity period (four months) of the visa. Students receive the permit if they meet general requirements – e.g. adequate means of subsistence and accommodation according to local standards – and if they are accepted for a course of study.

If a third-country student can travel visa-free to Austria, he or she may also apply from within Austria for the permit, while the application itself does not implicate a right to stay. Thus, if the authority does not decide on

the application during the visa-free period, he or she must return to await the decision abroad.

Difficulties with the intra-EU mobility of Erasmus Mundus participants may occur if the authorities (e.g. Austrian representation authorities in other Member States) are not adequately informed about the programme. The OeAD as well as universities sometimes offer special services for students participating in Erasmus Mundus or similar programmes.

The long duration of the administrative procedure following the application for the 'Residence Permit – students' is the main challenge for students. Furthermore, students who do not have family members to financially support them or who do not receive scholarships face difficulties in proving sufficient means of subsistence. If, moreover, the exchange rate of the local currency is low – as currently in the case of Iran –, this may lead to significant challenges for students from such countries to prove sufficient means of subsistence. To facilitate communication and solve pressing issues regarding students' entry and stay, a 'round table' was installed that brings together relevant stakeholders. This round table has proved to be an efficient tool to address problems occurring in the admission procedure. The misuse of the student route to immigration to Austria is not regarded as a specific challenge by experts, as compared to other residence titles.

The 'Residence Permit – students' is issued for one year. To prolong the permit, students must prove appropriate success in their studies. Students are, in principle, permitted to be employed during their studies in Austria. Since July 2011, students may receive employment permits for 10 hours per week without labour market tests, and 20 hours per week after they have completed the first stage of a diploma programme or a bachelor's degree programme. Family reunification for students, which is not limited by a quota regulation, is restricted to the core family, including the spouse or registered partner and minor unmarried children.

Measures to facilitate the access of third-country graduates to the Austrian labour market are in place to a limited extent. As an example, the 'Mentoring for Migrants' programme supports migrants to find a mentor within the Austrian 'business community'. In 2011, the Austrian provisions applying to students after completion of their studies was amended in the course of the introduction of the new residence title 'Red-White-Red Card'. This regime, however, only applies to third-country nationals who have completed the second period of a diploma programme or a mas-

ter's programme. After completion of studies, and if graduates wish to stay in Austria and obtain the 'Red-White-Red Card', they can receive written confirmation of the legality of their stay for a further six months with the possibility to apply for the title after they have found employment. This confirmation, which is considered as a rather unattractive right to residence *sui generis*, is provided for the purpose of job search and cannot be prolonged. If graduates find adequate employment, they may apply for the 'Red-White-Red Card' from within Austria. They receive this title provided that the employer pays the locally customary gross minimum salary and if they fulfil general requirements. It is currently debated whether access to the 'Red-White-Red Card' should be extended to graduates of bachelor's degrees.

Trans-national co-operation

Co-operation agreements concluded by universities are a common tool to facilitate the mobility of international students. Most agreements with third-country institutions are concluded with the United States of America (197), China (78) and Japan (63).

Furthermore, bilateral and multilateral agreements concerning scholarships in the field of students' mobility are a relevant tool. These contain regulations for various fields, such as the scope of financial support and the conditions for eligibility. The OeAD is responsible for the administration of the ministry's scholarship programmes, as well as for the funding of individual mobility and bilateral or multilateral co-operation support. Besides the administration of state scholarships, the OeAD is also involved with third-party scholarships. These programmes are funded either by foreign governments, companies, or institutions with which individual contracts are concluded. While scholarships support the mobility of individuals, project support offers the possibility to collaborate in research projects, amongst others with third countries. Such programmes mainly provide financial support for living and travel costs.

Apart from the above-mentioned activities in the framework of bilateral and multilateral agreements, co-operation activities are carried out in the form of EU financed mobility programmes. These programmes are regarded as complementary to the other programmes existing in Austria.

Selected aspects related to the immigration of students from third countries to Austria

Competition for study places between Austrian nationals/EEA nationals and international students from third countries is not specifically debated in Austria. This can be seen in context of the overall low proportion of international students from non-EU countries among all enrolled students in Austria (4%). Competition may however arise concerning certain subjects/degrees. In general, against the background of a high proportion of foreign students from other EU Member States (19% of newly enrolled students in 2010/11), competition for study places is debated related to asymmetric student inflows from other EU Member States, especially Germany.

The interviewed experts confirmed that the academic success of international students is similar to those of all students. However, they referred to problems at the beginning of the studies. According to experts, students from third countries with a lack of knowledge of the German language are disadvantaged during the 'Introductory and Orientation Period'.

In general, migrant workers face challenges and discrimination concerning their access to adequate employment. In Austria, unemployment rates of academics are, however, generally low. It was, thus, argued by experts that the commencement of adequate employment is not primarily related to migration; rather it depends on the demand for graduates of specific fields of study.

Brain drain was described by the interviewed experts as a multi-layered issue which has to be seen in the specific individual and national context. It was further concluded by experts that, in many cases, it might be difficult to hinder brain drain. At the best, this aim can be achieved in the context of structured mobility programmes or functioning institutions and structures that exist in the countries of origin. For this purpose, ADC higher education measures on the principle of individual financial support were reduced and integrated into a comprehensive institutional capacity development programme.

1. INTRODUCTION

This report is the Austrian contribution to the Study on the “Immigration of International Students to the European Union”¹, which was approved by the EMN Steering Board as part of the EMN Work Programme 2012.

The aim of the study is to provide an overview of the immigration policies that are being implemented by Austria regarding international students, with a view to assisting policymakers and practitioners to achieve a balance between actively attracting international students for the purposes of study, and preventing the misuse of international student routes to migration.

Within this context, the study examines the following thematic areas regarding international students:²

- policy and strategic framework;
- legal and practical conditions regarding admission, stay and period following completion of studies;
- statistical developments;
- transnational co-operation; and
- selected further aspects related to the immigration of international students from third countries to Austria.

In keeping with the scope of the EMN, the focus of this study is on third-country national migrants. Researchers are not included in the study.

The target group for this study are mainly policy officers and decision-makers on the national and European Union level who are working in the area of student migration as well as the general public with an interest in the topic.

1 Norway also contributes to the Synthesis Report.

2 For information on the social situation of international students in Austria, see Unger et al. 2012; for international students in Vienna, see Kohlbacher/Reeger 2005.

1.1 Methodology

In line with the methodology of the EMN, this study was based on common specifications and, principally, undertaken through secondary, desk-based research. The report is therefore mainly based on national and international publications, administrative statistics, internet sources, and current legal provisions and case law regarding third-country students in Austria.

Additionally, primary research work to generate new information was carried out in the form of interviews with 18 national experts. These included representatives from ministries and public institutions, from higher education institutions, a student organisation and the social partners.³ These qualitative interviews were held to explore information that was not accessible through secondary research. A template version of the interview guidelines is enclosed in Annex 3 to this study. Additionally, some experts who could not be interviewed personally provided written responses to a questionnaire or via E-mail.

The statistical illustration of student migration in Austria, according to the specifications of the study, is based on national administrative data for the reference period 2006-2011: permit statistics provided by the Federal Ministry of the Interior, statistics on higher education by Statistics Austria, and data provided by the Public Employment Service.

3 The interviewed experts are listed in Annex 1. In the frame of this study, it was not possible and not the aim of this study to interview all higher education institutions. Instead, the representations of the higher education institutions and selected higher educational institutions located in Vienna were contacted.

1.2 Definitions and terms

Educational levels

The International Standard Classification of Education (ISCED)⁴ classifies education levels into six different levels, with higher education falling under Level 5 (First stage of tertiary education) and Level 6 (Second stage of tertiary education):

- Level 5 (First stage of tertiary education) is defined as bachelor and master degree level, with programmes having a cumulative theoretical duration of at least two years from the beginning of level 5.
- Level 6 (Second stage of tertiary education) is defined as doctorate degree level (PhD) and typically requires the submission of a thesis or dissertation of publishable quality which is the produce of original research and represents a significant contribution to knowledge in the respective area of study.

The study focuses on international students on these two levels.

International students

According to the common specifications agreed on for this EMN study, the term ‘international student’ refers to “a third-country national⁵ arriving to Austria from a third country for the purposes of study”. This study therefore focuses only on incoming international students from non-EEA countries.

Nevertheless, for comparative reasons and in order to put the situation of international students from third countries into a broader context, some chapters (for example on statistics) within this national report include also information on international students coming from EU and EEA Member States. For this purpose and to avoid misunderstandings, the term ‘international students’ refers, in the context of this national report, to all mobile

4 Available at <http://www.uis.unesco.org/Library/Documents/isced97-en.pdf> (accessed on 25 January 2013).

5 Note that, in accordance with the EMN Glossary, a ‘third-country national’ is “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.” This definition means that nationals of Norway, Iceland, Liechtenstein and Switzerland are not considered to be third-country nationals.

students, regardless of their country of origin. When referring to international students specifically from third countries or from EU and EEA Member States, this is explicitly indicated.

There is no one single type of international student; instead, the term 'international student' refers to a highly heterogenic group of persons: programme and exchange students as much as free-movers, and persons making use of short-term mobility as well as long-term mobility.⁶ Thus, it is difficult to make general statements about 'the group of international students' and assertions are only possible or useful with reservations (Reinprecht/Polak 2012).

This point has also been stressed by most interviewed experts, particularly because the channel through which an international student chooses to come to Austria has consequences for the support that is provided. Interviewed universities⁷ confirmed that there are different procedures in place, for example for exchange/programme students on the one hand, who are supported and serviced by the International Offices, and free-movers on the other hand, who organise their stay themselves and who are as such assisted through the same structures as all regular students at Austrian higher education institutions.

Moreover, it is necessary to distinguish between students who have moved from their country of origin with the purpose of studying (international students) and those who are not nationals of the country where they are enrolled (foreign students) but may, in some cases, be long-term residents or even have been born in the country. International students are hence a subgroup of foreign students. Consequently, in the Austrian context, a distinction between students with Austrian education (Bildungsinländer/innen) and students with non-Austrian education (Bildungsaus-

- 6 The Federal Ministry of Research and Science distinguishes in the context of student mobility between 'credit mobility' and 'degree mobility'. While credit mobility refers to a situation when a student carries out a part of his/her studies at a foreign higher education institution and earns 'credits' for the studies at home (the majority of such mobility occur in form of European, international and mostly funded mobility programmes), degree mobility, in contrast, refers to when the entire studies or a full study cycle (e.g. an entire bachelor degree) are completed at a foreign higher education institution. (Federal Ministry of Science and Research 2012a: 225)
- 7 Lottelis Moser and Karin Krall, International Office, University of Vienna, 4 December 2012; Barbara Sporn, Vice-Rector for International Affairs, Vienna University of Economics and Business, 6 December 2012.

länder/innen) is made. Figures of Statistics Austria show that 18 per cent of foreign regular students at Austrian public universities and universities of applied sciences had accomplished their higher education entrance qualification in Austria and therefore are Bildungsinländer/innen (Statistics Austria 2012: 37).

1.3 Acknowledgements

The authors would like to thank all interviewed experts and those who provided written responses and statistical data for their valuable contributions and expertise. Special thanks go to Katharine Ranharter, Constanze Millwisch and Petra Knall for supporting the authors with drafting the study, and to Katie Klaffenböck for proofreading the English text.

2. THE AUSTRIAN HIGHER EDUCATION SYSTEM AND INTERNATIONAL STUDENTS

2.1 The Austrian higher education system

2.1.1 Structure of the Austrian higher education system⁸

The Austrian higher education system is composed of a non-university tertiary sector and a university tertiary sector. The non-university tertiary sector (ISCED 5B) relates to higher technical and vocational schools (such as schools for master craftsmen, foremen and construction trades), colleges including post-secondary courses, as well as post-secondary colleges for medical services (e.g. midwife colleges, medical-technical colleges, or education in cardio-technical service).

The university tertiary sector long consisted exclusively of public universities. This changed with the establishment of the universities of applied sciences (Fachhochschulen) in the year 1994 as an alternative to the university sector, and in 1999, when a law was passed providing for the establishment of private universities. Following these changes, this sector today comprises four areas of higher education institutions: public universities (including universities of arts and music), private universities, universities of applied sciences, and the university colleges of teacher education.

Table 1 below gives an overview of the distribution of higher education institutions by ISCED level and number of institutions.

8 For an illustration of the entire education system in Austria, see Annex 2.

Table 1: Key figures on the Austrian higher education system

Institutions	ISCED	Number of Institutions
Higher technical and vocational schools and colleges including post-secondary courses	3, 4, 5B	340
Post-secondary colleges for medical services ^{1 2}	5B	41
University colleges of teacher education ^{1 2}	5A	17
Universities of applied sciences ³	5A	21
Public Universities	5, 6	22
of which universities of art and music	5, 6	6
Private universities ¹	5, 6	13

Source: Federal Ministry of Science and Research 2012e.

Explanatory notes: ¹ Academic year 2010 / 11. ² Of which 3 private courses of teacher education. ³ Universities of applied sciences and universities of applied sciences providing bodies, respectively.

The 22 public universities (öffentliche Universitäten) are maintained by the state but are independent legal entities. They are characterised by a variety in size, structure and areas of study. While the traditional comprehensive universities in Vienna, Graz, Innsbruck, Klagenfurt, Linz and Salzburg cover a broad spectrum of study programmes and academic subjects, the technical and medical universities concentrate on a range of highly specialised theoretical and applied disciplines.

The private universities (Privatuniversitäten) are operated by private organisations with state accreditation. As mentioned above, these private entities only came into existence recently. The curricula of the Austrian private universities differ from university to university.

The 21 universities of applied sciences (Fachhochschulen) are incorporated upon the basis of private or public law and subsidised by the state. The current programmes provide for academically based and practice-oriented education in the areas of economy, tourism, technology, information technology, health, security, media and design.

The university colleges of education (Pädagogische Hochschulen) are maintained by the state or operated by private organisations with state accreditation. The study programme comprises courses in educational science, subject studies relevant for the respective teaching qualification and practical school experience.

As indicated below in table 2, the majority of students (272,061; 81%) are enrolled in public universities, which highlights their central role in the Austrian higher education sector. The second largest group 39,276 (12%) is enrolled in universities of applied sciences, followed by 13,696 students (4%) enrolled in university colleges for teacher education and 6,555 students (2%) enrolled in private universities.

Table 2: Students in higher education institutions, 2011/12

Type of higher education institution	Total
(Public) universities ²	272,061
Universities of applied sciences ²	39,276
University colleges for teacher education ³	13,696
Private universities ²	6,555
Colleges and special courses ⁴	4,955
Post-secondary colleges for medical services ⁶	1,034
Total	337,577

Source: Federal Ministry of Science and Research 2012d.

¹Including possible double counts ² Winter term. Universities: regular students. ³University colleges for teacher education, incl. other courses. ⁴Including special forms. ⁵Figures based on the forward projection 2010/11. ⁶Academies for higher medical services and academies of midwives.

The higher education institutions offer a variety of programmes. As of January 2012, in total a number of 1,654 degree and doctoral programme studies were offered by Austrian higher education institutions.⁹

As mentioned above, the various higher education institutions differ in size, structure and educational offer. The University of Vienna – the oldest German language university and one of the biggest universities of Central Europe – has, for example, approximately 91,000 students, 6,700 researchers and more than 180 study programmes, making it the biggest educational and research institution in Austria. This is a very different situation to the Anton Bruckner University, which is one of the five Austrian universities for music, drama and dance and currently 850 enrolled students.

9 For a full overview of all degree programme studies at Austrian higher education institutions, see http://www.oead.at/fileadmin/oead_zentrale/ueber_den_oead/publikationen/pdf/Study_in_Austria/study_web.pdf (accessed on 24 January 2013).

This broad spectrum renders comparisons between institutions, and their policies for example regarding international students, difficult.

2.1.2 Actors

Next to the higher education institutions mentioned above, there are a number of further relevant actors in the field of student migration. On the one hand, this includes the ministries and public institutions involved in policy-formation on international students (migration): the Federal Ministry of the Interior as the responsible ministry for immigration policies and legislation, also covering conditions for students' admission and stay; the Federal Ministry of Science and Research as the supreme oversight body for universities and universities of applied sciences; the Federal Ministry of Education, the Arts and Culture as the supreme oversight body for the university colleges of teacher education; the Federal Ministry for Labour, Social Affairs and Consumer Protection with its responsibilities in the areas labour legislation, labour protection, labour market policy, social policy and social security; and the Federal Ministry of European and International Affairs, as the responsible ministry for visa policy, as well as for Austrian development policy and Austrian Development Cooperation. The Austrian Development Agency (ADA) is in charge of implementing programmes and projects with other ministries, federal provinces and municipalities, with the involvement of the Austrian Development Bank. The Austrian Agency for International Cooperation in Education and Research¹⁰ (Österreichischer Austauschdienst, OeAD) is, as the Austrian agency for international mobility and co-operation in education, science and research, the central service point for European and international mobility and co-operation programmes in these fields. It co-ordinates the international higher education marketing and represents the education and research location Austria worldwide.

Furthermore, the associations of Austrian higher education institutions are relevant stakeholders: Universities Austria¹¹ (Österreichische Universitätenkonferenz, uniko), as a non-profit association under private law and the collective voice of the public universities; Universities Austria handles the internal co-ordination of the public Austrian universities and

10 For more information, see <http://www.oead.at> (accessed on 25 January 2013).

11 For more information, see <http://www.uniko.ac.at> (accessed on 25 January 2013).

represents them in national and international organisations; Austrian Private Universities¹² (Österreichische Privatuniversitätenkonferenz, ÖPUK), as the representation of the private universities in Austria; the Universities of Applied Sciences, Austria¹³ (Österreichische Fachhochschulkonferenz, FHK), as an association of Austrian universities of applied sciences that supports these in achieving common educational goals and the Rectors' Conference of the University Colleges of Teacher Education¹⁴ (Rektorenkonferenz der öffentlichen Pädagogischen Hochschulen Österreichs), which represents the university colleges of teacher education.

The Austrian Students' Union¹⁵ (Österreichische HochschülerInnen-schaft, ÖH) is the legal representative body of all students in Austria enrolled in public universities, universities of applied sciences and university colleges of teacher education. It also offers counselling services for international students and represents them in national and international forums. Further to the ÖG, several other student organisations exist which support the interests of students from specific countries of origin.

Furthermore, an important role in the context of labour migration and education is given to the Austrian social partners.

There are also a number of relevant initiatives and co-operation activities that were developed by the above-mentioned institutions. One example is the 'Round Table Educational Cooperation' (Runder Tisch Bildungszusammenarbeit, BZA)¹⁶, which is a non-partisan, interdisciplinary and inter-institutional consortium of a dozen public and civil society institutions, amongst them federal ministries, academic institutions, federations and service institutions. It documents and fosters the international development dimension of the internationalisation of Austrian higher education institutions.

12 For more information, see <http://www.privatuniversitaeten.at> (accessed on 25 January 2013).

13 For more information, see <http://www.fhk.ac.at> (accessed on 25 January 2013).

14 For more information, see <http://www.paedagogischehochschulen.at/rektorenkonferenz/index.html> (accessed on 25 January 2013).

15 For more information, see <http://www.oeh.at> (accessed on 25 January 2013).

16 For further information, see <http://www.kef-online.at/de/partner/rundertisch-bza.html> (accessed on 25 January 2013).

2.1.3 Access to higher education and tuition fees

Admission to Austrian universities is usually provided if the general university entrance qualification (school-leaving certificate for bachelor's and diploma programmes) and special university entrance qualification are obtained and knowledge of German language is proven.¹⁷ In the case of third-country nationals, special university entrance qualification is fulfilled if the right to admission to a course of study in the country of issuance of the school-leaving certificate is proven. In practice, this requirement may constitute an additional restriction to the access of third-country nationals to higher education in Austria. Furthermore, it is relevant for third-country students that, if German language skills cannot be proven, they may still be admitted as non-degree student and obtain a residence permit. Only small proportions of study programmes have further restrictions in place and require entrance examinations (for example medicine, psychology, veterinary medicine, dentistry as well as universities of arts and music).¹⁸ Universities of applied sciences as well as private universities can require entrance examinations that apply both to Austrian and to foreign students.

In Austria, the provisions on tuition fees were reviewed several times. Studies at public universities were free of charge for Austrian citizens until 2001. Foreign non-EU students were obliged to pay a tuition fee of about 290 euros per semester, however, with several exemptions from this rule (cf. Hackl/Pfeffer/Eberherr 2003). In 2001, tuition fees were introduced by the federal government and abolished again in 2008. Following a Constitutional Court's decision of 30 June 2011 (G 10/11, V 6/11-10), which entered into force on 1 March 2012, particular regulations of the University Act 2002 concerning tuition fees were overruled. Since the decision of the Constitutional Court, a debate has arisen about the reinstatement of tuition fees. In the winter term 2012/13, a number of universities auto-

17 It must be noted that amendments to the University Act 2002 are currently under negotiation. These amendments may affect the admission conditions for third-country students to Austrian universities.

18 For the winter semester 2013/24, new further restrictions are envisaged. In the course of a pilot project on the financing of study places, a maximum number of places available shall be introduced in five 'fields of studies' (architecture and urban planning, biology and biochemistry, computer science, pharmacy and economics); for further information, see <http://www.studium.at/200689-das-bringt-2013-studiengebuehren-zugangsbeschaerankungen> (accessed on 25 March 2013).

nomously introduced tuition fees, which in most cases entailed a standard fee of 363.36 euros per semester.¹⁹

In November 2012, a new regulation entered into force that obliges international students from third-countries to pay, in some cases, double the amount of fees (726.72 euros per semester). Certain groups of third-country students are however exempted from these fees: there is, for example, no tuition fee required for students who participate in mobility programmes, for recognised refugees or for students from countries where there are respective mutual agreements. A waiver of tuition fees is also granted to students who are citizens of developing countries.

The tuition fees for private universities in Austria differ from one institution to another and can amount to up to 13,000 EUR per semester.²⁰ There are also special university courses for which public higher education institutions charge higher fees.

The views of interviewed student representatives and representatives of ministries on tuition fees at public universities differ from each other. The Austrian Students' Union sees tuition fees as an impediment for third-country students, especially in the context of unfavourable exchange rates, which pose major problems to certain students.²¹ On the contrary, according to the Federal Ministry of Science and Research²² the amount of tuition fees is very moderate compared to other European countries and as such not a scare-off factor. Furthermore, there are special exceptions which imply that third-country nationals do not necessarily need to pay tuition fees. Elmar Pichl from the Federal Ministry of Research and Science explained: "International students are a business case. Looking at universities worldwide, it becomes clear that no country treats international students equally with nationals; more tuition fees are demanded from them because a more

19 The Austrian Constitutional Court voiced concerns regarding the autonomous collection of fees by universities; see Der Standard, VfGH hat Bedenken gegen autonome Einhebung von Studiengebühren, available at <http://derstandard.at/1350258554623/VfGH-hat-Bedenken-gegen-autonome-Einhebung-von-Studiengebuehren> (accessed on 24 January 2013).

20 Information provided on websites of private universities (consulted on 15 January 2013).

21 Jens Marxen, International Students Office, national delegation of the Austrian Students' Union, 13 November 2012.

22 Elmar Pichl, Higher Education Section, Federal Ministry of Science and Research, 9 November 2012.

pronounced consumer-service relation exists. In these countries, higher education is seen as an investment and students even take up student loans to finance them.”²³

2.1.4 Qualifications awarded²⁴

In recent years, the Austrian university system has introduced the European three-tier system of degrees according to the Bologna process. Currently, two different systems of degree programmes exist in Austria: the old two-tier system in some subject areas and universities and the new Bologna system.

Within the older system of diploma degree programmes (Diplomstudien), the first degree awarded is the diploma degree (Diplomgrad). This degree is awarded by Austrian universities after a course of study of 240 to 360 ECTS credits. Degree titles have gender-specific designations: ‘Magistra’ for women; ‘Magister’ for men. In the fields of engineering, the degree title is Diplomingenieur/in. Degrees awarded in medicine and dentistry constitute exceptions to the above. The first degrees awarded after the completion of these degree programmes consisting of 360 ECTS credits are ‘Doctor medicinae universae’ and ‘Doctor medicinae dentalis’, respectively. Graduates of university of applied sciences programmes that consist of 240 to 300 ECTS credits are awarded, analogous to university studies, a university of applied science diploma degree (Fachhochschul-Diplomgrad) depending on the discipline: either a ‘Diplom-Ingenieur/in (FH)’ for fields of engineering or ‘Magister/Magistra (FH)’ in other fields of study.

The new Bologna-based system distinguishes between undergraduate and graduate studies. Upon completion of an undergraduate programme, a bachelor’s degree (designation: “Bachelor of/in ...”) is awarded. Upon completion of a graduate programme, a master’s degree (designation: ‘Master of/in ...’) is awarded. In the fields of engineering, the designation of master’s degree can also be ‘Diplomingenieur/in’.

Recipients of these diploma degrees from the old system or a master’s degree from the new system are entitled to enrol in doctoral degree pro-

23 Elmar Pichl, Higher Education Section, Federal Ministry of Science and Research, 9 November 2012.

24 This chapter relates to the university level sector and is based on the information provided by the Federal Ministry of Science and Research; see Federal Ministry of Science and Research 2011.

grammes at universities. A doctoral degree with the designation either 'Doktor/in' or 'Doctor of Philosophy' (PhD) is awarded upon completion of a doctoral programme with a minimum duration of three years.

2.2 International students in Austria – a statistical overview

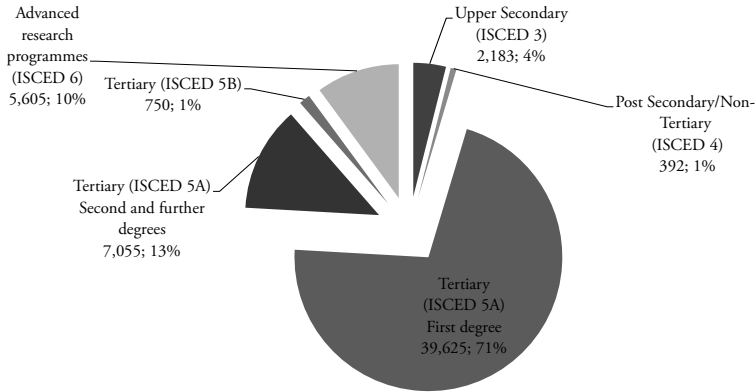
2.2.1 International students²⁵

Enrolments of international students

In the academic year 2010/11, 55,610 international students were enrolled in Austrian education institutions. Almost the entirety, namely 53,036 students thereof (95%), were enrolled in the tertiary level (ISCED 5-6); 39,625 of them or 71 per cent of all international students were enrolled at the bachelor level (ISCED 5A first degree)²⁶. A number of 7,055 international students (13%) were enrolled on the ISCED 5A second degree level²⁷. In the doctoral level (ISCED 6), 5,605 (10%) of all international students were enrolled. Only 4 per cent (2,183) were enrolled in the upper secondary level (ISCED 3), and in the post-secondary/non-tertiary sector it was only 1 per cent (392).

- 25 These statistics refer to students with prior education in a foreign country. In case of non-availability of this information it is referred to the country of usual residence. These data were provided by Statistics Austria.
- 26 The ISCED level '5A First Degree' (Bachelor level) in Austria includes baccalaureate-studies of the universities of applied sciences, diploma studies of the universities of applied sciences, short studies at universities, baccalaureate-studies at universities, diploma studies and doctoral studies under the former study regulations at universities (see http://www.statistik.at/web_de/static/isced_xls_-_bildungsklassifikation_023241.xls) (consulted on 3 January 2013)
- 27 The ISCED level '5A Second Degree' (Master level) refers also to Magister studies at the universities of applied sciences, Magister studies at universities, post-gradual university courses as well as post-graduate courses and complementary courses (Aufbau- und Ergänzungsstudien) (see *ibid.*)

Figure 1: International students in Austria by ISCED level, 2010/11



Source: Statistics Austria. ISCED levels 0-2 categories not applicable.

Looking at the distribution of international students by regions of origin (see table 3), overall similar repartitions over all educational levels (ISCED 3-6) are found for students from EU Member States and students from non-EU countries. The majority (94% respectively 98%) were enrolled in the tertiary level. The repartition within the tertiary levels, however, was slightly different: while 73 per cent of the students from EU Member States were enrolled at the bachelor level, 12 per cent on the master level and 9 per cent on the doctoral level; students from non-EU countries were more represented in the higher educational levels: only in 66 per cent were following a bachelor degree; 16 per cent were studying a master's degree and 14 per cent were pursuing doctoral studies. The share of male students, both among EU nationals as well as third-country students, was slightly higher among the doctoral students (10% of the male versus 7% of female students from EU countries and 16% male versus 12% female students from non-EU countries). In contrast, women from both origins were slightly more presented at the bachelor level (75% of EU females and 68% of non-EU females).

Table 3: International students from EU and non-EU countries by ISCED level and sex, academic year 2010/11

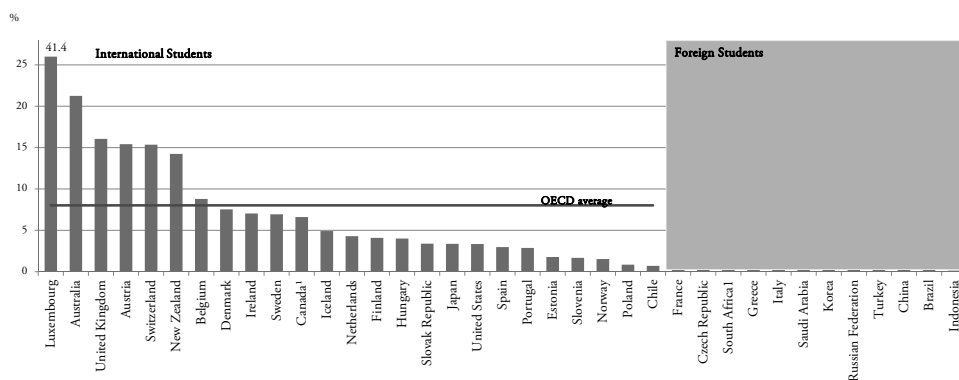
Countries of origin	ISCED 3	ISCED 4	ISCED 5A first	ISCED 5A second	ISCED 5B total	ISCED 6	Total (ISCED 3-6)
EU	1,880	341	29,896	4,723	550	3,518	40,908
	5%	1%	73%	12%	1%	9%	100%
EU males	961	122	13,084	2,259	248	1,916	18,590
	5%	1%	70%	12%	1%	10%	100%
EU females	919	219	16,812	2,465	302	1,602	22,318
	4%	1%	75%	11%	1%	7%	100%
Non-EU	301	52	9,696	2,327	200	2,085	14,661
	2%	0%	66%	16%	1%	14%	100%
Non-EU males	129	11	4,732	1,168	108	1,184	7,331
	2%	0%	65%	16%	1%	16%	100%
Non-EU females	172	41	4,965	1,159	92	902	7,330
	2%	1%	68%	16%	1%	12%	100%

Source: Statistics Austria. ISCED levels 0-2 categories not applicable.

Proportion of international students in the tertiary level (ISCED 5-6)

The 53,036 international students who were studying at Austrian higher education institutions (ISCED 5-6) represented 15 per cent of the total student population in this educational level (361,797). With this share, Austria was, after Luxembourg, Australia and the United Kingdom, one of the countries with the highest percentages of international students among their tertiary enrolments (OECD 2012: 360).

Figure 2: Percentage of international and foreign students in tertiary enrolments, 2010

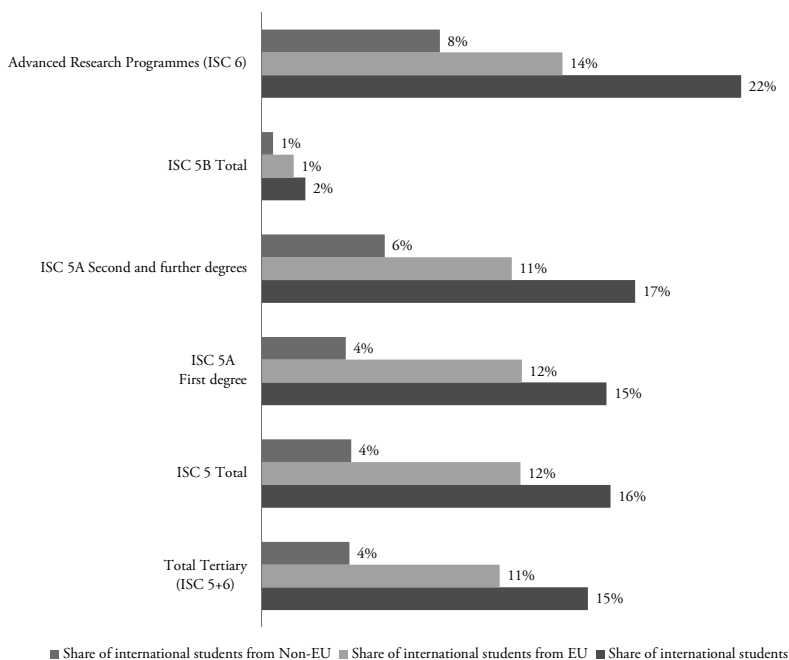


1. Year of reference 2009. 2. Foreign students are defined on the basis of their country of citizenship. These data are not comparable with data on international students and are therefore presented separately in the chart.

Source: OECD 2012: 368.

Looking at the proportion of international students by single ISCED level, it is revealing that the share of international students was even higher in some levels: while at the bachelor level (ISCED 5A first degree), their share was 15%, at the master level (ISCED 5A second and further degree) their proportion was 17% and in advanced research programmes/PhD level (ISCED 6) it was 22%. In contrast, the proportion of international students at the ISCED 5B level was only 2%.

Figure 3: Share of international students on all students by origin and ISCED level, 2010/11



Source: Statistics Austria. Total and private institute, students total full time and part time.

Almost three quarters of the international students (38,688; 73%) or 11% of all students were international students from another EU Member State. International students from non-EU countries amounted to 14,309 students (27%), which were 4% of all students. The origin of 39 students was unknown.

2.2.2 Foreign students²⁸

For reasons of comparison and because valid data of international students by single country of origin is not available,²⁹ statistics on foreign students are included in this study as well. As shown in table 4, of the 317,071 regularly enrolled students at Austrian higher education in-

28 Foreign students are defined on the basis of their citizenship.

29 Information provided by Wolfgang Pauli, Statistics Austria.

stitutions (ISCED 5-6) in the academic year 2010/11, more than a fifth (66,387; 21%) had a foreign nationality.

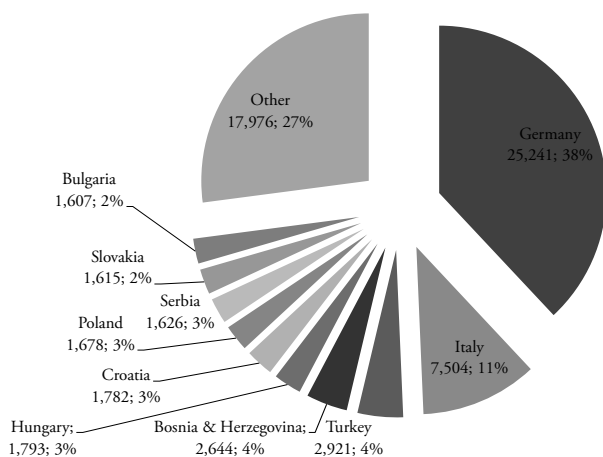
Table 4: Regular students enrolled at Austrian higher education institutions (ISCED 5-6) by citizenship, 2010/11

Citizenship	Total	%
Austria	250,684	79%
Foreign	66,387	21%
EU	46,440	15%
Non-EU	19,947	6%
Total	317,071	100%

Source: Statistics Austria.

More than 70 per cent of these (46,440) were from another EU Member State, 30 per cent (19,947) were from third countries. The main countries of nationality of foreign students in Austria were Germany (25,241; 38%), Italy (7,504; 11%), Turkey (2,921; 4%), Bosnia and Herzegovina (2,644; 4%) and Hungary (1,793; 3%) (see figure 4).

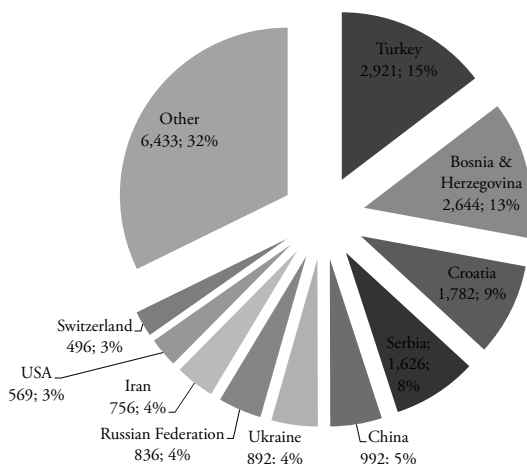
Figure 4: Top 10 nationalities of regular students enrolled at Austrian higher education institutions (ISCED 5-6), 2010/11



Source: Statistics Austria.

Regarding solely the group of third-country nationals (figure 5), one third of all students were from successor states of former Yugoslavia (without SI) (6,651; 33%). Further main countries of origin were Turkey (2,921; 15%), China (992; 5%), Ukraine (892; 4%) and the Russian Federation (836; 4%).

Figure 5: Top 10 third-country nationalities of regular students enrolled at Austrian higher education institutions (ISCED 5-6), 2010/11



Source: Statistics Austria.

New enrolments of foreign students

When looking at new enrolments, the proportion of foreign nationals is even higher. Among the 70,446 newly enrolled students at Austrian higher education institutions in 2010/11, more than a quarter (18,294; 26%) had a foreign nationality, which suggests an increasing tendency. Almost three quarters of them (13,358; 73%) were from other EU Member States. The main nationalities of newly enrolled students were also here German nationals (6,894), who represented 10% of all newly enrolled students, followed by students from Italy (mainly South Tirol) (1,606; 2%), Hungary (591; 1%) and Turkey (586; 1%).

Table 5: Newly enrolled (regular and non-degree seeking) students at Austrian higher education institutions (ISCED 5-6) by citizenship, 2010/11

Citizenship	Total	%
Austria	52,152	74%
Foreign	18,294	26%
EU	13,358	19%
Non-EU	4,936	7%
Germany	6,894	10%
Italy	1,606	2%
Hungary	591	1%
Turkey	586	1%
Romania	498	1%
Slovakia	445	1%
Total	70,446	100%

Source: Statistics Austria, Hochschulstatistik.

2.2.3 Graduations of international students³⁰

In the academic year 2010/11, 63,754 students graduated from Austrian higher education institutions in the areas ISCED 5 and 6. Mobile students from EEA countries represented 8 per cent (5,306) of them; International students from non-EEA countries amounted to 1,659 (3%).

Table 6: Graduates (ISCED 5-6) by regions of origin, academic year 2010/11

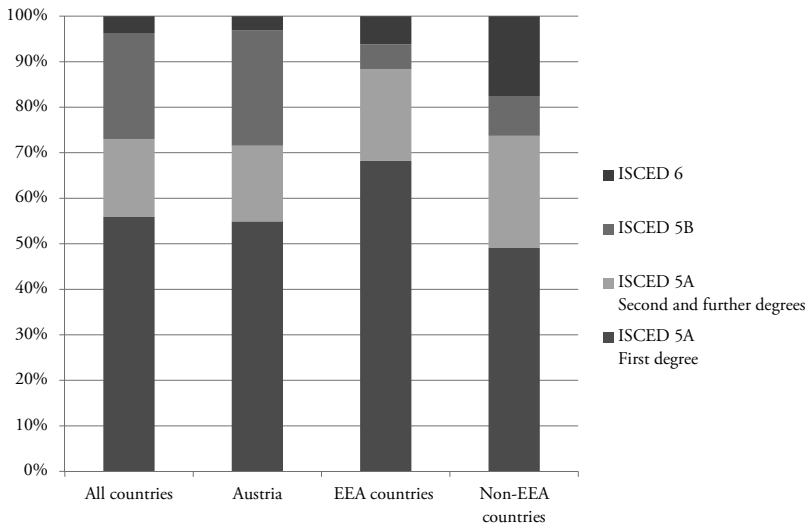
Countries of origin	ISCED 5A First degree		ISCED 5A Second degree		ISCED 5B		ISCED 6		Total (ISCED 5-6)	
	Total	%	Total	%	Total	%	Total	%	Total	%
All countries	35,633	100%	10,902	100%	14,860	100%	2,359	100%	63,754	100%
Austria	31,198	88%	9,426	86%	14,425	97%	1,740	74%	56,789	89%
EEA countries	3,619	10%	1,068	10%	290	2%	328	14%	5,306	8%
Non-EEA countries	816	2%	407	4%	145	1%	291	12%	1,659	3%

Source: Statistics Austria.

30 Country of origin refers to the country of prior education. In case of non-availability of this information, it is referred to the country of usual residence. These data were provided by Statistics Austria. The numbers are partly based on estimations and should be treated with caution.

As illustrated in figure 6, around one half (55% and 49% respectively) of the graduates from Austria and non-EEA countries were bachelor graduates. Among the graduates from EEA countries, this proportion was higher: 68 per cent (3,619) of them graduated at the bachelor level. Graduations at ISCED 5B level were especially prevalent among students from Austria; they represented a quarter (14,425) of all graduations among this group. Among international students, this level of education presented the smallest share: 5.5 per cent (290) of the students from EEA countries and 8.7 per cent (145) of the students from non-EEA countries. Graduations at the master level represented the second largest share among graduations from students from EEA countries (20%) and non-EEA countries (25%). Graduations at the doctoral level were particularly prevalent among international student graduates from non-EEA countries. They amounted to 18 per cent (291) of all graduations. Among graduations from students from Austria or EEA countries, they only represented 3 per cent (1740) and 6 per cent (328), respectively.

Figure 6: Share of graduates (ISCED 5-6) by level of education and country of origin, academic year 2010/11



Source: Statistics Austria.

The main country of origin of international non-EEA graduates was Bosnia and Herzegovina (224; 14%), followed by Turkey (137; 8%), China (123; 7%), Pakistan and Croatia (92; 6% for both countries), Russian Federation (89; 5%), Serbia (86; 5%), Ukraine (70; 4%), India (62; 4%) and Iran (56; 3%).

Graduates from Bosnia and Herzegovina (83%), Turkey (78%), Croatia (66%), Ukraine (63%), and Serbia (60%) have mainly graduated on the bachelor level.

2.3 National policy framework regarding international students from third countries

The policy framework regarding international students from third countries must be seen in the specific national context, which is characterised amongst others by internationally comparatively low tuition fees. The interviewed experts emphasised that this specific context renders comparisons with other countries difficult. Comparison with a university system as is in place in the United Kingdom, for example, could be particularly problematic.

2.3.1 General policy

In general, all qualified applicants have the possibility to study at Austrian higher education institutions, irrespective of the country of citizenship or origin, if they fulfil the legal requirements for admission and stay in Austria. The Austrian immigration regime provides for a specific residence title that can be obtained by students who are admitted to a course of study and who meet other, general, requirements, such as adequate means of subsistence. Family members of students may be admitted to reunify with the student in Austria. During studies, students have access to the labour market – for 10 hours per week without labour market tests, and 20 hours per week after they have completed the first stage of a diploma programme or a bachelor's degree programme. Furthermore, a variety of publically and privately funded scholarships are available.³¹ After completion of studies

31 For a selective overview of scholarships and grants available, see www.grants.at (accessed on 25 January 2013).

(master's or diploma degree), students can remain in Austria to find adequate employment.³²

2.3.2 Strategies and priorities

Policies directed towards international students from third countries are embedded in the sector-specific policies, especially regarding higher education/research, migration, labour market and development co-operation.

From an higher education and research policy point of view, the mobility of international students in general – not only from third countries – is seen within the broader angle of internationalisation of the Austrian higher education institutions. Within this framework, the international mobility of students, graduates, as well as scientific and artistic university staff – incoming as well as outgoing – is regarded as very important. The Austrian government programme for the 24th legislation period “Together for Austria” (2008-2013)³³ underlines the meaning of experience abroad and international networking as a key factor for success. In this context, it is the aim that every second graduate will be able to demonstrate at least one period of residence abroad until 2020. To reach this aim, it is considered necessary to enhance the mobility of students and graduates into selected countries, to increase Austria's participation in Erasmus Mundus, as well as to foster the next generations of scientists for Austria. This includes efforts to bringing young international scientists to Austria through PhD programmes. Relevant programmes and co-operation shall therefore be deepened and enlarged as part of a promotion of excellence.

The international mobility of students, graduates, as well as scientific and artistic university staff is also one of the leading principles of the University Act 2002 (Art. 2). Universities see it as an important task to support international co-operation in the areas of scientific research and teaching within their areas of activity. The increase of internationality and mobility is also specified as an obligation in the performance agreement between the individual universities and the federal government, which is concluded every three years.

32 For more specific information, see chapter 3.

33 The Austrian government programme can be accessed at <http://www.austria.gv.at/DocView.axd?CobId=32965> (accessed on 25 January 2013).

As the Austrian higher education system is highly embedded into the European tertiary sector as well as the European field of research, current European developments and policy directions, as part of the EU 2020 strategy and its guidelines for the current decade on national developments in the university sector and in the area of higher education, are viewed to be of great importance (Federal Ministry of Science and Research 2012a: 210). The National Reform Programme 2012 – Implementation of Europe's Strategy 2020³⁴ correspondingly includes national aims in the areas of tertiary education, as well as research and development and the therewith connected measures. It underlines the fact that the promotion of international students' mobility, as part of mobility programmes such as Erasmus and CEEPUS, are of special importance.

Internationalisation and mobility have thus become cornerstones in the strategic considerations of universities. A number of universities have already developed strategies of internationalisation and integrated them into their areas of action. Many universities have developed strategic concepts for the intensification and increase of student and staff mobility. Strategic measures in this regard include a revision of the curricula in order to provide 'mobility windows', the inclusion of mobility in the academic career path and in the qualification agreements with academic personnel, specific internationalisation of teaching and study programmes with international guest lecturers and degrees in English or other foreign languages, as well as joint-degree study programmes (Federal Ministry of Science and Research 2012a). 'Internationalisation at home' has become, in the context of student mobility, an important term in recent years: "International students bring their perspectives, their experiences and visions with them to the classrooms. This represents a form of internationalisation for the students at home. We [the universities] furthermore would like to act as bridge-builders between Austria and the countries of origin of students for future networks and co-operation."³⁵ Development co-operation is regarded as a further focus. Research undertaken the 'Round Table Educational Cooperation' (Round Table Educational Cooperation 2012) found that, from 12 universities that responded to the survey, five indicated that they included

34 The National Reform Programme 2012 can be accessed at <http://www.bka.gv.at/DocView.axd?CobId=47619> (accessed on 25 January 2013).

35 Heinz Fassmann, Chairperson, Forum International Affairs, Universities AustriaUniversity of Vienna, 22 November 2012.

development co-operation aims in their internationalisation strategy, which comprises amongst others the mobility of researchers and students from development countries. The University of Natural Resources and Life Sciences in Vienna is regarded as a pioneer in this regard, as developmental concerns and goals are an integrative and explicit part of its internationalisation strategy (ibid.: 8).

Regarding the incoming mobility of students, Elmar Pichl³⁶ underlines that three issues are at the forefront. Firstly, internationalisation as such can be seen as an end in itself, also for areas that go beyond the tertiary system. Mobility is a socio-political peace project that brings people together. Furthermore, it contributes to the interconnectedness of the scientific system. Thirdly, the mobility of international students enables the creation of strategic personal contact points for future scientific and political co-operation. The current strategy of the Federal Ministry of Science and Research has to be seen in the context of a high proportion of foreign students in general and, regarding students from third countries, a high regional concentration of students from former Yugoslavia and Turkey. The priorities are therefore twofold: first, to find ways to enable the Austrian higher education system to cope with the already high proportion of foreign students enrolled at Austrian higher education institutions. Second, it is envisaged to broaden the regional diversity and establish a more varied regional distribution of third-country students coming to Austria, especially in order to attract students from countries/regions that are of strategic importance for the Austrian economy, industry, science and research, such as South-East Asia or Latin America. As a central agency, the OeAD, the Austrian agency for international mobility and co-operation in education, science and research, is implementing important measures in this regard. One significant measure is the conclusion of co-operation agreements with specific strategically important countries. This should allow the establishment of a stable axis between the country of origin of the students and Austria, so that, in the ideal case, student flows in both directions and in a reciprocal manner occur.³⁷

36 Elmar Pichl, Higher Education Section, Federal Ministry of Science and Research, 9 November 2012.

37 Elmar Pichl, Higher Education Section, Federal Ministry of Science and Research, 9 November 2012.

From a migration and labour policy perspective, one of Austria's main priorities is to implement relevant EU law (transposing the Students Directive).³⁸ Furthermore, students are one of the target groups of the Austrian policy aiming at the attraction of highly qualified third-country nationals. In 2011, the government simplified the access of students from third countries to the Austrian labour market (see 3.2). Furthermore, the government has sought to ease the conditions for international students from third countries to remain in the country after graduating from an Austrian higher education institution within the new migration system, which also introduced the residence title 'Red-White-Red Card'. This regime aims at facilitating the immigration of (highly) qualified third-country workers and their families with a view to permanent settlement in Austria, based on personal and labour-market related criteria. Graduates of Austrian universities and colleges of higher education are one of the target groups of this new policy.³⁹ The underlying idea is that students who have been trained in Austria should have the possibility to remain in Austria upon their graduation so that they are available for the Austrian economy and labour market.⁴⁰

Education and science are also defined as one of the Austrian Development Cooperation priority themes.⁴¹ Higher education, and in this context student mobility, are therefore also a focus of Austrian development policy. For many years, support has focused on higher education, including research, and scholarship programmes have been an integral part of development co-operation for many years (Federal Ministry of European and International Affairs 2009: 6). Based on the findings of an evaluation of the education sector of Austria's Development Cooperation (ÖSB Consulting and L&R Sozialforschung OEG 2007), and also on a review of Austrian scholarship programmes in 2007, a 'Higher Education and Scientific Cooperation Strategy for the Austrian Development Cooperation' (Federal Ministry of European and International Affairs 2009) was developed by the

38 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

39 For further information see chapter 3.3.

40 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

41 The Three Year Programmes of Austrian Development Policy are available at <http://www.entwicklung.at/publications/programmes/en/> (accessed on 25 March 2013)

Austrian Development Agency and the Federal Ministry of European and International Affairs in 2009. With it, the approach towards scholarships was fundamentally changed. Austrian Development Cooperation funding of such programmes on the principle of individual financial support was reduced and integrated into a comprehensive institutional capacity development programme (ibid: 11).

3. LEGAL AND PRACTICAL CONDITIONS THAT APPLY TO INTERNATIONAL STUDENTS FROM THIRD COUNTRIES

Legislation in Austria on the conditions for students from third countries concerning admission and stay is mainly derived from EU law, namely 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 (Students Directive).⁴² The period following the completion of studies, however, is left to the discretion of EU Member States – the Directive does not contain any integrative elements, and rather aims at ‘brain circulation’ than retaining graduates as highly qualified workers (Hailbronner/Schieber 2010: 304).

The Directive is the first mandatory EU legislation in this field⁴³ and complements EU harmonisation in the voluntary migration regime. Although the Directive is applicable to four categories of persons (students, pupils, unremunerated trainees and volunteers), the obligation to apply its provisions is only stipulated regarding students. Other groups are explicitly excluded from the scope of the Directive, such as asylum seekers or persons under subsidiary protection (Art. 3). The Directive is meant to respond to the challenges of the process of globalisation and contribute to the EU’s strategic goal of becoming “one of the most competitive and dynamic knowledge-based societies in the world, capable of sustainable economic growth” (Hailbronner/Schieber 2010: 303). According to the European Commission (2011), “having a coordinated and transparent legislative framework makes the EU more visible, accessible and attractive to third-country students as a place of higher education.” Furthermore, it

42 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

43 Ireland and the UK have opted out, and Denmark was not eligible to participate (Recitals 25 and 26 of the Directive).

aims to meet the growing demand for international mobility, as the migration of students is understood as enrichment for migrants, the host states as well as the countries of origin, and as helping to promote better familiarity among cultures.⁴⁴

Legal conditions in the Austrian migration regime that apply to students from third countries are embedded in different laws, while many cross-connections exist. The Aliens Police Act governs the entry of third-country students into the Austrian territory (e.g. visa requirements); it also contains the general requirements for legal stay and measures terminating the residence of students. The Settlement and Residence Act contains provisions on residence titles (e.g. 'Residence Permit – students') that can be obtained by third-country nationals who wish to study in Austria. Conditions regarding students' access to the labour market and the possibility to obtain an employment permit are regulated in the Act Governing the Employment of Foreign Nationals.

3.1 Admission

Art. 5-7 of chapter II of the Students Directive stipulate provisions on the conditions of admission of students. It is a contentious issue as to whether the Directive states an obligation of EU Member States to admit students and issue a residence permit or if it leaves admission to the discretion of EU Member States (European Commission 2011; Hailbronner/Schieber 2010: 320; Peers et al. 2012: 203).⁴⁵ Apart from the Directive, the Convention Implementing the Schengen Agreement contains relevant provisions, e.g. regarding the entry of third-country students to the Austrian territory from other Member States and stay not exceeding three months.

Before elaborating on the Austrian provisions on the admission of third-country nationals for the purpose of studies, relevant measures implemented in Austria to attract this group are outlined.

44 Recital 7 of the Students Directive.

45 Art. 8 of the Directive, providing mobility rights to students, contains a clear obligation ("shall") to admit students if conditions are met.

3.1.1 Measures to attract third-country students

Austrian migration law does not foresee special regulations encouraging third-country nationals to pursue study opportunities within Austria's higher education system.⁴⁶ However, Austria has introduced amendments in different areas that can be considered as possible incentives for third-country students.

In the framework of the introduction of an immigration scheme for (highly) qualified migrants (under the headline of the 'Red-White-Red Card'), students' access to the labour market during studies and especially also after graduation (see 3.2 and 3.3) was facilitated.⁴⁷ Moreover, Austria recently revised its framework for the validation and recognition of acquired qualifications as well as its information strategy.

The framework for the validation and recognition of acquired qualifications was revised in 2012 in the course of the introduction of a five-point programme by the Federal Ministry of Science and Research and the State Secretariat for Integration.⁴⁸ This programme, which was well received by various stakeholders⁴⁹, aims at facilitating the validation procedure, including the following aspects: comprehensive information on validation procedure in Austria and related support shall be provided to third-country students by the National Academic Recognition Information Centre (ENIC NARIC Austria), the competent department within the Federal Ministry of Science and Research; ENIC NARIC Austria shall accept such applications for validation and forward them to the respective university, although universities are generally responsible for dealing with such applications; the duration of validation procedures shall be shortened (currently, applicants

46 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

47 Ibid.

48 Federal Ministry of Science and Research, BM Töchterle und StS Kurz: 5 Punkte-Programm zur verbesserten Berufsanerkennung von Akademikern aus Drittstaaten, available at http://www.bmwf.gv.at/startseite/mini_menuue/presse_und_news/news_details/cHash/b99ca93cff9ef05fb957634e094e6992/article/bm-toechterle-und-sts-kurz-5-punkte-programm-zur-verbesserten-berufsanerkennung-von-akademikern-aus/ (accessed on 23 November 2012).

49 E.g. Klaus Schedler, Department for Educational Policy, Austrian Federal Economic Chamber, 3 October 2012, who welcomed the five-point programme, pointing out that more has to be done; or Johannes Peyrl, Chamber of Labour Vienna, 25 October 2012.

have to wait 3 months in average, as compared to 6 months prior to the implementation of the measures described).

In 2011, the Federal Ministry for Labour, Social Affairs and Consumer Protection and the Federal Ministry of the Interior launched the website www.migration.gv.at. This website provides information in German and English on conditions for immigration to Austria, especially for (highly) qualified workers. It also includes information, for students who wish to immigrate to Austria, on legislation and practical issues. Furthermore, for questions beyond the information on the site itself, the website offers the opportunity to submit questions through a contact form. These questions are forwarded to, and answered by, the competent ministry. According to the Federal Ministry for Labour, Social Affairs and Consumer Protection, the website has been very well received by the target groups, including students.⁵⁰ In general, information on legislation and practical issues for third-country nationals who wish to study in Austria is, amongst others, provided by the Austrian Students' Union and the OeAD.⁵¹

Besides these public measures, universities also undertake initiatives to attract third-country students. Such measures include the provision of information on websites, scholarships (see also 4.1), participation at higher education fairs, advertisement for study programmes, and co-operation with the OeAD. It must be mentioned that measures and target group may vary depending on the respective university. At major institutions, such as the University of Vienna and the Vienna University of Economics and Business, which already have high numbers of students, measures to attract international students on the bachelor level are mainly set in the context of student exchange initiatives, but not in the context of degree mobility. In general, measures to attract international students especially focus on students or researchers at master and doctorate level.⁵²

50 Hermann Deutsch, Department VI/7 Employment of Foreigners and Labour Migration, Federal Ministry of Labour, Social Affairs and Consumer Protection, 7 November 2012.

51 See the websites of these institutions, OeAD <http://www.oead.at/> and Students' Union <http://www.oeh.ac.at> (both accessed on 25 January 2013).

52 Barbara Sporn, Vice-Rector for International Affairs, Vienna University of Economics and Business, 6 December 2012; Lottelis Moser and Karin Krall, International Office, University of Vienna, 4 December 2012.

Furthermore, services provided by the OeAD to scholarship holders after arrival in Austria may be understood as contributing also to the attractiveness of Austria for third-country students. As an example, the OeAD Housing Office provides places in student residence halls and small flats for recipients of OeAD grants, Erasmus students, general exchange students and visiting professors.

3.1.2 Legal conditions for admission

Third-country nationals who wish to study⁵³ in Austria may apply for a 'Residence Permit – students' according to Art. 64 Settlement and Residence Act, which transposes Art. 5-7 of Council Directive 2004/114/EC.⁵⁴ Students in doctorate degree programmes may also apply for a 'Residence Permit – researcher', and Erasmus Mundus students may apply for the 'Residence Permit – special cases of employed work'. In general, third-country nationals must apply for the permit in person at the competent Austrian representation authority abroad.⁵⁵ The application is forwarded to the settlement and residence authority in Austria that decides on the application, while the decision must be awaited from abroad. If the authority decides to grant the permit, it instructs the representation authority to issue a visa D⁵⁶; the settlement and residence authority then informs the person concerned. In such cases, the representation authority only refuses to issue a visa D if public order and security would be endangered. After entering Austria with the visa, the residence permit can be collected within six months after being informed and within the validity period (four months) of the visa (Schuhmacher/Peyrl/Neugschwendtner 2012: 157f).

53 Other regulations apply to third-country nationals who wish to stay for up to six months. Such a person will, typically, receive (only) a national visa D.

54 See the explanatory notes to the amendments of the Aliens Law in 2005, available at https://www.ris.bka.gv.at/Dokumente/RegV/REGV_COO_2026_100_2_193459/COO_2026_100_2_193692.html (accessed on 14 January 2013).

55 Other than persons entitled to visa-free entry, third-country holders of visas cannot apply for a residence permit during their legal stay in Austria. The NGO "Helping Hands" criticised that this provision may lead to difficulties for students who are required to go through an admission procedure (e.g. medical students), as they have to return to their country of origin to apply for a residence title after being admitted (e-mail communication with Peter Marhold, Helping Hands, 23 November 2012).

56 Art. 21 Aliens Police Act.

If a third-country national can travel visa-free to Austria, he or she may also apply from within Austria for the permit⁵⁷, while the application itself does not implicate a right to stay. Thus, if the authority does not decide on the application during the visa-free period, the person concerned must return to await the decision abroad. However, if the third-country national has applied in due time, he or she may be permitted to await the decision from within Austria in certain cases.⁵⁸

This option (visa-free entry) regularly applies to Erasmus Mundus students (or students participating in similar programmes) who are continuing their studies in Austria after having studied in another EU Member State. Art. 21(1) of the Convention implementing the Schengen Agreement stipulates that third-country nationals who hold valid residence permits issued by one of the EU Member States may, on the basis of that permit and a valid travel document, move freely for up to three months in any six-month period within the territories of the other EU Member States. This provision of the Convention is directly applicable in Austria (Koppenberg/Reyhani 2013). Besides this general provision, the intra-EU mobility rights of students are covered by Art. 8 of Council Directive 2004/114/EC. Contrary to the provision concerning initial admission, Art. 8 stipulates a clear obligation (“shall”) to admit students who have already been admitted in other EU Member States if the original conditions have been met (Peers et al. 2012: 207).⁵⁹

According to the OeAD, difficulties with the intra-EU mobility of Erasmus Mundus participants may occur, for example, if the authorities (e.g. Austrian representation authorities in other EU Member States) are not adequately informed about Erasmus Mundus.⁶⁰ The OeAD as well as universities also offer special servicing for students participating in Erasmus Mundus

57 Art. 21 para. 2 Settlement and Residence Act.

58 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

59 Furthermore, Art. 8 requires students to ‘send, with his/her application for admission, full documentary evidence of his/her academic record and evidence that the course he/she wishes to follow genuinely complements the one he/she has completed; and participate in a Community or bilateral exchange programme or has been admitted as a student in a Member State for no less than two years.’

60 Martina Friedrich, Erasmus Mundus and Tempus National Contact Point, OeAD, 21 November 2012; Students under Erasmus Mundus receive support by the OeAD during their immigration proceedings.

or similar programmes.⁶¹ As an example, the Vienna University of Economics and Business has established a competence centre supporting students during the visa and residence title procedure.⁶² Andreas Zemann from the Technical University of Vienna stressed that long visa procedures constitute a challenge for third-country students participating in Erasmus Mundus.⁶³

According to the Austrian Settlement and Residence Act, third-country nationals “may” receive a ‘Residence Permit – students’ if they meet general requirements, e.g. adequate means of subsistence and accommodation according to local standards, and if they are accepted for a course of study.⁶⁴ Students can provide a letter of indemnity to prove sufficient means of subsistence. The Federal Ministry of the Interior hold that students below the age of 24 must have 450 euros per month (2012), compared to 814.82 euros for students over the age of 24 and other groups of third-country nationals. Adequate means of subsistence must be provided for the entire year, even if students do not stay in Austria during breaks (Schuhmacher/Peyrl/Neugschwendtner 2012: 157). To obtain a residence title, third-country students are not required to prove German language skills, neither before entering Austria nor during their stay (Schuhmacher/Peyrl/Neugschwendtner 2012: 157). However, as described below, German language skills may be a prerequisite for admission to universities.

Valid health insurance is a general prerequisite for obtaining a residence title in Austria. Thus, students must prove that they are covered by valid health insurance, irrespective of the residence title they may hold. If students have a valid national health insurance plan in a country that has concluded a health insurance agreement with Austria⁶⁵, they can receive a health insurance certificate from the competent Austrian health insurance

61 These services, in the case of the Vienna University of Natural Resources and Life Sciences, as well as the Technical University of Vienna, include Mentoring Networks, the installation of a help desk, adequate provision of information (e.g brochures, website), cultural orientation trainings, and language courses.

62 Barbara Sporn, Vice-Rector for International Affairs, Vienna University of Economics and Business, 6 December 2012.

63 Andreas Zemann, Head of the Institute for International Education Cooperation, Technical University of Vienna, response to interview guidelines.

64 First time applicants must provide the admission confirmation of the respective university.

65 Currently, these are the following countries: Bosnia, Croatia, Herzegovina, Macedonia, Montenegro, Serbia and Turkey.

carrier.⁶⁶ Other students must obtain self-insurance for students. However, certain conditions, such as income limits and other conditions (duration of studies, changes of fields of studies) may apply for this type of insurance and should be considered. Self-insured students must pay an insurance fee of 50.15 euros per month.⁶⁷ If students do not fulfil the above-mentioned conditions, they can take out a general health insurance policy with the relevant carrier. In this case, the monthly premium is, in 2012, 376.26 euros, but it may be reduced on the grounds of serious social difficulties upon application.⁶⁸ If the student is employed, the employer registers the employee for insurance. If the salary exceeds a certain minimum amount (374.02 euros per month in 2011), health insurance is also included.⁶⁹ In case of self-employment, the students must register with insurance him/herself if the income exceeds the required limits.⁷⁰ Spouses of students may be insured with the same carrier against payment of an additional contribution; and children may be insured for free with their parent(s).⁷¹

In general, admission to Austrian universities⁷² is provided if the general university entrance qualification (school-leaving certificate⁷³ for bachelor's and diploma programmes) and special university entrance qualification (for third-country nationals: the right to admission to a course of study in the country of issuance of the school-leaving certificate⁷⁴) are obtained and the student's knowledge of the German language is proven. If German language skills cannot be proven, the person may be admitted

66 OeAD, Insurance, available at <http://www.oead.at/index.php?id=73&L=1> (accessed on 23 November 2012).

67 Ibid.

68 Ibid.

69 Ibid.

70 Ibid.

71 Ibid.

72 This term applies to public universities, universities of applied sciences, private universities, university colleges of teacher education and other accredited private studies or programmes.

73 Whether a certificate is equivalent is determined by bilateral agreements or recognition of academic certificates. If the foreign certificate is not equivalent to an Austrian secondary school leaving certificate the Austrian university or university of applied sciences will prescribe supplementary examinations that have to be passed before admission to degree programme studies.

74 The special university entrance qualification is defined by the requirements in the country where the secondary school leaving certificate was acquired to enter specific studies.

as a non-degree student and also obtain a residence permit. To support third-country students and others with acquiring German language skills, the University Preparation Programmes offer intensive language courses.⁷⁵ The application for admission is directly sent to the university, and some universities offer online-‘registration’. Foreign documents must be submitted in original and must be certified.⁷⁶ Documents in languages other than German must be translated, while translations carried out abroad also have to be legalised.⁷⁷

According to the Austrian Students’ Union, the long duration of the administrative procedure following the application for the ‘Residence Permit – students’ is the main challenge for students. As a consequence, many students are forced to postpone their study plans for several months or a semester.⁷⁸ According to the Federal Ministry of the Interior, admission to universities is oftentimes provided very late. This leads to delays in proceedings, which themselves take a certain time. Although no specific measures are taken to prevent delays, the ministry has ordered competent authorities to prioritise “respective applications”.⁷⁹ The OeAD supports scholarship recipients in the context of long proceedings.⁸⁰

Furthermore, according to the Students’ Union, students who do not have family members to financially support them or who do not receive

75 OeAD, University Preparation Programmes, available at http://www.oead.at/welcome_to_austria/university_preparation_programmes/EN/ (accessed on 24 January 2013). Grete Kernegger from the University Preparation Programme Vienna stated that available places in such programmes are rather limited. Furthermore, students would also need support during the Introductory and Orientation Period of their studies; however, this service cannot be provided by the University Preparation Programme Vienna.

76 According to the NGO “Helping Hands”, certifying documents at representation authorities involves high costs and leads to lengthy procedures, while the outcome is oftentimes dependent on non-transparent local circumstances (fees that are to be paid in Cash may encourage bribery).

77 OeAD, Studierende an österreichischen Hochschulen und Universitäten, available at http://www.oead.at/willkommen_in_oesterreich/tipps_zu_recht_praxis/einreise/drittstaatsangehoerige/aufenthalt_ueber_6_monate/studierende_an_oesterreichischen_hochschulen_und_universitaeten/ (accessed on 23 November 2012).

78 Jens Marxen, International Students Office, national delegation of the Austrian Students’ Union, 13 November 2012.

79 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

80 Lydia Skarits, Centre for International Cooperation and Mobility, OeAD, 21 November 2012.

scholarships face difficulties in proving sufficient means of subsistence. If, moreover, concerning a certain third country, the exchange rate of the local currency is low, this may lead to significant challenges for students from such countries to prove sufficient means of subsistence. Currently, many students from Iran have to deal with this issue.⁸¹ Proving sufficient means of subsistence is also considered a challenge by the Federal Ministry of the Interior, as students cannot open a bank account from abroad. In such cases, foreign bank accounts are also accepted. To prevent the use of the same accounts by different students – according to the ministry (or transfer of money from one student to the other), a common practice amongst students in the past – they must prove the origin of the money.⁸² For first applications, the parents' or other family members' declarations of income could serve as proof. If students wish to prolong their permit, they must provide statements of their bank accounts. The Austrian representation authority, which examines the origin of the money, oftentimes has doubts when parents of students have little income, although cases where the entire family is supporting the students do occur.⁸³

Both the Federal Ministry of the Interior and the Students' Union state that third-country nationals' applications for permits are oftentimes refused on grounds of insufficient means of subsistence. In cases of prolongation, insufficient success in studies is also a common reason for refusal.⁸⁴

To facilitate communication and solve pressing issues regarding students' admission (and stay), a round table was installed that brings together relevant stakeholders (e.g. the Federal Ministry of the Interior, the Federal Ministry of European and International Affairs, the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Austrian Federal Econo-

81 Jens Marxen, International Students Office, national delegation of the Austrian Students' Union, 13 November 2012.

82 The NGO "Helping Hands" argued that it is often not feasible for students to receive regular income. Rather, the NGO states that students (e.g. from countries with which Austria has concluded visa agreements) may also receive cash from relatives, in which case it is difficult to prove the origin of the money (e-mail communication with Peter Marhold, Helping Hands, 23 November 2012).

83 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

84 Jens Marxen, Austrian Students' Union, 13 November 2012; Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

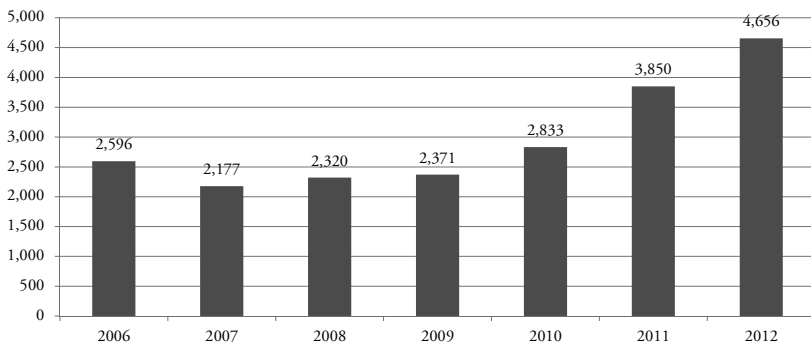
mic Chamber, the settlement and residence authorities and universities).⁸⁵ This round table, which takes place twice a year, has proven to be an efficient tool to address problems in the admission procedure.⁸⁶

The interviewed experts stated that the misuse of the student route to immigration to Austria is not regarded as a specific challenge, also as compared to other residence titles. It was pointed out by Margarete Kernegger from the University Preparation Programme Vienna that misuse was an issue in the 1980s. However, due to legal and other developments, this phenomenon has largely lost relevance for Austria.⁸⁷

Statistics on first permits for study reasons

The trend regarding first 'Residence Permits – students' has changed from 2006 to 2012. While a decrease was noticed from 2,596 first permits issued in 2006 to 2,177 permits issued in 2007, since 2007 the numbers have been increasing again. The biggest increase was noticed from 2010 (2,833) to 2011, when numbers increased by more than a third (+36%) to 3,850 permits. Permits have been issued equally to men and women, with slightly higher numbers issued to men (51-55%).

Figure 7: First 'Resident Permits – student', 2006-2012



Source: Federal Ministry of the Interior.

85 Margit Kreuzhuber and Belinda Hödl, Department for Educational Policy, Austrian Federal Economic Chamber, 3 October 2013.

86 Heinz Fassmann, Chairperson, Forum International Affairs, Universities Austria, 26 November 2012.

87 Grete Kernegger, Director, OeAD, University Preparation Programme Vienna, 25 January 2013.

For all four years, Turkey was the main country of origin of students who were issued a residence permit. The number of permits issued to nationals from this country more than doubled from 415 in 2008 to 990 in 2011. The second important country of origin was Bosnia and Herzegovina, which ranked second place for three years. Other important countries of origin were Serbia, the Russian Federation, the United States of America, China, Kosovo, Iran and Ukraine.

Table 7: First 'Residence Permits – student' by top 10-countries of origin, 2008-2011

	2008		2009		2010		2011	
	Country of citizenship	Total	Country of citizenship	Total	Country of citizenship	Total	Country of citizenship	Total
1st	Turkey	415	Turkey	631	Turkey	899	Turkey	990
2nd	Bosnia and Herzegovina	245	Bosnia and Herzegovina	206	United States of America	251	Bosnia and Herzegovina	445
3rd	United States of America	241	China	178	Serbia	209	Serbia	369
4th	Serbia	176	United States of America	174	Bosnia and Herzegovina	205	Russian Federation	254
5th	The Republic of Korea	146	Kosovo	157	Croatia	192	United States of America	248
6th	Kosovo	119	The Republic of Korea	153	The Republic of Korea	166	Iran	235
7th	Croatia	115	Serbia	145	China	153	Croatia	207
8th	Russia	115	Japan	130	Japan	135	China	190
9th	Japan	114	Croatia	122	Russia	133	Ukraine	179
10th	China	109	Russian Federation	120	Ukraine	127	Kosovo	175

Source: Eurostat.

3.2 Stay

Chapter III of Council Directive 2004/114/EC (Art. 12 and 16) contains the relevant provisions on the stay of third-country nationals for the purpose of studies – the period of validity, as well as conditions of renewal, non-renewal and withdrawal of residence title. It stipulates that a first residence title shall, in principle, be issued for a period of at least one year and

be renewable. The issue of provisional admission remains fully in the discretion of EU Member States. Permits may be withdrawn or not renewed due to fraudulent acquirement, failure to fulfil requirements, based on public policy, public security and public health considerations, as well as if the students have not progressed in their studies and if they do not respect the limits imposed on access to economic activities.

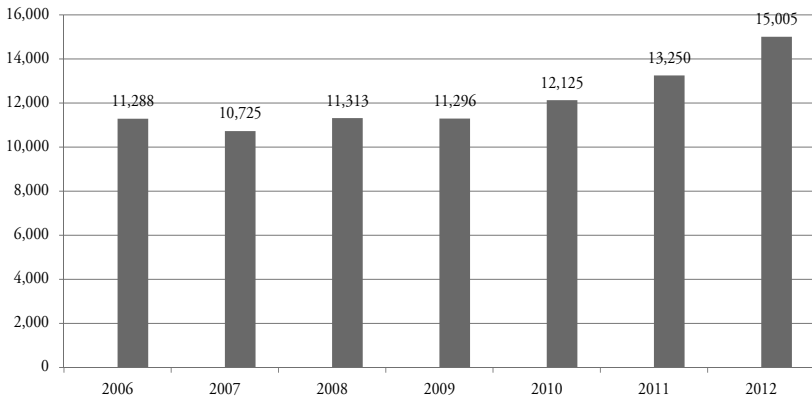
Residence permits are issued for one year. To prolong the permit, students must prove that they have been successful in their studies. For public universities, 16 ECTS (European Credit Transfer and Accumulation System) credits (eight semester hours) are required, while for other institutes of higher education, other requirements may apply. These, however, may not be disproportionately stricter in principle than requirements for public universities. If 16 ECTS-credits cannot be obtained due to the specifics of the study, appropriate success can be proven otherwise. If appropriate success cannot be proven due to reasons outside of the student's sphere of influence, such as a serious medical condition, the permit can, nevertheless, be prolonged (Schuhmacher/Peyrl/Neugschwendtner 2012: 158f).

Statistics on valid permits for study reasons

The number of valid 'Residence Permits – student' has increased (with a small decrease in 2007 to 10,725) over the reference period from 11,288 valid permits in 2006 to 15,005 (+33%) in 2012 (see figure 6).

As for first permits, the main countries of citizenships of persons who had a valid permit for study reasons were Turkey and former Yugoslavian countries. In 2011, 2,899 permits for study reasons were held by Turkish nationals, 1,766 by citizens from Bosnia and Herzegovina, 917 from Serbian nationals and 916 from Chinese nationals.

Figure 8: Valid 'Resident Permits – student', 2006-2012



Source: Federal Ministry of the Interior.

Students are, in principle, permitted to engage in employed work during their studies in Austria, according to the Act Governing the Employment of Foreign Nationals. The employer must apply for an employment permit⁸⁸ at the Public Employment Service at least six weeks before the beginning of the employment.⁸⁹ This permit is only valid for a specific job with a specific employer. Since July 2011, students may receive employment permits for 10 hours per week without labour market tests, and 20 hours per week after they have completed the 1st stage of a diploma programme or a bachelor's degree programme.⁹⁰ The successful course of studies should not be compromised by the job. Thus, full time work is only possible during lecture-free periods (Kreuzhuber/Hudsky 2011: 121, see also Schuhmacher/Peyrl/Neuschwendtner 2012: 158f). From July 2011

88 In general, a permit is only necessary for employment under the Aliens Employment Act.

89 It is left to the discretion of Member States to not apply Directive 2011/98/EU (Single Permit) to students. The current draft of an amendment to the Austrian Aliens Law, also transposing the Directive, does not provide for a „single permit” for third-country students (see http://www.bmi.gv.at/cms/BMI_Begutachtungen/1120122012/Entwurf_FNG_Anpassungsgesetz_BEGUTACHTUNG.PDF, accessed on 20 December 2012).

90 This provisions were introduced in the Austrian regime after the Commission had referred the Austrian case to the CJEU (case C-568/10), claiming that Austria has failed to fulfil its obligations under Art. 17(1) of Council Directive 2004/114/EC by granting an employment permit only after the labour-market situation in Austria has been examined (Johannes Peyrl, Chamber of Labour Vienna, 25 October 2012).

to October 2012, a total of 7,453 employment permits were issued to students.⁹¹

If an internship or other practical training is scheduled in the curriculum of the Austrian educational institution, it is not necessary to apply for an employment permit. Instead, the employer must notify the Public Employment Service thereof at least two weeks before the beginning of the training. The Public Employment Service then issues a confirmation of notification. Self-employed work and other work that is not subject to the regulations of the Act Governing the Employment of Foreign Nationals can also be carried out without an employment permit. Such employment may include academic work in research and teaching (research assistants) or activities in the framework of EU educational and research programmes (Erasmus, Tempus etc.).⁹²

According to the Act Governing the Employment of Foreign Nationals (Art. 8), employment permits for third-country nationals shall be coupled with the obligation that they are not employed under poorer wage and working conditions than those applicable to the majority of the enterprise's domestic employees who are comparable in terms of work performed and qualification.

Family reunification for students, which is not limited by a quota regulation, is restricted to the core family, including the spouse or registered partner and minor unmarried children (also adopted children, stepchildren and adopted stepchildren). It is to be noted that Council Directive 2004/114/EC does not stipulate family reunification rights for students. These family members of students may receive a residence permit if general requirements are met. Austrian legislation does not regulate whether family members are allowed to take up employment (Kreuzhuber Hudsky 2012: 127). However, the Federal Ministry of Labour, Social Affairs and Consumer Protection hold that the title does not provide access to the labour market (Schuhmacher/Peyrl/Neugschwendtner 2012: 146). Students from third countries are also entitled to family allowances and childcare allowance (see Administrative High Court, 17 December 2009, 2009/16/0221).

91 Statistics provided by the Federal Ministry of Labour, Social Affairs and Consumer Protection.

92 OeAD, Leitfaden zu den Einreisebedingungen für ausländische Studierende, available at http://www.oead.at/fileadmin/oead_zentrale/willkommen_in_oe/Recht/Leitfaden-Studi-dt_01.pdf (accessed on 23 November 2012).

Statistics on family reunification

From 2006 to 2011, between 114 and 173 valid permits were held by family members of students. The share of valid permits issued for family members of students made up between 3-4 per cent of the numbers of student permits. The proportion of female family permit holders was slightly higher (around 60% of all permits were held by women).

3.3 Access to the labour market after completion of studies

Measures to facilitate the access of third-country graduates to the Austrian labour market are in place to a limited extent. As an example, the 'Mentoring for Migrants' programme, which was established in 2008 by the Austrian Federal Economic Chamber in co-operation with the Integration Fund and the Public Employment Service, supports migrants to find a mentor within the Austrian 'business community'.⁹³ This programme aims to facilitate the efforts of migrants to find adequate employment.⁹⁴ Furthermore, students have access to general career services provided by universities, such as UNIPORT.⁹⁵

As previously mentioned, the period following completion of studies is not specifically addressed by Council Directive 2004/114/EC. In 2011, the Austrian legal framework applying to students after completion of their studies was amended through the introduction of the new residence title 'Red-White-Red Card' (providing access to the labour market with a specific employer) within the Settlement and Residence Act and the Act Governing the Employment of Foreign Nationals. This regime, however, only applies to third-country nationals who have completed the second period of a diploma programme or a master's programme.⁹⁶

After completion of their studies, graduates can, if they wish to stay in Austria and obtain the 'Red-White-Red Card', receive written confirmation of the legality of their stay for a further 6 months with the possibility to apply for the title after finding employment. The confirmation, which

93 Margit Kreuzhuber, Department for Social Policy and Health, Austrian Federal Economic Chamber, 3 October 2012.

94 For more information, see http://portal.wko.at/wk/startseite_dst.wk?dstid=8769 (accessed on 25 January 2013).

95 The career service of University Vienna can be accessed under www.uniport.at (accessed on 25 January 2013).

96 Art. 12b of the Act Governing the Employment of Foreign Nationals

provides a right to residence *sui generis*⁹⁷, is provided for the purpose of job search and cannot be prolonged. In recent months (end of 2012), between 17 and 30 such confirmations were held by graduates.⁹⁸ The 'Residence Permit – students' cannot be prolonged in this case, or if the student has withdrawn from his or her studies. However, students may enrol for other courses at the university to prolong the 'Residence Permit – students' instead of applying for the above-mentioned confirmation. This last-mentioned option is often perceived as more favourable than obtaining the confirmation of the legality of stay, as the residence permit provides more legal certainty (Schuhmacher/Peyrl/Neugschwendtner 2012: 160f, see also Kreuzhuber/Hudsky 2011: 122).⁹⁹

If graduates have found adequate employment, they may apply for the 'Red-White-Red Card' from within Austria. Graduates receive this title provided that the employer pays the locally customary gross minimum salary (in 2012, a minimum of 1,903.50 euros per month) and they fulfil the above-mentioned general requirements. This does not apply to graduates who have only obtained a bachelor's degree in Austria (Schuhmacher/Peyrl/Neugschwendtner 2012: 160f). From July 2011 to November 2012, 257 'Red-White-Red Cards' were issued to international students who have graduated from Austrian universities.¹⁰⁰

It is currently a subject of debate as to whether access to the 'Red-White-Red Card' should be extended to graduates of bachelor's degrees. The Austrian Federal Economic Chamber, the Federal Ministry of Science and Research and the State Secretariat for Integration have demanded that these third-country nationals are granted access to the labour market once they have graduated from Austrian universities, having in mind the needs

97 This confirmation is new to Austrian legislation and an appeal against refusal is not foreseen in current law. The proposal of the Federal Ministry of the Interior on the amendment of Aliens Law in 2013 provides for the right to appeal (see http://www.bmi.gv.at/cms/BMI_Begutachtungen/II20122012/Entwurf_FNG_Anpassungsgesetz_BEGUTACHTUNG.PDF, accessed on 25 January 2013).

98 This number refers to the stock of valid titles at a specific point in time. The total numbers of the titles granted since the introduction of the title cannot be established.

99 Johannes Peyrl, Chamber of Labour Vienna, 25 October 2012.

100 Statistics provided by the Federal Ministry of Labour, Social Affairs and Consumer Protection.

of the labour market.¹⁰¹ The Federal Ministry of Labour, Social Affairs and Consumer Protection, as the responsible ministry regarding the employment of students, has pointed out that current unemployment figures and respective surveys strongly indicate that Bachelor graduates are currently neither in demand nor especially needed on the Austrian labour market.¹⁰² According to a recent decree from the Federal Ministry of Employment, Social Affairs and Consumer Protection, university assistants can obtain the 'Red-White-Red Card' after completion of studies under easier conditions.¹⁰³

- 101 Austrian Federal Economic Chamber, *Wirtschaftskammer fordert Ausweitung der RWR-Karte auf Bachelor-Absolventen*, 12 December 2012, available at http://portal.wko.at/wk/format_detail.wk?angid=1&stid=707956&dstid=684&cbtyp=1&titel=Rot-Wei%C3%9F-Rot-Karte (accessed on 22 January 2013); *Die Presse*, *Kurz: Rot-Weiß-Rot-Card auch für ausländische Bachelorabsolventen*, 19 August 2012, available at http://diepresse.com/home/politik/innenpolitik/1280746/Kurz_RotWeissRotCard-auch-fuer-auslaendische-Bachelorabsolventen (accessed on 22 January 2013); Klaus Schedler, Department for Educational Policy, Austrian Federal Economic Chamber, 3 October 2012.
- 102 *Die Presse*, *Hundstorfer gegen Rot-Weiß-Rot-Card für Bachelorabsolventen*, <http://diepresse.com/home/bildung/universitaet/1280971/Hundstorfer-gegen-RotWeissRot-Card-fuer-Bachelor> (accessed on 22 January 2013); Hermann Deutsch, Department VI/7 Employment of Foreigners and Labour Migration, Federal Ministry of Labour, Social Affairs and Consumer Protection, 7 November 2012.
- 103 Federal Ministry for Science and Research, *Minister Töchterle und Hundstorfer: Spürbare Verbesserung der Rahmenbedingungen für Universitätsassistenten aus Drittstaaten*, available at http://www.bmwf.gv.at/startseite/mini_menuue/presse_und_news/news_details/cHash/5e8e0047c84d0aa1a3309c83c70c1208/article/minister-toechterle-und-hundstorfer-spuebare-verbesserung-der-rahmenbedingungen-fuer-universitaets/ (accessed on 25 February 2013).

4. TRANS-NATIONAL CO-OPERATION

Internationality is seen as an important factor that contributes to the quality of Austrian higher education institutions; and student mobility is an aspect of internationality. For this purpose, numerous bilateral grant programmes, joint study programmes, university partnerships, the EU programme for Lifelong Learning and educational networks such as ASEA Uninet, EPU etc. have been established to enable continual cross-border exchange (OeAD 2012: 7).

It is beyond the scope of this study to outline all trans-national co-operation agreements that are in place at Austrian higher education institutions. This chapter can only give a short insight into relevant initiatives in the field of international student mobility in Austria. A full overview on co-operation at higher education institutions with foreign countries is currently being elaborated by the OeAD, in co-operation with the higher education institutions and responsible ministries in form of a 'Science Map'.¹⁰⁴

4.1 Bilateral/multilateral agreements

Austria has not concluded any bilateral or multilateral agreements with third countries in the field of migration law.¹⁰⁵ Relevant agreements that aim at facilitating third-country student's mobility or migration movements are, however, concluded on scholarship programmes and co-operation projects.

Co-operation agreements concluded by universities are a common tool to facilitate the mobility of international students. It is, however, beyond the scope of this study to outline these agreements or analyse their content. Most agreements with third-country institutions are concluded with the

104 A prototype of the Science Map that is still in its development stage can be accessed at <http://digs504.joanneum.at/oead/> (accessed on 25 January 2013).

105 Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior, 16 October 2012.

United States of America (197), China (78) and Japan (63).¹⁰⁶ Apart from universities, the main actor in this area is the OeAD with its Centre for International Cooperation and Mobility (ICM).

Bilateral and multilateral agreements concerning scholarships in the field of students' mobility contain regulations in the following fields¹⁰⁷:

- competencies and responsibilities of all parties: in most cases, partner countries decide on the selection of students;
- the target group and the requirements for eligibility: most agreements aim at doctoral degree students, while also undergraduates are increasingly in the focus of agreements;
- the scope of financial support: what will be encompassed by the OeAD's funding (German classes, housing etc.);
- the scope of other support by the OeAD: amongst others, the OeAD supports participants during the visa and residence procedure;
- the amount of administration costs for the OeAD;
- other administrative provisions: deadlines, reporting etc.

The OeAD is responsible for the administration of the Federal Ministry of Science and Research's scholarship programmes, as well the funding of individual mobility and bilateral or multilateral co-operation. Besides the administration of state scholarships, the OeAD is also concerned with third-party scholarships. These programmes are funded either by foreign governments (e.g. Pakistan or Oman), companies (e.g. MONDI), or institutions with whom individual contracts are concluded.¹⁰⁸

Below, some of the main activities administered by the OeAD in the framework of publicly funded grants, as well as third-party (co-)funded scholarships and agreements and project co-operation are outlined.

106 The agreements can be access at http://auslandskooperationen.at/oead/koop_pdf.php?uniA=alle+Universit%C3%A4ten&instA=&land=alle+Staaten&color=false (accessed on 12 December 2012); regarding statistics, see <http://auslandskooperationen.at/oead/?p=t> (accessed on 12 December 2012).

107 Lydia Skarits, Centre for International Cooperation and Mobility, OeAD, 21 November 2012.

108 Ibid; For more detailed information on grants, see the Austrian Database for Scholarships and Research Grants, available at www.grants.at (accessed on 25 January 2013).

4.1.1 Publicly (solely from Austria) funded grants

In this chapter, the aims and contents of various grants administered by the OeAD are outlined. All of these grants are funded by the Federal Ministry of Science and Research.

- With the Technology Grants Southeast Asia and Technology Grants East, Central and South Asia, the Federal Ministry of Science and Research supports the university networks EPU (see below) and ASEA Uninet by means of awarding scholarships to young researchers at postgraduate or post-doc level. Both networks aim at the promotion of co-operation between Austrian higher education institutions and higher education institutions in the relevant areas.¹⁰⁹
- The Richard Plaschka Grant recipients should place emphasis on cross-border collaboration in their scientific activities. Applications are open to university lecturers of history whose main focus of academic interest is Austrian history. Recipients of Plaschka Grants can work as visiting researchers at university departments and carry out specialist studies in libraries, archives or at research institutions.¹¹⁰
- The Ernst Mach Grant consists of two sub-programmes, the Ernst Mach Grant worldwide and the Ernst Mach Grant for studying at an Austrian university of applied sciences. The Ernst Mach Grant – worldwide aims at postgraduates who primarily want to perform research in Austria. The Ernst Mach Grant for studying at an Austrian University of Applied Sciences aims at third-country graduates who are participating in a master's programme or undergraduates who have successfully completed at least four semesters of studies within a bachelor's or diploma programme at the time of taking up the grant.¹¹¹
- The OeAD Anniversary Grant supports non-European researchers in selected countries who deal scientifically with the democratisation process and thus contribute to the development and strengthening of

109 OeAD, Technology Grants, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/technology_grants/EN/ (accessed on 23 November 2012).

110 OeAD, Richard Plaschka Grant, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/richard_plaschka_scholarship/EN/ (accessed on 23 November 2012).

111 OeAD, Ernst Mach Grant, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/ernst_mach_grant/EN/ (accessed on 23 November 2012).

the civil society. The current regional focus is on the countries of the Maghreb; postgraduates and post-docs from social sciences, humanities and cultural studies from the following countries are eligible to apply: Algeria, Libya, Morocco, Syria, Tunisia, and Egypt.¹¹²

- The Franz Werfel Grant Programme, which was initiated in 1992, aims at university teachers who are primarily occupied with Austrian literature. Recipients of Werfel grants can work as visiting researchers at university departments and carry out specialist studies in libraries, archives or at research institutions.¹¹³
- In the framework of the bilateral Monbukagakusho Grant, Japanese and Austrian students and graduates can apply for stays of up to two years in the other country.¹¹⁴

4.1.2 Third-party (co-)funded scholarships and agreements

In addition to the above-listed national and public funds, the OeAD administers third-party funds, such as the Pakistan Scholarships or the MONDI – Austrian Student Scholarship. Furthermore, the OeAD administers third-party funds agreements of individuals at Austrian institutions.¹¹⁵ Some of the third-party funds administered by the OeAD are outlined below.

- In 2003, the OeAD concluded its first agreement for third-party funds with the Higher Education Commission in Pakistan. Financed by the Pakistani government, Pakistani students were able to conduct post-graduate studies at an Austrian university.¹¹⁶
- Based on the agreement between the OeAD and the Vietnam International Education Development of the Ministry of Education and

112 OeAD, OeAD Anniversary Grant, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/oead_anniversary_grant/EN/ (accessed on 23 November 2012).

113 OeAD, Franz Werfel Grant, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/franz_werfel_grant/EN/ (accessed on 23 November 2012).

114 OeAD, Grants for Japan, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/jspm_monbukagakusho_japan/EN/ (accessed on 23 November 2012).

115 Ibid.

116 OeAD, Pakistan Grants, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/pakistan_grants/EN/ (accessed on 23 November 2012).

Training of the Socialist Republic of Vietnam (VIED), the OeAD, as the grant awarding authority, provides scholarships for Vietnamese students at Austrian universities. Postgraduates pursuing a doctoral degree programme at a university in Vietnam, postgraduates who qualify for such a degree in Austria or graduate students taking part in an Austrian-Vietnamese master's programme are eligible to apply.¹¹⁷

- The agreement between the Directorate General of Higher Education of the Ministry of Education and Culture of the Republic of Indonesia (DIKTI) and the OeAD for carrying out postgraduate studies at Austrian universities is based on the principle of co-financing. This agreement aims to continue the long-term co-operation especially in the framework of the ASEA Uninet (see below) university partnerships and to strengthen the collaboration between the contractual partners. With this support, up to ten scholarship holders per year can pursue a doctoral programme in Austria and be intensively coached by the OeAD.¹¹⁸
- The agreement between the Ministry of Higher Education of Oman (MoHE) and the OeAD focuses on first-year students. It is planned that up to one hundred secondary school graduates from Oman will pursue studies in Austria; the first scholarship holders are expected for 2013. The total costs are borne by the Omani ministry.¹¹⁹

4.1.3 Project co-operation

While scholarships support the mobility of individuals, project support and co-operation offers the possibility to collaborate inter alia with third countries in research projects. Such programmes mainly provide financial support for living costs and travel costs. A non-exhaustive overview of the present international project co-operation administered by the OeAD with third countries can be found below:

117 OeAD, Vietnam Austrian Scholarship Programme, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/vietnam_austrian_scholarship_programme/EN/ (accessed on 23 November 2012).

118 OeAD, Annual Report 2011, available at http://www.oead.at/fileadmin/oead_zentrale/ueber_den_oead/publikationen/pdf/jahresbericht/jb_oead_2011_web.pdf (accessed on 23 November 2012).

119 Ibid.

- The Central European Exchange Programme for University Studies (CEEPUS) is a multilateral exchange programme with Central and Eastern Europe that was initiated by Austria in 1995. CEEPUS is based on a multilateral agreement¹²⁰ between its member states. At present, the CEEPUS programme encompasses universities from 16 Central and Eastern European countries.¹²¹ A list of the current networks can be found at http://www.ceepus.info/public/network/network_info.aspx. It addresses, amongst others, students from third countries who have studied at least two semesters in the respective field of study. The main focus of Ceeups lies on joint programs, and mobility grants for students are also provided in this framework.¹²²
- The Scientific and Technological Cooperation (WTZ) is based on inter-governmental agreements on co-operation in the fields of science and technology.¹²³ The aim of this programme is the co-operation of Austrian scientists with scientists from partner countries through the funding of mobility costs. Currently, the following countries are participating in this co-operation: Argentina, Bulgaria, China, Croatia, the Czech Republic, France, Hungary, India, Macedonia, Montenegro, Poland, Romania, Slovakia, Slovenia, the Republic of Korea, Spain, Ukraine, and Vietnam.¹²⁴
- The Eurasia-Pacific Uninet (EPU) was established in 2001 with the objective of creating an educational network for Austrian universities, universities of applied sciences and other educational institutions in Central Asia, East Asia and the Pacific. It comprises a great number

120 For the text of the agreement, see <http://www.ceepus.info/files/c3/gi/C3Agreement.pdf> (accessed on 24 January 2013).

121 At present, the following countries participate in the programme: Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Moldova, Poland, Romania, Serbia and Montenegro, the Slovak Republic, Slovenia. Kosovo, with the University of Prishtina, is also eligible for participation.

122 For more information on CEEPUS, see www.ceepus.info (accessed on 24 January 2013).

123 For the text of the agreement, see https://www.ris.bka.gv.at/Dokumente/RegV/REGV_COO_2026_100_2_765085/COO_2026_100_2_774333.html (accessed on 21 January 2013).

124 OeAD, WTZ – Scientific and Technological Cooperation, available at http://www.icm.oead.at/icm/centre_for_international_co-operation_mobility/scholarships_grants/scholarships_grants_incoming/wtz_scientific_and_technological_co-operation/EN/ (accessed on 23 November 2012).

of international partners of all fields of research and provides grants to eligible researchers. The target group of this programme are doctoral degree students, as well as post-docs and professors who work at a member institution in the following partner countries: Bhutan, China, India, Kazakhstan, Kirgizstan, Republic of Korea, Democratic People's Republic of Korea, Mongolia, Nepal, the Russian Federation, Tajikistan, and Uzbekistan.¹²⁵

- The Austrian Partnership Programme in Higher Education and Research for Development (APPEAR) supports academic partnerships between research institutions of higher education in Austria and scientific institutions in priority regions of Austrian Development Cooperation in the Global South. The aim of APPEAR is to strengthen the capacities of involved institutions in the fields of research, management and teaching, and the elaboration of approaches for a fair world and the reduction of poverty.¹²⁶

125 OeAD, Technology Grants, available at http://www.icm.oead.at/icm/centre_for_international_cooperation_mobility/scholarships_grants/scholarships_grants_incoming/technology_grants/EN/ (accessed on 23 November 2012).

126 OeAD, Appear, available at http://www.oead.at/projekte_kooperationen/entwicklungsforschung/appear/ (accessed on 23 November 2012).

4.2 Co-operation with EU mobility programmes¹²⁷

Beyond the above-mentioned activities in the framework of bilateral and multilateral agreements, co-operation activities are carried out in the form of EU financed mobility and co-operation programmes. These programmes are regarded as complementary to the other programmes existing in Austria.¹²⁸

4.2.1 Erasmus Mundus

Erasmus Mundus is a co-operation and mobility programme in the field of higher education that aims to enhance the quality of European higher education and to promote dialogue and understanding between people and cultures through co-operation with third countries. Additionally, it seeks to contribute to the development of human resources and the international co-operation capacity of higher education institutions in third countries by increasing mobility between the European Union and these countries.

The second generation of Erasmus Mundus (2009-2013) is implementing the following actions:

- Action 1: Erasmus Mundus joint study programmes of outstanding quality at master (Action 1 A) and doctoral (Action 1 B) levels including scholarships/fellowships to participate in these programmes;
- Action 2: Erasmus Mundus Partnerships between European and third country higher education institutions including scholarships and fellowships for mobility at all academic levels;
- Action 3: Promotion of European higher education through projects to enhance the attractiveness of Europe as an educational destination and a centre of excellence at the global level.

The Erasmus Mundus programme provides support to the following groups: higher education institutions that wish to implement joint study programmes at postgraduate level or to set up inter-institutional co-operation partnerships between universities from Europe and targeted third countries, individual students, researchers and university staff who wish to

127 Although the Erasmus programme also covers partly third countries, it is not referred to this programme specifically in this study. For further information on the Erasmus programme in Austria, see <http://www.erasmus.at/> (accessed on 25 January 2013).

128 Martina Friedrich, EU plus, Erasmus Mundus and Tempus National Contact Point, OeAD, 21 November 2012.

spend a study/research/teaching period in the context of one of the above-mentioned joint programmes or co-operation partnerships, and any organisation active in the field of higher education that wishes to develop projects aimed at enhancing the attractiveness, profile, visibility and image of European higher education worldwide.

Austrian universities are successfully participating in the whole Erasmus Mundus programme. In Action 1, Austria has one of the highest success rates: Besides several Erasmus Mundus master and doctoral courses, in which universities are partners, three Erasmus Mundus master courses are coordinated by Austrian universities: 'ASTROMUNDUS – Astrophysics' (University of Innsbruck), 'MIND – Erasmus Mundus Master's programme in Industrial Ecology' (University Graz) and 'MARIHE – Research and Innovation in Higher Education' (Danube University Krems).¹²⁹ In Action 2, Austrian universities – especially the University of Graz, but also the University of Natural Resources and Life Sciences in Vienna, and the University of Innsbruck – participated in the last four application rounds in almost every third accepted partnership with mobility flows around the whole world. Martina Friedrich from the OeAD explained that in general, the overall numbers of third-country students in EU third-country programmes at public universities have been growing in the recent years due to the Erasmus Mundus programme, which started in 2004, and the increasing funding in the following years.¹³⁰

4.2.2 Further third-country programmes

Austrian universities and other higher education institutions also participate in the framework of further EU co-operation and mobility programmes with third countries in the area of higher education. Amongst them are ATLANTIS (co-operation and mobility programme with the United States of America), EU-Canada (co-operation and mobility programme with Canada), ICI ECP (co-operation and mobility programme with Australia, Japan, New Zealand and the Republic of Korea), ALFA III (co-operation programme with Latin America) and TEMPUS IV (co-oper-

129 For further information see also http://www.bmwf.gv.at/fileadmin/user_upload/europa/bologna/Erasmus_Mundus_II_-_Oesterreichische_Beteiligungen_2009_-_2013.pdf

130 Martina Friedrich, EU plus, Erasmus Mundus and Tempus National Contact Point, OeAD, written information.

ation programme with the Western Balkans, the former Soviet Union and the Mediterranean countries). In TEMPUS IV, Austrian institutions are the fifth most successful country, with 56 participating countries.¹³¹

4.3 Other forms of (non-legislative) co-operation with third countries

Additionally, Austrian higher education institutions have established numerous forms of non-legislative co-operation with third countries. These include direct relationships between educational establishments. In some cases, co-operation also exists on the department level. This co-operation also includes 'Joint Degree/Double Degree Programmes', which is implemented jointly on the basis of an agreement between one or more Austrian public universities, private universities, universities of applied sciences/university of applied sciences degree programmes or university colleges of teacher education as well as foreign recognized institutions of post-secondary education. The programmes lead to the conferral of both national degrees (Federal Ministry of Science and Research 2012b).

Additionally, a range of scholarship and research grant possibilities are offered in Austria. The database grants.at offers an overview of available grants. To give an idea, 173 grants or research promotions were available for third-country nationals for Austria in November 2012.¹³²

131 Ibid.

132 See <http://grants.at>, available at http://www.oead.at/welcome_to_austria/grants_scholarships/grants_database/to_the_database/EN/ (accessed on 25 January 2013).

5. SELECTED ASPECTS RELATED TO THE IMMIGRATION OF STUDENTS FROM THIRD COUNTRIES TO AUSTRIA¹³³

5.1 Competition for study places

Against the background of a high proportion of foreign students from other EU Member States (19% of newly enrolled students in the academic year 2010/11), especially Germany, competition for study places is particularly debated in the context of asymmetrical mobility flows from other EU countries to Austria.¹³⁴ Austria therefore engages on the European level that ‚balanced‘ mobility flows in Europe are attained and to find a European solution which takes into account the problems of the Member States (Federal Ministry of Science and Research 2012c: 9).

Competition for study places between nationals/EU nationals and international students from non-EU countries, in contrast, is not specifically debated. This can be seen in context of the overall low proportion of international students from non-EU countries on the total number of enrolled students in Austria (4%). Interviewed experts confirmed that they are not aware of specific competition issues for study places related to third-country students. Competition may however arise in the context of certain degrees or study areas. While, for example, no negative consequences of competition occur at the Vienna University of Economics and Business at the bachelor level, the situation is more complicated in the case of master's and PhD programmes in English, where Austrian students are in direct compe-

133 Based on the methodological limits of this research, it is not possible to give a comprehensive evaluation of the impact of the immigration of international students from third countries in Austria. The following elaborations are mainly based on findings acquired in the expert interviews.

134 It was in this context that Austria introduced quotas for medicine and dentistry students in 2007; Quota restrictions reserve 75 per cent of places in medicine and dentistry schools to the holders of Austrian school-leaving certificates. For further information, see http://europa.eu/rapid/press-release_IP-12-1388_en.htm (accessed on 25 January 2013).

tition with international students, also from third countries, for a limited number of study places.¹³⁵

5.2 Academic success

The interviewed experts explained that, in general, the academic success of international students is similar to that of other students. Kolland/Polak (2011), who carried out research on the success factors of international students in German classes of the University Preparation Programmes, found that predispositions, such as the education background of parents, preceding educational experience, as well as individual success factors, such as motivation, self-confidence, reaction to stress, and institutional success factors like independent learning, are important. It can be assumed that these findings can be relevant regarding the analysis of the success of international students from third-countries.

When experts reported difficulties experienced by international students, these related to the knowledge of German and the beginning of studies. Jens Marxen¹³⁶ from the Austrian Students' Union referred to international students from third countries who often encounter problems in the first semesters of their studies, especially when students arrive in Austria without former German knowledge, learn German only shortly before starting their studies, and then have to immediately pass exams in German. Students from third countries would, in this context, particularly be disadvantaged in the newly introduced 'Introductory and Orientation Period' (Studieneingangs- und Orientierungsphase). This was also emphasised by Lottelis Moser and Karin Krall of the University of Vienna who explained that, for third-country nationals who are in direct competition with native speakers, it is more difficult to pass this period.¹³⁷

The interviewed experts underlined that thus support provided to international students by higher education institutions during this initial phase of studies is significant. Heidi Esca-Scheuringer from the Austrian Association of Universities of Applied Sciences underlined in this context

135 Barbara Sporn, Vice-Rector for International Affairs, Vienna University of Economics and Business, 6 December 2012.

136 Jens Marxen, International Students Office, national delegation of the Austrian Students' Union, 13 November 2012.

137 Lottelis Moser and Karin Krall, International Office, University of Vienna, 4 December 2012.

that, even if international students in some cases need a little more support than national students, the gain stemming from the presence of international students for the institution as such and the other students is regarded as much higher.¹³⁸

5.3 Barriers to the employment of third-country graduates

Detailed statistics and information on the employment situation of third-country graduates from Austrian universities are not available. In general, though, research finds that migrant workers face challenges and discrimination concerning their access to adequate employment (see Chamber of Labour Vienna 2012). Regarding the specific situation of highly skilled workers, it has to be stressed, however, that, in Austria, unemployment rates of academics are generally low. It was, thus, argued by Heinz Fassmann that the commencement of adequate employment is not primarily related to the migration situation; rather, it depends on the demand for graduates of specific fields of study, irrespective of their nationality.¹³⁹

Recent research carried out on the evaluation of the numbers of issued and valid 'Red-White-Red Cards' since mid-2011 suggests that the 'Red-White-Red Card' will be well received by students in the future, and that around 500 graduates a year will successfully enter the Austrian labour market (Biffi/Bock-Schappelwein 2012: 63). As mentioned, since the introduction of the 'Red-White-Red Card' for graduates, a total number of 257 titles have been issued to international students who have graduated from Austrian universities. In general, interviewed experts opined that there was potential for increasing this number. Hermann Deutsch from the Federal Ministry of Labour, Social Affairs and Consumer Protection stated that a reason for the relatively low number of 'Red-White-Red Cards' issued to third-country graduates may, rather than restrictive conditions, be that some students, in general, do not wish to access the Austrian labour market.¹⁴⁰ According to Biffi/Bock-Schappelwein (2012: 68-69), 16 per

138 Heidi Esca-Scheuringer, Austrian Association of Universities of Applied Sciences, 4 December 2012.

139 Heinz Fassmann, Chairperson, Forum International Affairs, Universities Austria, 22 November 2012.

140 Hermann Deutsch, Department VI/7 Employment of Foreigners and Labour Migration, Federal Ministry of Labour, Social Affairs and Consumer Protection, 7 November 2012.

cent of graduates from third countries remain in Austria to take up work, as compared to one third in Canada. Thus, they emphasise, specific attention must be paid to young academics from third countries in Austria. Johannes Peyrl from the Chamber of Labour Vienna, however, holds that it is too soon to adequately evaluate the success of the 'Red-White-Red Card', although he admitted that this new residence title had a slower start than expected.¹⁴¹

5.4 Risk of 'brain drain'

Brain drain was described by the interviewed experts as a multi-layered issue which has to be seen in the specific individual and national context. Simplistic explanatory models often cannot satisfy to explain these complexities. In this context, Grete Kernegger¹⁴² from the University Preparation Programme of the Vienna Universities explained that the discussions and prevailing concepts of brain drain are somewhat mechanic and sometimes do not meet the realities of a globalized world.

The experts also described brain drain as a phenomenon that is difficult to prevent. Elmar Pichl¹⁴³ from the Federal Ministry of Research and Science underlined: "In many cases it might be difficult to hinder brain drain. Most probably at the best in the context of structured programmes which are co-financed by the country of origin, and where students to a certain have extent a moral obligation to return." Gertraud Findl from the Austrian Development Agency elaborated on a further possibility to counter brain drain: "We think that it is an opportunity to counter brain drain of researchers and academics when structures and institutions are in place in countries of origin, in which international students see a future, also for their work. In such cases, it is also easier to return to or stay in the country because one does not have the feeling that one has to move somewhere else in order to be able to do what one aspires to do." For this purpose, Austrian Development Cooperation measures in higher education changed fundamentally: programmes on the principle of individual financial support were reduced and integrated into a comprehensive institutional capacity development programme. The Austrian Development Cooperation seeks

141 Johannes Peyrl, Chamber of Labour Vienna, 25 October 2012.

142 Grete Kernegger, University Preparation Programme of the Vienna Universities, 25 January 2013.

143 Elmar Pichl, Federal Ministry of Science and Research, 9 November 2012.

to further build up and strengthen Austrian scientific capabilities in international development and development co-operation as a complement to promoting these in partner countries. One attempt in this regard is the Commission for Development Studies, which is the central platform for Austrian developmental research. It brings scientific questions to bear on developmental goals and promotes research partnerships with developing and transition countries.

5.5 Impact and potential of the immigration of international students from third countries

The importance of the immigration of highly qualified workers, and in this context also of international students from third countries, has been an important policy driver in Austria in recent years. Nevertheless, some experts stressed that the full potential of the immigration of international students and the internationalisation of Austrian higher education has not yet been realised. "There has been progress and important changes have been introduced in the Act Governing the Employment of Foreign Nationals; it was a starting point and a first important step, but I think that it was not the last".¹⁴⁴

Heinz Fassmann¹⁴⁵ emphasised in a same context: "We have a much more differentiated migration situation in Austria today than in the past. While in the 1960s and 1970s 95 per cent of immigration was guest workers and their family members, today immigration is, next to labour migration, characterised by family migration, Austrians who return at some point in their professional career but also students, who represent an important share of immigrants. This differentiated migration situation has however not yet been recognised politically" He stressed that thus, universities have an important role in attracting immigrants and driving integration and important stakeholders in the field of migration.

144 Margit Kreuzhuber, Department for Social Policy and Health, Austrian Federal Economic Chamber, 3 October 2012; This view was also shared by Johannes Peyrl, Chamber of Labour Vienna, 25 October 2012.

145 Heinz Fassmann, Chairperson, Forum International Affairs, Universities Austria, 22 November 2012.

ANNEX

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3. List of interviewed experts

- **Hermann Deutsch, Department for Employment of Foreigners and Labour Migration, Federal Ministry of Labour, Social Affairs and Consumer Protection (Bundesministerium für Arbeit, Soziales und Konsumentenschutz)**
- **Heidi Esca-Scheuringer, Austrian Association of Universities of Applied Sciences (Österreichische Fachhochschul-Konferenz)**
- **Heinz Fassmann, Chairperson, Forum International Affairs, Universities Austria (Österreichische Universitätenkonferenz)**
- **Gertraud Findl, Department for Education and Science, Austrian Development Agency**
- **Martina Friedrich, EU plus, Tempus & Erasmus Mundus National Contact Point, Austrian Agency for International Cooperation in Education and Research (Österreichischer Austauschdienst, OeAD)**
- **Belinda Hödl, Department for Educational Policy, Austrian Federal Economic Chamber (Wirtschaftskammer Österreich)**
- **Grete Kernegger, Director, University Preparation Programme Vienna, Austrian Agency for International Cooperation in Education and Research (OeAD)**
- **Karin Krall, Director, Team Student Mobility, International Office, University of Vienna**
- **Margit Kreuzhuber, Department for Social Policy and Health, Austrian Federal Economic Chamber (Wirtschaftskammer Österreich)**
- **Jens Marxen, International Students Office, national delegation of the Austrian Students' Union (Österreichische Hochschülerschaft)**
- **Lottelis Moser, Director International Affairs, International Office, University of Vienna**
- **Johannes Peyrl, Department for Labour Market and Integration, Chamber of Labour Vienna (Arbeiterkammer Wien)**
- **Elmar Pichl, Deputy Director, Higher Education Section, Federal Ministry of Science and Research (Bundesministerium für Wissenschaft und Forschung)**
- **Margit Seidel, Department for Residence and Citizenship Affairs, Federal Ministry of the Interior (Bundesministerium für Inneres)**
- **Klaus Schedler, Department for Educational Policy, Austrian Federal Economic Chamber (Wirtschaftskammer Österreich)**

- **Lydia Skarits, Centre for International Cooperation and Mobility, Austrian Agency for International Cooperation in Education and Research (OeAD)**
- **Barbara Sporn, Vice-Rector for International Affairs, Vienna University of Economics and Business**
- **Stephan Steinbach, International Office, national delegation of the Austrian Students' Union (Österreichische Hochschülerschaft)**
- **Tamara Völker, Department III/4, Residence and Citizenship Affairs, Federal Ministry of the Interior (Bundesministerium für Inneres)**

Additionally, Margarita Calderón-Peter, Head of the Center for International Relations, University of Natural Resources and Life Sciences, Vienna, and Andreas Zemann, Head of the Institute for International Education Cooperation, Technical University of Vienna provided written responses to interview guidelines. Peter Marhold, Chairman of the NGO Helping Hands, provided information via e-mail.

4. Interview guidelines (sample)

National policy

- 1. Please elaborate on the perspective and the strategic goals and priorities of your institution concerning the immigration of international students from third countries to Austria.**
- 2. Does your institution carry out measures aiming at the facilitation of the immigration of third-country students? Please elaborate on these. What is the effect of these measures on the mobility of third-country students?**

Trans-national co-operation

- 3. Please elaborate on the importance and role of bi-/multilateral agreements for the immigration of third-country students to Austria.**
- 4. What is the role of EU co-operation and co-operation with international organisations in this regard?**
- 5. What is the importance of agreements between Austrian and third-country universities concerning third-country students' mobility?**

Access to the labour market

- 6. Please reflect on the experience of your institution concerning the labour market situation of third-country graduates from Austrian universities**
- 7. What is your perspective on the introduction of the Red-White-Red Card for Bachelor graduates?**
- 8. What is your perspective on the issue of 'Brain Drain' regarding third-country students who wish to study in Austria?**