

Cross-border impact assessment 2017

Dossier 4: Cross-border (Im)mobility of Students from Third Countries in the Euregio Meuse-Rhine



The Institute for Transnational and Euregional cross border cooperation and Mobility / ITEM is the pivot of research, counselling, knowledge exchange and training activities with regard to cross-border mobility and cooperation.

Maastricht University

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Dossier 4: Cross-border (Im)mobility of Students from Third Countries in the Euregio Meuse-Rhine

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Abbreviations

CB	Cross-border
CBS	Cross-border student
EMR	Euregio Meuse-Rhine
EU	European Union
HEI	Higher education institution
MS	Member States
SSS	Single state student
TCN	Third-country national

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4. Cross-border (Im)mobility of Students from Third Countries in the Euregio Meuse-Rhine

1. Introduction

The internationalisation of higher education has been at the centre of attention of scholars and policy-makers for some time now. The European Union (EU) advocates the admission of students from third countries to European universities and has endeavoured to create a comprehensive legal regime to facilitate this.¹ Council Directive 2004/114 lies at the core of this regime. It determines the conditions for admission of students to the Member States (MS) of the EU. This Directive was adopted already in December 2004, requiring transposition by the MS by 12th January 2007. Since then, it has been subject to several evaluations addressing certain weaknesses of the Directive.²³ Following these findings, Directive 2016/801 on the conditions of entry and residence of third-country nationals (TCNs) for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects, and au pairing was adopted to improve and replace Directive 2004/114.

This dossier adds to the existing literature and debate on the evaluation of the EU's student migration regime by taking a Euregional perspective and it has been triggered by the *Pilot huisvesting Akense niet-EU studenten* initiated in April 2016.⁴ The pilot project provides that students from third countries who study full-time at a higher education institution (HEI) in Aachen, Germany, can apply for a residence permit to live in Kerkrade or Heerlen (Parkstad Limburg) in the Netherlands. This Pilot calls attention to the possible existence of a 'border region penalty' for students from third countries in Dutch and German migration law. This 'border region penalty' is to be understood as referring to the situation in which frontier migrants are worse off, in the sense of encountering more legal hurdles, than migrants who study, work, and live in one and the same MS in an otherwise comparable situation. The existence of such a penalty could have serious effects on European integration, the socio-economic development of border regions, and Euregional cohesion.

To establish if such a border region penalty exists, the dossier uses a combination of sociological and legal research methods including desk research, stakeholder interviews, and a survey among international students. Combining legal and sociological research methods helps to arrive at a more comprehensive understanding of the current situation regarding the cross-border (CB) mobility of students from third countries as well as related challenges and opportunities.

¹ See for example: European Council, 'Admission of third-country nationals to the Member States for study purposes'. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133069> ; last visited on 14th August 2017.

² See for instance: EMN, 'Immigration of international Students to the EU' , 2012, or European Commission 'REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL on the application of Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service', 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0587:FIN:EN:PDF>

³ Following these assessments, Directive 2004/114 is soon to be replaced by Directive 2016/801, which must be implemented by 23rd May 2018 at the latest.

⁴ See B11/2.4 Vreemdelingen circulaire 2000.

2. Research Objectives and Methods

The purpose of this dossier is to analyse the current (legal) situation of TCNs studying in the EU as regards admission to university, tuition fees, access to study facilitating benefits, right to residence, and access to the labour market. Furthermore, consequences for the three research themes, European integration, sustainable and socio-economic development of Euregions, and Euregional cohesion, are discussed. In the following, the content of this dossier is further defined in terms of relevant legislation and the geographical as well as the thematic scope. In addition, relevant principles, benchmarks, and indicators are defined. They facilitate interpreting the effects of TCN student rights on the key research themes.

2.1 Ex-post Analysis: Current Effects of Existing Legislation

This dossier is an ex-post analysis of the existing EU and national legislation governing the admission of TCN students to the EU. It is important to define a number of elements from the outset. The point of departure is the so-called ‘third-country national’ (TCN): a person who does not have the nationality of a Member State of the EU or EEA, or the Swiss nationality. In addition, it will be assumed that he or she has no other special legal regime applying to him/her (such as trade or association agreements and the like) and that he or she does not already hold a residence permit of one of the EU MS. This TCN will further be assumed to seek to engage in study, to reside for that purpose, to be interested in pursuing (part-time) employment next to or after his or her studies, and to be interested in applying for study facilitating benefits (such as student grants or other forms of public support). Two positions are foreseen:

The single state student (SSS):	The student who seeks to pursue the listed activities in one MS.
The cross-border student (CBS):	The student who seeks to pursue the listed activities on different sides of the border, for instance reside in one country and study or work in the other.

The EU shares competences with the MS in the field of migration which fall into the areas of freedom, security, and justice.⁵ This means that both the EU and its MS are legislators in this field.⁶ Hence, both EU legislation (such as Directive 2004/114, Directive 2016/801, and the Schengen acquis)⁷ as well as national legislation are relevant for the analysis.

2.2 Geographical Scope: Definition of the Cross-Border Region

The current legal situation of TCN students depends on different national transpositions of Directive 2004/114. Since it is beyond the scope of this dossier to cover all MS, it is important to further narrow down the geographical scope.

⁵ Art. 4 TFEU

⁶ eur-lex.europa.eu: ‘Division of competences within the European Union’ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:ai0020>; last visited on 14th August 2017.

⁷ In particular, the Convention implementing the Schengen Agreement of 14th June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany, and the French Republic on the gradual abolition of checks at their common borders, OJ [2000] L 239/19.

The Euregio Meuse-Rhine (EMR)⁸ is chosen as the geographical area to be studied, with a focus on the Dutch and German sub-regions. There are two main reasons for choosing this geographical area. The first one is the earlier mentioned *Pilot huisvesting Akense niet-EU studenten* pointing to the possible existence of a border region penalty. The second reason is the (high) number of top HEIs in this area: the EMR hosts at least ten top HEIs.⁹ Some of these, especially those in Maastricht (NL) and Aachen (DE), are located very close to the border and they increasingly attract students from all over the world.¹⁰ Therefore, it is to be expected that possible border effects on the lives of TCN students become particularly apparent in this region.

Accordingly, it is specified that TCN students in a CB situation either live in the Dutch part of the EMR and seek to study in the German part, or vice versa. This is important since education matters are the main responsibility of the German *Länder* rather than the central government. The German sub-region of the EMR belongs to the *Land North Rhine-Westphalia (NRW)*, and relevant legislation includes the *NRW Hochschulgesetz*,¹¹ the *Aufenthaltsgesetz*,¹² and the *Bundesausbildungsförderungsgesetz*.¹³ For the Netherlands, the relevant legislation is included in the *Wet op het Hoger Onderwijs en Wetenschap (WHW)*¹⁴ as well as the *Vreemdelingenwet 2000*,¹⁵ the *Wet arbeid vreemdelingen*,¹⁶ and the *Wet Studiefinanciering 2000*¹⁷ (and the regulations based on these instruments).

2.3 What are the Research Themes, Principles, Benchmarks, and Indicators?

After having determined the legal and geographical scope of this dossier, the following section defines its thematic scope, principles, benchmarks, and indicators. These form the basis of the subsequent analysis of the current legal situation of TCNs studying in the EU, the effects of a possible border region penalty on European integration, the socio-economic development of Euregions, and Euregional cohesion.

2.3.1 The Research Themes of This Dossier

This dossier covers the three research themes European integration, socio-economic development, and Euregional cohesion, which are all related to the internationalisation of higher education and CB mobility of TCN students.

In terms of **European integration**, the dossier analyses the harmonisation of migration laws and policies for TCN students. During its 1999 Tampere Meeting, the European Council emphasised that the rights of TCNs residing in the EU should be comparable to those of EU citizens.¹⁸ While the right to free movement is regarded a fundamental human right for European citizens, the mobility of

⁸ The EMR consists of five sub-regions belonging to three different countries: the Southern Part of the Dutch Province of Limburg (Zuid-Limburg), the Belgian Provinces of Limburg and Liège, the German Speaking Community of Belgium, and the German Region of Aachen (*Zweckverband Region Aachen*).

⁹ See Annex I for a map of the Euregio Meuse-Rhine and its HEIs.

¹⁰ 49 per cent of Maastricht University's students are international and 19 per cent of RWTH Aachen's students are international. FH Aachen and Zuyd Hogeschool both have an international student share of 12 per cent.

¹¹ Gesetz über die Hochschulen des Landes Nordrhein-Westfalen (Hochschulgesetz - HG), GV. NRW. S. 547, as amended.

¹² BGBl. I S. 162, as amended.

¹³ BGBl. I S. 1952; 2012 I S. 197, as amended.

¹⁴ Stb. 1992, 593, as amended.

¹⁵ Stb. 2000, 495, as amended.

¹⁶ Stb. 1994, 959, as amended.

¹⁷ Stb. 2000, 286, as amended.

¹⁸ Tampere European Council 15th and 16th October 1999, Presidency Conclusions, para.18.

TCNs living in the EU is still limited. Expanding the right to free movement to TCNs is considered a fundamental step towards the completion of the European Single Market.¹⁹ Furthermore, conferring similar rights to TCNs is crucial to prevent European societies from developing into two-class societies. Existing European legislation currently distinguishes between several groups of TCNs, with students being one of them.²⁰

The creation and completion of the European Single Market is often called the centrepiece of European integration. According to Elżbieta Bieńkowska, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs (2014-2019), “to restore citizens’ trust in the European project, create jobs and build a competitive economy, and retain an influence in the world, [...] the full potential of the Single Market [must be unleashed].”²¹ Hence, the theme of European integration is directly linked to the **socio-economic development** of the EU and its Euroregions, which are often seen as laboratories for European integration.²²

As developed economies increasingly depend on knowledge, the existence of a highly-skilled and educated labour force becomes more and more important to remain competitive globally and to foster economic growth. This causes a worldwide competition for talent, not only for workers and professionals, but also for students, who are considered ideal individuals to retain as they constitute the labour force of the future and are possible ‘ambassadors’ for the regions and universities where they study.²³ In its 2000 Lisbon Strategy, the European Council defined becoming “the most dynamic and competitive knowledge-based economy in the world” as a key objective.²⁴ The EU2020 strategy of smart, sustainable, and inclusive growth further embeds and reinforces this objective. A key factor for the success of this strategy is the EU’s ability to compete with other knowledge-based economies when it comes to attracting and retaining top students and other talent,²⁵ especially in the context of demographic change and negative population developments which are associated with future skills and labour shortages.²⁶ It is therefore crucial for the EU to facilitate the entry, stay, and retention of TCN students. This is expected to contribute to a positive image of the EU abroad and to increase the EU’s attractiveness for international students.

This line of argumentation can also be applied to the Euregional context: the EMR is transitioning towards a knowledge-based economy while, to a certain extent, experiencing demographic change and negative population developments. The EMR’s current strategy defines the objective to develop the region into a “knowledge intensive hotspot” for which international and domestic students constitute a great potential for talent to remain competitive on a global level.²⁷ In addition to these

¹⁹ Pascouau, Yves: ‘Intra-EU mobility of third-country nationals. State of play and prospects’, 2013.

²⁰ Stuchlik, Andrej and Poptcheva, Eva-Maria: 2015, ‘Third-country migration and European labour markets’, 2015.

²¹ ec.europa.eu: ‘Deeper and fairer Single Market boosts opportunities for citizens and business’, 28th October 2015, http://ec.europa.eu/growth/tools-databases/newsroom/cf/itemdetail.cfm?item_id=8529

²² Committee of the Regions, ‘Cross-border cooperation: local and regional leaders call for simpler rules and endorse special legal arrangement’, 15th October 2015, <http://cor.europa.eu/en/news/Pages/Cross-border-cooperation.aspx>

²³ Hooijen, Inge, Meng, Christoph, Reinold, Julia and Siegel, Melissa: ‘Competition for talent: retaining graduates in the Euregio Meuse-Rhine’, 2017.

²⁴ Lisbon European Council 23rd and 24th March 2000, Presidency Conclusions, para. 5.

²⁵ European Commission: ‘Communication From The Commission To The European Parliament, The Council, The European Economic And Social Committee And The Committee Of The Regions: European higher education in the world’, 11th July 2013.

²⁶ De Wit, H., Hunter, F., Howard, L. and Egron-Polak, E. ‘Internationalisation of higher education’, 2015.

²⁷ See: EMR2020: A future strategy for the Euregio Meuse-Rhine, March 2013.

long-term economic benefits, there are also short-term economic gains²⁸ of the internationalisation of higher education as students' expenditures contribute significantly to the economies.²⁹

Euregional cohesion, the third theme of this dossier, can contribute to both the short- and long-term economic gains by increasing the CB regional mobility of international students. To achieve this, *EMR2020*, for instance, encourages dialogue and collaboration between HEIs in the region as well as cooperation between these institutions and companies. Through the promotion of CB educational programmes, internships, and traineeships, students can be encouraged to look across the border of their own sub-region of study and learn about a wider range of opportunities within the EMR. The same holds true for facilitating housing opportunities and side jobs on the other side of the border, especially in cases where supply does not match demand. Finally, CB initiatives encouraging students to attend cultural events and participate in leisure time activities across all sides of the border could increase perceived opportunities and thereby contribute to the short- and long-term benefits of the internationalisation of higher education for the EMR as a whole.

2.3.2 Dossier on Cross-Border Mobility of Students from Third Countries: Principles, Benchmarks, and Indicators for a Positive Situation in Border Regions

Based on the research themes addressed in this dossier – European integration, socio-economic development, and Euregional cohesion – the table below defines relevant principles, benchmarks, and indicators for comparing the situation of CBS and SSS and assessing their effects on border regions.³⁰

This dossier uses a mixed methods approach, i.e. combining legal and sociological research methods. This approach helps to arrive at a more comprehensive understanding of the current situation regarding the CB mobility of TCN students as well as related challenges and opportunities for the border region. It is based on desk research (including an analysis of relevant legal documents and other literature on the internationalisation of higher education in the EU), 15 interviews with relevant stakeholders from universities, public authorities, and student associations (see annex I for the list of interviewees), and a brief online survey conducted among international students in the EMR between June and August 2017.³¹ After cleaning the data, 121 observations remain. This sample is not representative of all international students studying in the EMR. Yet, the survey results help to get an idea of the perceptions and experiences of international students studying in border regions. Including both EU nationals and TCNs into the analysis has the advantage of being able to compare differences in CB mobility between the two groups. Roughly 25 per cent of the respondents come from third countries.

²⁸ De Wit, H., Hunter, F., Howard, L. & Egron-Polak, E. (2015). *Internationalisation of higher education*. European Parliament: Brussels.

²⁹ Nef Consulting: 'Student contributions to the UK economy', 2013.

³⁰ Principles refer to legal and political provisions that form the basis for a positive situation in border regions. Benchmarks specify what an ideal situation would look like. A set of indicators has been developed to investigate the border effects of the relevant European and national legislation governing the admission of TCNs, tuition fees, residence, and access to the labour market to study facilitating benefits.

³¹ The sample does not include Erasmus students. Due to their shorter stay in the region, their experiences might differ from those of regular students. In addition, the sample only includes individuals who moved to the EMR for the purpose of studying and excludes those who were already living in the region already before.

Table 1 Themes, Principles, Benchmarks, and Indicators

Principles	Benchmarks	Indicators
Theme 1: European Integration		
<p><u>Art. 79 (1) TFEU</u> “The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States [...]”</p> <p><u>Art.26(2) TFEU</u> “The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.”</p> <p><u>1999 Tampere Council Meeting</u> “The [EU] must ensure fair treatment of [TCNs] who reside legally on the territory of its [MS]. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens. It should also enhance non-discrimination in economic, social and cultural life [...]”</p>	<p>Legislation governing admission, tuition fees, residence, access to the labour market, and access to study facilitating benefits should be similar across MS.</p> <p>The opportunities regarding admission, tuition fees, residence, access to the labour market, and access to study facilitating benefits should be similar for students from European and non-European countries. Legislation in place should prevent a two-class society to the detriment of TCN students.</p> <p>TCN students should not be disadvantaged regarding, for instance, work and housing opportunities as well as cultural and leisure time activities because of the location close to the border.</p>	<p>Are laws regarding admission, residence, access to the labour market, payment of tuition fees, and access to study facilitating benefits similar for TCN students in the Netherlands and Germany?</p> <p>Are the opportunities for TCN students regarding admission, residence, access to the labour market, payment of tuition fees, and access to study facilitating benefits similar to the rights of students with European citizenship?</p> <p>Is the mobility of the CBS restricted compared to the mobility of the SSS due to the close location to the border?</p>

Theme 2: Euregional Socio-Economic Development		
<p><u>Lisbon Strategy</u> Defines becoming the most dynamic and competitive economy in the world as a key objective.</p> <p><u>EMR 2020</u> Key Theme “Economy & Innovation”: The EMR formulates the objective to develop the region into a “knowledge intensive hotspot”, for which international and domestic students constitute a great potential for talent, so as to remain competitive on a global level.</p> <p>Key Theme “Labour Market, Education and Training”: “The [EMR] needs to take a coordinated approach to improving the match between labour supply and demand, making better use of training and educational capacity, and removing [border] barriers” (p.25). EMR2020 ultimately aims at helping to “attract talented professionals across the border (“brain gain”), continue to support domestic talent and knowledge, and prevent talented individuals from leaving the Euregio (“brain drain”).”</p>	<p>CB mobility of TCN students can stimulate the Euregional socio-economic development in both the short and long term by increasing the students’ awareness regarding opportunities and the perceived attractiveness of the region.</p> <p>Expansion of the CB labour market for TCN students.</p> <p>Expansion of the CB housing market for TCN students.</p>	<p>How does a lack of harmonisation, especially regarding administrative and tuition fees, relate to the Euregional socio-economic development in the short and long term?</p> <p>Do TCN students consider living and/or working on one side of the border while studying on the other side?</p> <p>How frequently do international students cross the border and for what purposes?</p> <p>Do international students in the EMR perceive life in a border region as an advantage or a disadvantage?</p> <p>Do TCN students consider to remain resident in the region after finishing their education?</p>
Theme 3: Euregional Cohesion		
<p><u>EMR 2020</u> The EMR encourages dialogue and collaboration between HEIs in the region as well as “partnership agreements between knowledge institutions with respect to student [...] exchanges. In addition, it promotes CB initiatives such as traineeships and training programmes at companies.”</p>	<p>Expansion of initiatives to encourage the CB mobility of TCN students in the fields of education, work and employment opportunities, housing, as well as cultural and other leisure time activities.</p>	<p>Which initiatives are in place to facilitate the CB mobility of international students?</p> <p>How are existing initiatives perceived?</p> <p>What could be improved?</p>

3. Evaluation: European Integration

This section evaluates the effects of the current situation on the theme of European integration and provides a detailed overview of the legal situation of SSS and CBS regarding admission to university, equal treatment as regards tuition fees and study facilitating benefits, residence, and access to the labour market.

Admission to University

In terms of applying for a course of study and to attend it, the positions of the SSS and CBS are largely similar. For the Netherlands, the *WHW* specifies that the TCN student in question must have the necessary qualifications,³² pay the applicable tuition fee,³³ and either provide a Dutch residence permit³⁴ or be resident outside the Netherlands (e.g. Germany).³⁵ The *Hochschulgesetz NRW* provides similar admission requirements³⁶ and contains no reference whatsoever to providing documentation of a right of residence (either in Germany or elsewhere). Hence, both CBS and SSS are in a similar situation. While there is no complete harmonisation regarding admission, the situation in both countries is still comparable and therefore it does not impede the process of European integration.

Equal treatment as regards tuition fees and study facilitating benefits

(The story here is relatively short:) There is little difference between the position of CBS and SSS when it comes to access to study facilitating benefits.

EU law:

Neither Directive 2004/114 nor its replacement Directive 2016/801 provides for a right to equal treatment with regard to study related expenses, student grants and/or loans. In practice, this means that TCNs, whether in the SSS or CBS situation, cannot, as a matter of EU law, claim equal treatment with nationals of the host MS or other EU countries as regards tuition fees, and they do not have access to student grants and loans. This is in marked contrast to the situation of EU students, who have a right to equal treatment where it concerns access to education (including equal treatment as regards tuition fees) and, under certain circumstances (e.g. after a period of residence, or while employed), have access to study grants and/or loans.

National law (The Netherlands and Germany):

The Netherlands charges a higher tuition fee to most TCN students who come to the country for study purposes – as such there is no distinction between the SSS and CBS.³⁷ Higher education in *NRW* is free for all students at the moment, even though there are plans to introduce higher tuition fees for TCN students in the future.³⁸ Neither country provides access to the student grant or loan

³² Title 2 of chapter 7 WHW.

³³ Article 7.37(2) WHW.

³⁴ Article 7.32(5)(c) WHW.

³⁵ Article 7.32(5)(d) WHW.

³⁶ Articles 48-50.

³⁷ See Article 7.45a WHW.

³⁸ See Spiegel.de: 'NRW verlangt Gebühren von internationalen Studenten', 2017, last opened 14th August 2017 <http://www.spiegel.de/lebenundlernen/uni/nordrhein-westfalen-fuehrt-studiengebuehren-fuer-nicht-eu-auslaender-eina-1151473.html>

system for TCNs who moved to the respective country specifically for study purposes.³⁹ The situation of TCN students who moved to the country for other purposes or who have resided for a longer period of time is in certain circumstances different (e.g. where it concerns long-term residents), but this is beyond the scope of this paper.

Hence, the SSS and CBS are in the same situation. They are, however, both worse off when compared to nationals of the host MS or other EU nationals.

Residence

It is more complicated when it concerns residence. The applicable law when it comes to residence for study purposes is a mixture of EU law in the form of Directive 2004/114 and national law:

EU law:

The basic conditions are – in essence – as follows:

1. Enrolment in higher education.
2. Proof of sufficient resources and medical insurance.
3. Fulfilment of a range of administrative requirements (e.g. payment of administrative fees for visa processing, holding a valid passport, etc.).⁴⁰

For the SSS, the fulfilment of these conditions creates a right of residence for study purposes. The CBS is, however, not in the same situation. It is not possible – as a matter of EU law – to apply for a student residence permit to reside in the Netherlands while seeking enrolment in a German university (i.e. HEIs in Aachen):⁴¹ The system of the Directive assumes residence and study in one and the same ‘host’ MS.⁴² Accordingly, there is no direct path for students to reside in one MS and study in another. This limits their mobility within the EU considerably, which has negative effects on European integration and the completion of the internal market.

This holds true for first time admission, but also for a subsequent ‘conversion’ from SSS to CBS. Suppose, for example, that a TCN chooses to reside in the Netherlands to study at Maastricht University. After a year, he or she comes to the conclusion that the study direction is not for him/her and decides to study at the RWTH Aachen instead. What are his or her options? If he or she seeks to remain resident in the Netherlands while studying in Aachen, EU law will not aid him or her. While RWTH Aachen will accept him or her as a student, the initial residence permit in the Netherlands is conditional on enrolment in a Dutch university, meaning the student’s Dutch residence title will lapse upon enrolment in a German university. The only option is thus a complete move to Germany.

National law (The Netherlands):

Some solutions to remedy the limitations of EU law have been introduced in the Dutch-German context. The *Pilot huisvesting Akense niet-EU studenten* provides that a student who pursues full-

³⁹ See Article 2.2 WSF 2000 jo. BSF for the Netherlands and Article 8 BAföG.

⁴⁰ Articles 6-7 Directive 2004/114.

⁴¹ Confirmed, for the Dutch side in Kamerbrief ‘Pilot huisvesting Akense niet-EU studenten in krimpregio Parkstad Limburg’, available at: <https://www.rijksoverheid.nl/regering/inhoud/bewindspersonen/klaas-dijkhoff/documenten/kamerstukken/2016/01/22/kamerbrief-over-pilot-huisvesting-akense-niet-eu-studenten>.

⁴² Throughout reference is made to the ‘host Member State’ (singular).

time studies at a HEI in Aachen can apply for a residence permit to live in Kerkrade or Heerlen, subject to providing proof of sufficient resources.⁴³ No employment is allowed with this special permit.⁴⁴ The application process is handled by the municipality of Kerkrade, which must be authorised by the student to apply on his or her behalf.⁴⁵ For continued residence, the municipality is tasked with checking study progress (in order to establish that the person in question is a genuine student).⁴⁶ A maximum of 75 residence permits per year may be provided under this Pilot,⁴⁷ and the Pilot as a whole is a temporary measure lasting five years. As such, there is a residence title, albeit a limited one, that specifically targets CBS. This Pilot can possibly increase awareness regarding the limitations faced by TCN students living in border regions. It emphasises the potential benefits of more flexible arrangements in border regions and can possibly trigger further policy development in this direction at the EU or national level.

National law (Germany):

Similar types of legislation do not exist in Germany. The reverse position (studying in the Netherlands, residing in Germany) is not – as such – a possibility under the *Aufenthaltsgesetz*.

Overall, it is clear that both EU and national law neglect possible CB situations of TCN students regarding residence. As with equal treatment, this may be usefully contrasted to the situation of EU nationals for whom, for example, residing in Germany while studying in the Netherlands falls squarely within the scope of EU law. As such, both the idea(l) of the internal market (an area *without* internal frontiers) and the idea(l) of approximation of the position of TCN to EU citizens are not borne out in this CB context.

Access to the labour market during studies

Access to the labour market is a thorny issue in this respect, due to the fact that MS are usually keen on protecting their labour market from ‘easy access’ by migrants where possible. Migrants coming to the EU for study purposes do not seem to be an exception in this regard.

EU law:

The SSS has, in principle, guaranteed access to the labour market for 10 hours per week in the MS of study.⁴⁸ For the CBS, there is no right of employment in a MS of the EU other than the one of study and residence. A TCN living and studying in *NRW* cannot acquire access to the labour market of the Netherlands from Directive 2004/114 or vice versa. This impedes European integration, including the completion of the European Single Market.

National law (the Netherlands):

In case of a CBS living and studying in *NRW*, but seeking work in the Netherlands, his or her potential employer will have to apply for a so-called *Tewerkstellingsvergunning* (TWV). A full labour market test will be conducted before admission (which would not be the case had the student lived and

⁴³ See B11/2.4 Vreemdelingen circulaire 2000.

⁴⁴ B11/3 Vreemdelingen circulaire 2000.

⁴⁵ B11/2.4 Vreemdelingen circulaire 2000.

⁴⁶ See also B11/5.2 Vreemdelingen circulaire 2000.

⁴⁷ B11/2.4 Vreemdelingen circulaire 2000.

⁴⁸ Article 17 Directive 2004/114. However, this access may be restricted for the first year of residence: Article 17(3) Directive 2004/114.

studied in the Netherlands⁴⁹), and any employment accepted must at least exceed the minimum income (if part-time: relative to the time worked).⁵⁰ Based on a number of interviews, it can be assumed that chances for this approach to be successful are not very high as it is already very difficult for employers of TCN students studying *and* residing in the Netherlands to obtain work permits.⁵¹

National law (Germany):

The German situation is similar: foreigners, including TCN students, living in one of Germany's neighbouring states need to apply for the so-called *Grenzgängerkarte* to take up gainful employment in Germany. Here, too, the *Bundesagentur für Arbeit* (Federal Employment Agency) must provide the holder of the *Grenzgängerkarte* permission to work.⁵² This is, as in the Netherlands, subject to a labour market test.⁵³

Overall, one can say that the CBS is worse off than the SSS because of additional administrative and legal hurdles that need to be complied with, which are imposed in the same manner on the SSS as on a European student. Moreover, both positions are worse off when compared to the EU citizen, who has a much stronger right to employment under EU law.

Access to the labour market after studies

The current legal framework set up by Directive 2004/114 does not provide for any post-study work transition, nor is there a direct link with other instruments such as Directive 2005/71 (on the conditions for admission for researchers) or Directive 2009/50 (on highly skilled migration [the Blue Card directive]).

Directive 2016/801 introduces the innovation that upon completion of the degree in question, the student receives a nine-month 'search period' during which he or she can attempt to find employment and/or start a business.⁵⁴ This search period is, however, only provided in the Member State in which the student applied for admission on the basis of the Directive⁵⁵ (*quod non* for the CBS) and it cannot be used across borders: it is thus not possible to graduate in the Netherlands and to rely on this provision to receive access to the labour market in Germany.

National law (the Netherlands):

The Netherlands operates two schemes for a post-study work 'zoekjaar' (search year). On the one hand, Article 3.42(1)(a) Vb 2000 provides for a right of residence with access to the labour market for graduates of Dutch higher education who apply for it within three years of graduating. This is primarily useful for the SSS as there is no direct pathway for the CBS to reside in e.g. Germany and study in the Netherlands under EU law and the national legislation of both countries.

⁴⁹ Annex I, para. 33 RuWav.

⁵⁰ See Article 8 Wav, as well as Annex I, para. 13-14 RuWav. Compare para. 33 RuWav.

⁵¹ Interviews with Karin Quanten, Karin Van der Ven and Noraly Romeyn.

⁵² Article 12 Aufenthaltsverordnung.

⁵³ Article 39 Aufenthaltsgesetz.

⁵⁴ Article 25 Directive 2016/801.

⁵⁵ Article 25(1) Directive 2016/801, or the Member State(s) in which the student exercised his mobility rights under the Directive (Article 25(9) Directive 2016/801).

On the other hand, the Netherlands provide for a ‘catch all’ provision: if a student has obtained a master’s degree from a top-200 university⁵⁶ and can either demonstrate a sufficient level of English or holds certain other certificates, he or she is also entitled to the aforementioned period of residence.⁵⁷

National law (Germany):

Article 16(4) of the *Aufenthaltsgesetz* provides that a student, after successful completion of his or her studies, can extend his or her residence permit for another 18 months with labour market access in order to look for a job corresponding to his or her level of education. This rule in principle only applies to the SSS, however, as a CBS would neither have a German residence permit (living in the Netherlands, studying in Germany), nor graduate from a German higher education institute (living in Germany, studying in the Netherlands).

For those students that do have a German higher education degree or equivalent, a visa exists which guarantees a search period of six months. This, in itself, does not provide for labour market access; rather, upon finding a job, conversion must take place to the relevant permit (with, potentially, a labour market test).⁵⁸

Summary

The CBS and SSS are in similar situations regarding admission, study facilitating benefits, and the amount of tuition fees charged by universities. This holds for students studying in both the Netherlands and *NRW*. Similar treatment in this regard, however, should not be taken as a positive sign: it rather means that they are equally bad off. After all, these persons do not derive any rights from EU law to challenge discriminatory tuition fees or to gain access to study loans and/or grants.

Regarding residence and work during studies, one can say that the CBS is disadvantaged in comparison to the SSS because of having limited or no access at all to the housing or labour market on the other side of the border. This undermines the overall ideal of an internal market.⁵⁹ For work after studies, EU law provides some opportunities for the SSS but not for the CBS; various national initiatives seek to remedy this lack, however, as seen above.

Overall, the lack of pathways and opportunities for CB students combined with a lack of harmonisation at the EU level (as well as varying transposition among MS⁶⁰) means that there is a definite ‘border region penalty’: a SSS is generally provided with more opportunities and possibilities than a CBS. Moreover, the current patchwork of legislation means that a prospective TCN student would have to be intimately familiar with the national legislation of various Member States in order to make the best choice as possible for his or her particular situation. This legal context undermines the attractiveness of the EU migration regime, the functioning of the internal market, and the goal of approximating the position of TCN to that of EU citizens. The concern that the various policy options

⁵⁶ Article 3.22 Vv 2000.

⁵⁷ Article 3.42(e) Vb 2000.

⁵⁸ See Articles 18c and 39 *Aufenthaltsgesetz*.

⁵⁹ Pascouau, Yves: ‘Intra-EU mobility of third-country nationals. State of play and prospects’, 2013.

⁶⁰ Stuchlik, Andrej and Poptcheva, Eva-Maria: 2015, ‘Third-country migration and European labour markets’, 2015.

are inadequate is echoed by the Commission Report on the application of Directive 2004/114, which concludes that “the potential of this EU instrument is not being fully exploited.”⁶¹

The restricted rights of TCN students in comparison to EU students regarding residence and employment rights become especially visible in the CBS situation. One example for this is the project *Katzensprung* in Vaals, a Dutch municipality directly bordering the city of Aachen, which has been initiated to overcome housing shortages in Aachen. Due to the legal situation it is, however, only accessible to European students. According to Rivka Valkenberg, former Strategic Policy Advisor and Project Manager for Euregional Affairs at the Municipality of Vaals, TCN students studying in Aachen frequently apply for housing in Vaals under the *Katzensprung* project. Unfortunately, these applications must be rejected because of the legal situation. Often, stakeholders interviewed for this dossier were not aware of this limitation. Hence, the *Katzensprung* project and the *Pilot huisvesting Akense niet-EU studenten* show that there is a need for more flexible arrangements for TCN students in border regions which have been largely neglected by the relevant legislation so far. The Pilot may trigger further European (regional) integration in this regard.

4. Evaluation: Socio-Economic Development

This section evaluates the effects of the current situation on the theme of socio-economic development of the EMR. In doing so, it distinguishes between short- and long-term effects. It focuses on the relevant effects without repeating the legal details, which have been discussed in detail in the previous section.

Admission to University

No effects of admission procedures on the socio-economic development could be identified.

Equal treatment as regards tuition fees and study facilitating benefits

TCN students often pay higher tuition fees than domestic and European students whereas the costs are the same for both the CBS and the SSS. For example, tuition fees for TCN students who wish to follow a Bachelor's programme at Maastricht University in the academic year 2017/2018 range between EUR 7,500 and EUR 10,000, depending on the subject. Tuition fees for studying medicine are even higher at EUR 32,000.⁶² In NRW, students, regardless of their origin, do not need to pay tuition fees, yet. However, there are plans to introduce fees for TCNs in the future. On the one hand, higher fees generate additional revenue streams for the host country in the short term. In the Netherlands, for instance, the revenue per international student has been estimated at EUR 25,000 in 2009.⁶³ On the other hand, however, higher tuition fees can influence the student's decision

⁶¹ European Commission: 'Report from The Commission to The European Parliament and The Council on the application of Directive 2004/114/EC on the conditions of admission of third-country nationals for the purpose of studies, pupil exchange, unremunerated training or voluntary service', 2011.

⁶² See Maastricht University: 'Tuition fee guide bachelor's programmes 2017/18', last opened 14th August 2017 <https://www.maastrichtuniversity.nl/support/your-studies-begin/tuition-fees/tuition-fee-guide-bachelor's-programmes-201718>

⁶³ See: EMN: 'Immigration of international Students to the EU', 2012, <https://www.emnluxembourg.lu/wp-content/uploads/2015/08/Immigration-of-International-Students-to-the-EU-Synthesis-Report.pdf>

where to study.⁶⁴ Higher fees can affect the attractiveness of universities for international students and cause competition between EU MS. In Germany, it could even cause competition between the individual *Länder* as they are responsible for education and decide on the costs of tuition. Hence, for universities in smaller cities like Aachen, which compete with bigger German cities like Berlin and Munich, the foreseen introduction of tuition fees for international students could mean that students stay away.⁶⁵ In terms of long-term economic benefits, this can have serious repercussions on Aachen's and the EMR's competitiveness and the ability to recruit and retain international students. This can negatively impact the socio-economic development of the region, considering the importance of talent in a knowledge-based economy experiencing demographic change and negative population developments.

Residence

In the context of residence and socio-economic development, it is worth discussing fees for processing applications including visas and residence permits as well as the housing market, since both have important short- and long-term effects. The former are the same for the CBS and the SSS, but vary between the individual MS. In the Netherlands, for instance, the fee for visa and residence permits is 317 Euros and relatively high compared to other European countries. In Germany, the fee is 110 Euros. The effects of higher administrative costs are assumed to be similar to the effects of tuition fees discussed above.

Finding affordable accommodation can be difficult for students studying in European university cities.⁶⁶ This is arguably the result of increasing enrolment rates and a failure on the side of national and regional governments to take adequate action in a timely manner. In the case of TCN students, the situation seems particularly difficult,⁶⁷ especially because of language barriers, having to make all arrangements from a distance, and often arriving shortly before or after the start of the programme because of administrative and bureaucratic hurdles.⁶⁸ The previous chapter highlighted that the SSS and CBS are in different positions here, with the CBS being worse off because of not having access to the CB housing market. Figure 1 below depicts this: while the SSS (on the left) has easy access to housing in neighbouring cities when he or she cannot find housing in the university city, options for the CBS are much more limited.

⁶⁴ For an analysis of factors shaping the decision of Indian students to study in Australia, including costs for tuition and administrative costs of immigration, see for instance Rafi B. and Lewis P: 'Indian Higher Education Students in Australia: Their Patterns and Motivations', 2013.

⁶⁵ Interview with Bettina Schuppe and Stanislava Petkova.

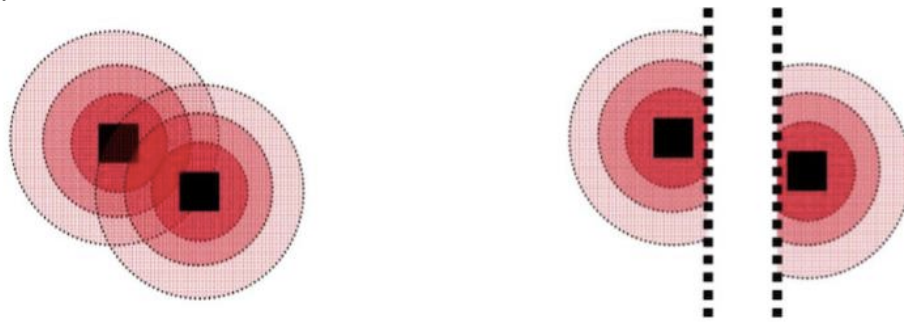
⁶⁶ Labi, A: 'Europe's Housing Squeeze Puts Students in Tight Spots', 2008.

⁶⁷ Studentenwerk: 'Wohnen im Studium', last opened on 1st May 2017 from

<https://www.studentenwerke.de/de/content/wohnen-im-studium>

⁶⁸ Interviews with Karin Van der Ven; Noraly Romeyn; Bettina Schuppe and Stanislava Petkova; and Markus Reissen.

Figure 1 Comparison of the housing options for TCN students in central areas (left) and border regions (right)⁶⁹



In this situation, the *Pilot huisvesting Akense niet-EU studenten* appears to be the only remedy. Opening up the CB housing market to TCN students is potentially beneficial for both the short- and long-term socio-economic development. On the one hand, the Pilot addresses the Euregional mismatch of supply and demand in the housing sector. While the city of Aachen experiences shortages of student housing, Parkstad Limburg struggles with a shrinking population. This is especially because of young people leaving to allegedly more attractive regions in the Netherlands. Hence, by joining forces, Aachen and Parkstad Limburg can ‘kill two birds with one stone’, namely providing additional housing for students studying in Aachen while at the same time putting vacant housing in Parkstad Limburg to good use. Hence, the Euregional housing market can be further integrated by opening it for TCN students. As a consequence of the increased CB mobility of TCN students, additional revenue streams for the EMR are opened because living expenses are distributed more evenly across the individual sub-regions. Furthermore, hosting international students in a shrinking and ageing region is a way to rejuvenate the region, making it more attractive also for other people. This is linked to the more long-term socio-economic development of the region: graduates are seen as the ideal individuals to retain as they form a great potential for the labour market especially in knowledge-based economies with expected labour shortages in certain sectors. Not only do graduates bring the required skills and knowledge, but also a certain familiarity with the region, its society, and culture. While the influence of the Pilot in shaping students’ decision to remain resident in the EMR has not been studied yet,⁷⁰ existing literature on graduate migration behaviour suggests that the effect is positive rather than negative. By studying in Aachen and living in Parkstad Limburg, students arguably acquire a greater (Eu)regional familiarity, which can form their future migration decisions because they are arguably more aware of what the EMR has to offer.⁷¹

On a less positive note, however, the Pilot can be criticised for not including other parts of the EMR. The fact that the Pilot excludes Vaals, which is much closer to Aachen and which already provides housing for EU students and would like to expand its services to TCN students, is met with a lack of understanding among the stakeholders interviewed for this project. In addition, the Pilot does not cover the Dutch-Belgian border, even though the municipality of Maastricht, which hosts the most international university of the Netherlands, faces similar challenges related to student housing. The stakeholders interviewed for this dossier would welcome a more flexible approach towards accommodating TCN students in border regions. There are concerns, however, that this will not be

⁶⁹ Source: Marlet G, Oumer A, Ponds R and Van Woerkens C: *Groeien aan de grens*, 2014, p.34.

⁷⁰ This could be an idea for future research.

⁷¹ Venhorst, V: ‘Graduate migration and regional familiarity’, 2013.

the case if the Pilot does not bring the expected success. Media reports indicate that students prefer Vaals over Parkstad Limburg.⁷² A possible reason for this is Vaals' proximity to Aachen.

Survey & Interview Results

The results of the survey indicate that international students, both EU nationals and TCNs, hardly ever live on the other side of the border, except if they are nationals of the neighbouring countries. There are only two exceptions: one Bulgarian student living in Germany and one Dominican student living in Belgium. 36 per cent of the respondents indicated that they considered or are considering living in a neighbouring country while studying at their current university. Around one fifth of the people who considered living in a neighbouring country are TCNs, who do not have the right to do so. For both EU and TCN students, the main reason for having considered living across the border is housing availability (43 percent), followed by cultural aspects (23 percent). Most respondents from European countries eventually did not put this consideration into effect because of the distance to university and insurance issues, while TCN students referred to issues with visa and residence permits as the main reason. These are largely also the reasons why students did not consider living across the border in the first place. For most European students, the most important reason was, however, not the distance to university, but the distance to friends.

Access to the labour market

Having access to the labour market seems especially important for TCN students as they bear a double financial burden compared to European students. For obtaining and extending their residence permit, they always need a few thousand euros in their bank accounts, and in some countries they are charged higher tuition fees. On top of that, some students are expected to support their families at home.⁷³ If no scholarships are available, this could result in international education being reserved to TCNs from wealthier backgrounds. Besides, students not only work for

Survey & Interview Results

The results of the survey indicate that only 28 per cent of the respondents have a side job, mostly in the country where they study, except if they are nationals of the neighbouring countries. This is in line with interview findings suggesting that nationals of neighbouring countries go home over the weekend to work. Furthermore, 28 per cent of the respondents, both EU nationals and TCNs, indicated that they considered or are considering working in a neighbouring country while studying at their current university. The most popular reasons for these considerations are language skills, availability of interesting companies, and cultural similarities. Language barriers, in contrast, are the main reason for TCNs not to put these considerations into effect. Most respondents from European countries eventually refrained from working across the border because of tax and insurance issues as well as the distance to university. Most respondents from the EU and third countries, who did not consider working across the border, indicated that it "did not come to mind" (28 per cent). While for EU students this is followed by distance to housing and university as well as tax issues, for TCN students the second most frequent reason is a work permit. In addition, several students indicated that there is no need or time for work.

⁷² See: 1limburg.nl: 'Buitenlandse studenten zien Parkstad niet zitten', 1st September 2016, last opened on 14th August 2017 <https://www.1limburg.nl/buitenlandse-studenten-zien-parkstad-niet-zitten>

⁷³ Interview with Markus Reissen.

financial reasons, but also to gain work experience and build professional networks. For international students, a side job can also have the benefits of participating in society and learning the language of the host country.⁷⁴

As in the case of the Euregional housing market, the CBS is in a disadvantaged situation compared to the SSS and European students due to existing border barriers. While both the CBS and the SSS can work for a maximum of 10 hours per week, the CBS must follow additional administrative procedures, including a labour market test, to obtain a work permit for the neighbouring country. Such hurdles can prevent the CBS from seeking a side job across the border, and it certainly restricts opportunities. Figure 2 above can therefore also be applied to this situation. While the SSS does not need additional permits to work in Germany, interviews with stakeholders suggest that, in practice, access to the labour market is not as easy for the SSS in the Netherlands in general. The procedure for TCN students is very time consuming and bureaucratic and applications are often rejected. Consequently, students cannot accept interesting side jobs spontaneously, not even as student assistants at their own university.⁷⁵ Considering the difficult situation of the SSS, chances for the CBS studying in Aachen to obtain a Dutch work permit seem even less likely. Several interviewees raised concerns about TCN students being pushed to work illegally for these reasons, which is especially problematic in terms of social security and insurance. One interviewee mentioned the example of a student who got into serious trouble because he had injured his hand in a meat grinder while working illegally in a restaurant.⁷⁶

Easier access to the labour market for TCN students, in general and across borders, could have positive short- and long-term effects on socio-economic development. In the case of the EMR, expanding work opportunities for TCN students across borders could be a chance to better match the supply and demand of labour, which is one goal of the EMR's current strategy *EMR2020*. This can increase revenues, encourage cooperation between companies in the EMR and companies in the student's home country, and contribute to the integration of the Euregional labour market. In addition, it can help students to get to know more employers on several sides of the border, increasing their Euregional familiarity as well as the chances for Euregions to retain them after graduation. Experiences with border-related barriers and restricted access to the labour market during their studies might prevent TCN students from looking for work in the EMR after graduation, while retaining these TCN can help the EMR remain competitive, as already explained.

Summary

A lack of harmonisation, which has been found to constitute an impediment to European Integration in the previous section, also affects European, national, and Euregional socio-economic development, both in the short and long term. While costs for administrative procedures and tuition fees are a source of additional revenue in the short term, they can cause unfair competition between universities if they vary across countries and regions. Higher or increased costs can mean that TCN students stay away, which can negatively impact socio-economic development. Options for TCN students to study in one MS and live and/or work in a neighbouring MS are limited or non-existent at the moment. Expanding opportunities for TCN students to work and/or live in the

⁷⁴ EP Nuffic: 'International students and part-time jobs', 2016.

⁷⁵ Interview with Karin Quanten.

⁷⁶ Interview with Markus Reissen.

neighbouring country while studying, can help integrate the Euregional labour and housing market, leading to an improved match of supply and demand of labour and housing, respectively. It would expand opportunities for the CBS, which are currently rather limited compared to the SSS and European students studying in border regions (see figure 2). The *Pilot huisvesting Akense niet-EU studenten* is a manifestation of the need for more flexible arrangements in border regions, which can contribute to the Euregional socio-economic development by increasing the attractiveness of the EMR as well as the probability that international students remain resident in the region after graduation. The survey results suggest that a minority of 12 percent intends to remain resident in the EMR after completing their education. 36 percent intends to leave and most respondents (52 percent) are still uncertain.⁷⁷ TCN students can become ambassadors for their university and the surrounding region if they are satisfied with the educational programme as well as everyday life, which means that they can help attract new students and foster cooperation between their home and host country (interviews).

5. Evaluation Euregional Cohesion

The aim of this section is to identify initiatives to address border effects and encourage CB mobility of TCN students to improve Euregional cohesion. There seem to be only few of such initiatives (see table below). In the field of education, three joint programmes organised by HEIs located in different sub-regions were identified. While this list is not exhaustive, it becomes clear that cooperation in the field of education between HEIs in the EMR could be improved. The EMR is very rich in HEIs and this potential should be used to further strengthen the EMR's reputation of being one university and research location. Regarding housing, the *Pilot huisvesting Akense niet-EU studenten* is the only CB initiative particularly targeting TCN students. Also, initiatives to introduce the Euregional labour market to TCN students as well as European students could be expanded. The only initiative identified is the *Crossborder diner*, organized for young professionals studying in different sub-regions of the EMR and beyond. In addition, interviewees frequently referred to excursions organized by the Intercultural Centre for students in Aachen as an example of leisure activities that familiarize TCN students with the Euregion.

Table 2 Cross-Border Initiatives Related to the Internationalisation of Education

	Initiative	Cooperation between?
Education	Advanced Health Care programme	A Post-Bachelor's or Master's Degree offered by Zuyd University of Applied Sciences (NL) and PXL University College in Hasselt (BE), in close cooperation with Maastricht University (NL). ⁷⁸

⁷⁷ This is in line with previous studies about the mobility intentions of graduates in the EMR and therefore not surprising. See Hooijen et al: 'Competition for Talent: Retaining Graduates in the Euregio Meuse-Rhine', 2017.

⁷⁸ See: Zuyd Hogeschool: 'Advanced Health Care – an international interprofessional programme', last opened 14th August 2017 <https://international.zuyd.nl/studying/study-programmes/short-programmes/advanced-health-care>

	M.Sc. Management and Engineering in Production Systems,	A programme offered by RWTH Aachen and the Maastricht School of Management. ⁷⁹
	Open Borders MBA	A programme offered by FH Aachen University of Applied Science, the University of Liège and Hasselt University. ⁸⁰
Housing	<i>Pilot huisvesting Akense niet-EU studenten</i>	The project allows TCN students studying at HEIs in Aachen to reside in Kerkrade or Heerlen (Parkstad Limburg).
Work	<i>Crossborder Diner</i>	This event organized by Connect Limburg aims at introducing attractive (international) companies located in the Dutch Province of Limburg to so-called young professionals, including national, European and TCN students. ⁸¹
Leisure	<i>Excursions</i>	The Intercultural Centre for students in Aachen (Incas) organizes excursions to destinations within and beyond the EMR for international students.

Survey & Interview Results

According to most interviewees, most TCN students are not aware that they move to a border region and only realise that there are remaining barriers upon arrival. The survey results indicate that most respondents, both EU and TCN students, perceive living in a border region as an advantage as one can “get the best of all worlds”: Most common explanations for these positive perceptions are diversity in terms of cultures and languages. Various travel destinations and airports are within easy reach and one can attend events on all sides of the border. In addition, one can benefit from more options for shopping, for instance by purchasing goods where prices are most favourable or taking advantage of different opening hours. Some respondents also identify “feeling the European spirit” as an advantage of living in a border region. These explanations are in line with the assessments of the interviewees.

50 per cent of the respondents indicate that they cross the border once a month. 17 per cent cross the border once in three months and 11 percent cross the border once a week. Another 11 per cent cross the border even more frequently and 9 percent indicate to cross the border once a year or less. Only one respondent reports to never cross the border. Hence, while respondents seem to be aware of the opportunities in a border region, their actual cross border mobility could still be improved. Respondents most frequently report to cross the border to “attend (cultural) events” or to go shopping. Only few engage in leisure activities such as sports or music across the border.

⁷⁹ master-mechanical-engineering.com: ‘Programme Details’, last opened on 14th August, 2017 <http://master-mechanical-engineering.com/programme-details-1>

⁸⁰ See: fh-aachen.de: ‘Der OpenBordersMBA’, last opened on 14th August 2017 <https://www.fh-aachen.de/studium/openbordersmba/>

⁸¹ limburgcrossborderd.com: ‘Crossborder diner 2015 - Young Professionals’ last opened on 14th August 2017 <http://www.limburgcrossborders.com/nl/initiatieven/crossborder-diner-2015---young-professionals>

CB initiatives are generally perceived as positive by the interviewees. Moreover, many stakeholders did not perceive the close location to the border as a disadvantage for TCN students, but rather as a locational advantage for the recruitment of TCN students. Many describe the location as being placed “in the heart of Europe.”⁸² Through increased CB cooperation and Euregional cohesion this locational advantage could be exploited even more. It seems advisable to increase CB cooperation to be able to compete with other allegedly more attractive economic centres and high-ranking universities in Europe and world-wide.

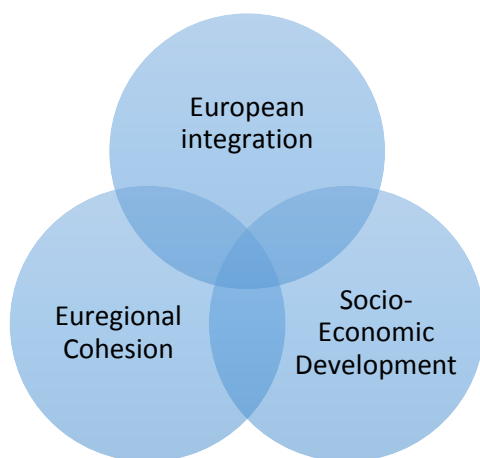
6. Conclusions and Recommendations from a Euregional Perspective

Overall, the analysis shows that the cross-border student is worse off, legally speaking, when it comes to both residence and work. Put differently, the applicable legal regime relies on the single state student paradigm, as a result of which the cross-border student misses out on the opportunities and protection provided by EU and national law. There is no clear admission route for a TCN student seeking to live in one Member State but study in another. Instead, the CBS would have to rely on the *Pilot huisvesting Akense studenten*, which is very limited in scope. Nor is it possible, as seen, to convert from being a SSS to a CBS should the need or desire arise. Similarly, the CBS enjoys much more limited access rights to employment than the SSS: the appropriate authorities will in such circumstances always perform a full labour market test. Finally, even where it concerns post-study employment possibilities, the CBS is not catered for to the same extent as the SSS. Hence, the analysis supports the existence of a border-region penalty for TCN students.

Element	SSS	CBS	Evaluation
Study	Valid residence permit; educational level requirements	‘Valid residence permit in other MS’; educational level requirement	Position similar
Residence	Harmonised and clear admission route set out under EU law	No direct route under EU law; limited national law possibilities (‘Pilot huisvesting Akense studenten’)	Position CBS more restrictive
Work: during	Minimum guaranteed access of 10 (15 hours per week)	No guaranteed access: labour market test	Position CBS more restrictive
Work: after	Search period guaranteed under EU law; extended periods available under national law	No search period guaranteed under EU law; some possibilities under national law	Position CBS more restrictive
Tuition fees and study facilitating benefits	No EU law guaranteed rights; restricted rights under national law	No EU law guaranteed rights; restricted rights under national law	Position similar

⁸² Interviews with Farah Jumpertz and Jasmin Haverkamp.

Table 3 Mutual relationship between the research themes



This has negative effects on European integration, socio-economic development, and Euregional cohesion. Introducing more flexible arrangements for TCN students as regards access to the Euregional housing and labour market could convert negative border effects into positive effects for the EMR, especially regarding the short- and long-term socio-economic development. Through increasing CB mobility, TCN students become more familiar with the region and what it has to offer. This can increase the regions attractiveness for students and graduates, who are

important sources of human capital in today's knowledge-based economy. This will allow the EMR to remain competitive and mitigate the effects of negative population developments and demographic change.

The results also point to the mutual relationship between the three themes: socio-economic development, CB cohesion, and European integration. Challenges related to the socio-economic development of CB regions can trigger innovative initiatives for improved CB cohesion, which ultimately can lead to further European integration. The other way around, increasing European integration can also facilitate CB cooperation and strengthen Euregional cohesion, thereby fostering socio-economic development of CB regions and beyond. This supports the idea of Euregions being laboratories for European integration. As Nicola Dobroslavić, Member of the European Committee of the regions and Prefect of the Croatian county Dubrovnik-Neretva put it:

"Border regions are the laboratories of the European integration process. This is where the single market and other European policies [are] most visible and our achievements and failures show best. Simplifying their cooperation and overcoming obstacles – like differences in legislation and in the institutional organisation, lack of legal certainty and inequality in the level of economic development – has the potential to bring immediate benefits to the day-to-day lives of people, local and regional authorities and businesses."⁸³

83 Committee of the Regions: 'Cross-border cooperation: local and regional leaders call for simpler rules and endorse special legal arrangement', 15th October 2015, last opened on 14th August 2017 <http://cor.europa.eu/en/news/Pages/Cross-border-cooperation.aspx>

Annex I – Map of Higher Education Institutions in the Euregio Meuse Rhine



Annex II – List of Interviewees

	Interviewee	Position
1	Ruud Heijnen	Coordinator International Cooperation, Zuyd University of Applied Sciences
2	Rivka Valkenberg	Former Strategic Policy Advisor and Project Manager for Euregional Affairs at the Municipality of Vaals
3	Nicole Lemmens & Michael van Zinnicq Bergmann	Responsible for Visa and residence permits, administration LLP Erasmus & Institutional coordination of grants respectively, International Office, Zuyd University of Applied Sciences
4	Denise Dupont	Admissions and Education Officer, Maastricht School of Management
5	Karin Van der Ven	Founder and Owner of <i>Jules Maastricht</i>
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