

Improving access to the European Research Area for non-EU researchers: Recommendations for amending the “Scientific Visa directive”

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Attracting talent to the European Research Area (ERA) is essential for a strong science base and innovation capacity in Europe. The Scientific Visa directive¹, which was adopted by the EU in 2005 as part of a legislative package, is a major milestone to ease the entry and residence requirements for foreign researchers for stays of longer than three months. However, obstacles that hamper scientific activity and the mobility of highly qualified scientists still persist. Given that completing the ERA by 2014 is an urgent task, and amending the scientific visa directive being a part of this, the Commission launched the ‘Consultation on the future rules on the entry and residence of non-EU national researchers, students, school pupils, unremunerated trainees and volunteers in the EU’. This paper responds to this call.²

The Initiative for Science in Europe (ISE)³ is an independent platform of European learned societies and scientific organisations whose aim is to provide strong independent scientific advice in European policy-making. We recommend the following for lifting barriers to the entry of scientists from outside the EU (including researchers pursuing a PhD) and for transforming Europe into a more attractive destination for innovative and frontier research.

Enhancing the role of research organisations and combining entry visa and permit

The overarching objective of the Scientific Visa is to fast-track the entry of qualified foreign scientists. The Commission’s assessment of its implementation found that this has so far not been sufficiently realised: 44% of the survey respondents stated that they had to wait for *more than a month* to complete the application process whilst 17% stated that they waited for *more than three months*.⁴ This causes delays on research projects in Europe. Faster and more efficient procedures would give an advantage in comparison to other world regions.

The assessment report identified that well-trained and well-informed staff at embassies and consulates of European host countries and a combined permit for residence and visa (for those requiring entry clearances) contributed to reducing the waiting period. **Given that research organisations, which are more competent to evaluate the researchers’ academic**

1 Council directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

2 Additional obstacles exist for stays shorter than three months (i.e. short-term stays), which is the focus of the non-binding recommendation in the Scientific Visa package, but this paper will only address the situation of foreign researchers who come to Europe for more than three months.

3 www.i-se.org

4 International Centre for Migration Policy Development (ICMPD), Assessment for the Directive 2005/71/EC, LOT 2, p.62

qualifications than immigration officials, are to have a central role in speeding up the admissions process, we recommend enhancing their intervention capacity.

Research organisations should apply on behalf of incoming foreign researchers and all applications should be made available in English as well as the recognised national languages. **The mechanism for issuing combined permits (entry clearance and residence) already exists in many member states and should be introduced at the EU level. Indeed, the Scientific Visa application process must become a predictable and transparent one-stop shop even for visa nationals (i.e. persons who require a visa to enter the EU even for a short-term stay); it should be a short and timely procedural step towards entry to Europe.**

Easing the burden of proof and lowering costs

Researchers are a highly mobile workforce and many of the applicants for scientific visa have lived in different EU and non-EU countries before. That leads to additional delays and burden, for example when foreign scientists are asked to submit documentation of a clean criminal record for periods such as three to five years in all the countries they have lived. Steps should be taken to establish networks within the EU for requesting such documents electronically⁵ and to be sent directly to the responsible immigration official. Monitoring should help with deciding whether requirements can be dealt with more flexibility.

We recommend that research organisations pay all Scientific Visa related fees and include these costs as part of their research budgets. Fees for permit renewals and extensions should be low as this should not entail initiating an entirely new process. The Scientific Visa application should not become a costly undertaking for foreign researchers. According to the Commission's assessment report, there is great disparity: the average application fee for a Scientific Visa is €250 with Denmark charging €409.⁶ Foreign scientists have to pay this non-refundable fee before starting their research projects and when renewing their permits. Information concerning relevant fees must be made publicly available and easily accessible for both incoming scientists and responsible research organisations. To this end, **we recommend publishing updated fees charged for visa and permit applications in a central database such as the EU Immigration Portal⁷ and Euraxess.**

Enabling access to permanent residence and extending permit duration

Foreign scientists are an important asset to the EU. It is in the member states' economic, scientific, societal and cultural interests to facilitate their access to permanent residence and ensure that their scientific knowledge circulates easily within Europe and between Europe and their home regions. **We recommend that, after two years of continued residence in the EU, all Scientific Visa holders are eligible for permanent residence (including all corresponding rights such as access to the labour market without restrictions).**

According to the current legislative formulation and praxis, the validity of the Scientific Visa is tied to the duration of the hosting agreement. This means that foreign researchers have to

⁵ Such a system must fully respect all data protection regulations and practices and should be limited to information exchange within the Schengen area.

⁶ International Centre for Migration Policy Development (ICMPD), Assessment for the Directive 2005/71/EC, LOT 2, p.62

⁷ <http://ec.europa.eu/immigration/>

complete their projects at the same time as organising their departures from the Schengen area. **We recommend that an automatic grace period of one month be added to the Scientific Visa to allow foreign researchers leaving the EU to complete the necessary arrangements for their onward journey.** This has been a common practice in, for instance, the United States for J-visa holders.⁸ **Extensions** of up to six months should also be possible to **cover the waiting time for a funding decision** when the scientific visa holder is participating in a funding application. **Research organisations should be responsible for notifying the immigration authorities in all instances.**

Towards an improved Scientific Visa

Lifting the entry and mobility barriers is very important for all researchers – EU and foreign alike – because that would allow everyone to broaden their work experience and develop and consolidate the necessary networks for scientific collaboration and innovation.

In an ever changing world, in which demand for a highly work force is increasing, measures have to be taken to ensure the access to skilled scientists who wish to work in the EU. This is necessary to achieve a competitive edge and be innovative on the global arena.

We believe the ideas summarised above will contribute to making the framework surrounding access to the ERA more streamlined and transparent, thus increasing the attractiveness to non-EU researchers and contributing to fulfilling the goal of completing the ERA.

⁸ <http://j1visa.state.gov/participants/current/adjustments-and-extensions/>