



European Commission Revision of the Directive on Conditions of Entry for Third-Country Nationals

Youth Forum Reaction & Demands for Improvement

Introduction

The European Youth Forum is glad to present the below Reaction to the European Commission's Proposal, outlining demands for action to ensure that young people are mobile within, as well as contributing to, the European Union.

For many years the European Youth Forum has been campaigning for free movement within the EU for young people from third countries. We believe this should happen through the abolition of fees and overly bureaucratic procedures for obtaining visas, which greatly hinder the mobility of non-EU nationals in particular¹. We therefore welcome the *European Commission's Proposal on the Conditions of Entry of Third-Country Nationals for the Purposes of Research, Studies, Pupil Exchange, Renumerated and Unrenumerated Training, Voluntary Service and Au-Pairing*. The Proposal suggests changes that answer many of our key demands. However, due to the fact that many barriers would still remain for young people even after this proposal the Youth Forum has outlined key demands below. The Youth Forum expects the Council and European Parliament to implement these demands in their decision on the proposal in order to remove these barriers.

The scope of this Proposal impacts those third country nationals seeking entry into the EU for periods of between 3 months and 12 months, and longer for some groups. For periods of shorter than three months, applicants can apply for the Short-Stay "Schengen Visa" which is valid in 22 EU Member-States and 4 associated States.

The Youth Forum is convinced that mobility of young people is a vital contribution to intercultural understanding both in Europe and internationally². The freedom to move from one European country to another is a fundamental precondition for ensuring that young people can contribute to European integration and growth³. At a time of global change, young people from outside the European Union have a key role in creating social, cultural and economic links between their countries/regions and the EU. This includes countries in Europe's neighborhood. Spending time in the EU can allow young people to acquire, and also exchange, knowledge and skills, which can lead to cooperation and links between the EU and third countries. This

¹ Youth Forum Resolution on the Mobility of Young People in Europe 0745-2K.

² Youth Forum Resolution on the Mobility of Young People in Europe 0745-2K.

³ Youth Forum Resolution: Europe is our Home – No Visas 0373-07.

international mobility of young people is crucial for increasing their chances to contribute to their country's labour market through increasing their skills and competences, especially in times of crises.

The Youth Forum has engaged with the European Commission in the development of this Proposal, specifically with our Response to the European Commission's Consultation on this Revision from June 2012. In this response, the Youth Forum, representing youth organisations across Europe called for fair, clear and uniform visa-application systems across the EU. The Youth Forum called for the mobility without barriers of young volunteers in Youth organisations. The Forum also pointed to the European Quality Charter on Internships and Apprenticeships as the appropriate model for traineeships – and is happy to see some of the quality criteria included in the Proposal.

Demands in summary

- Maximum 60 days for a reaction on an appeal from a decision;
- Abolition of visa fees;
- Visas should be granted for the entire territory of the EU/Schengen Area;
- Immediate implementation by all Member States of the provisions of the Directive, without derogations;
- Automatic and timely provision of residence permits for the full period of any granted visa;
- An accreditation system for organisations that facilitates and eases the application.

The rationale for the above demands is presented beneath.

Procedural Guarantees

The European Commission's own evaluation of the implementation of the existing Directives found that applicants faces unnecessary bureaucratic hurdles such as complex and unclear rules, expensive and lengthy procedures which diverge between Member States⁴. In this regard, the Youth Forum welcomes the proposal (Article 29) to mandate deadline of 60 or 30 days for Member States to decide on an application. However, we see that there are no such guarantees during the appeal process if the applicant receives a negative decision on their application.

High application fees constitute a great barrier for young people to make applications, they can range from €23 in Malta to €433 in the Netherlands⁵. Therefore the Youth Forum also welcomes Article 31, which mandates that the amount of fees for an application should not endanger the fulfillment of the

⁴ Report on the application of Directive 2004/114/EC on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0587:FIN:EN:PDF>

⁵ Report on the application of Directive 2004/114/EC on the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0587:FIN:EN:PDF>

Directive's objectives. However, stronger guarantees need to be given so the high application price does not act as a deterrent to young people making applications.

Demand 1: The Youth Forum calls for a deadline of maximum 60 days to be mandated for applicants who appeal a negative decision on their application.

Demand 2: The Youth Forum demands reasonable upper limit for fees for visa applications, to ensure they are affordable for young people. Also, the Youth Forum believes that all such fees for young people participating in international activities and programmes, regardless of their origin, **should be abolished**⁶.

Mobility in the EU

Young people entering into the EU from third countries are often unable to travel to other EU countries which jeopardises their ability to fully learn about Europe's people, culture and values. For example, some young people cannot participate fully in their programme, course or work as they cannot enter another EU Member State

The Youth Forum welcomes improved rules in Article 26 that would facilitate students and paid trainees to spend periods of between three and six months in another EU Member-State. However, the Youth Forum notes that this does not equal freedom of mobility within the EU. The Forum also notes the unfortunate exclusion of unpaid trainees and volunteers from these improved rules. This could mean that volunteers would not take part in cross-border aspects of the EU's own programmes such as EVS (European Voluntary Service).

Demand 3: The Youth Forum demands that provision be made for all visa-holders under this Directive to have freedom of movement throughout the EU's Member States during the period of their visa.

Mandatory Rules

The Youth Forum welcomes the moves to make these rules mandatory for these groups and also to offer protection to others such as au-pairs and remunerated trainees.

The Forum welcomes the introduction of the principle that a successful visa applicant shall be granted a long-stay visa and/or a residence permit by the Member State where the application has been made (Article 5). However, the Forum believes that a stronger link needs to be made, so that a successful visa applicant cannot be refused a residence permit in that Member State and that the permit is granted for the full period of the visa.

Demand 4: The Youth Forum calls on all Member States to accept and quickly implement the Directive once adopted. We especially make this call to

⁶ Youth Forum Guidelines for the removal of legal obstacles to Mobility in Youth Work, 0259-04

those countries that currently have a derogation from implementing the existing Directive.

Demand 5: The Youth Forum calls upon Member States ensure that successful visa applicants are automatically granted a residence permit (if necessary) to reside in that Member State that is linked to the full timeframe of that visa.

Requirements for hosting organisations

The Youth Forum welcomes the provisions in Article 11, 12, 13 and 14 which set out the requirements for organisations that receive pupils, trainees and volunteers. This can include having a written agreement outlining clearly their work, ensuring that organisations have third-party insurance and provide language classes if necessary. The Proposal also talks about “recognised” voluntary schemes. To ensure smooth procedures and speedy decision-making, the Forum encourages the development of accreditation systems for hosting organisations such as used for European Voluntary Services in the Framework of the Youth in Action Program, asking for registration 6 weeks before the activity.

Demand 6 The Youth Forum calls for the introduction of a new accreditation system, or the official recognition of those already in place under EU programmes, that would facilitate and eases the application for hosting organisations.

Conclusions

The Youth Forum welcomes the new Proposal by the European Commission and encourages Member States and the European Parliament to agree in an expedient manner to the Proposal, including the Youth Forum’s above Key Demands. We encourage Member States will quickly make the necessary changes to ensure the new Directive takes effect and is implemented as of 2016 which is the target date proposed by the European Commission.

About the European Youth Forum

The European Youth Forum is the platform of youth organisations in Europe. Representing 97 youth organisations, both National Youth Councils and International Non-Governmental Youth Organisations, we believe youth organisations are the tool through which we empower, encourage, involve, represent, reach out and support young people. The Youth Forum brings together tens of millions of young people from all over Europe, organised in order to represent their common interests.

The Youth Forum works to empower young people to participate actively in society to improve their own lives by representing and advocating their needs and interest and those of their organisations. In the current uncertain political and social context that affects young people, they can be powerful catalysts for positive change and contributors of innovative solutions to Europe’s problems.