

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

## Reaction of EFIL and EEE-YFU - the European Platforms of the pupil exchange organisations AFS and YFU

EFIL and EEE-YFU welcome the fact that under the Commission's proposal, pupil exchanges are covered by the scope of the directive with mandatory provisions. We also support the reaction of the European Youth Forum, in particular regarding the demands for procedural guarantees.

The European Platforms of AFS and YFU generally welcome the content of the proposed directive and we acknowledge that our contribution provided during the consultations was taken into account. Below we present the reaction on specific points of the proposed directive regarding the target of pupil exchanges and which should be improved in order to foster EU as an attractive environment for studies and work and for promoting youth mobility and intercultural dialogue in general.

1. **Recognition of organisations operating pupil exchange schemes:** the proposed directive delegates the criteria for the recognition of pupil exchange organisations to Member States' national legislation or administrative practice (Chapter I, Art 3d).

**Demand 1: Urge Members States to create national legislation for the recognition of pupil exchange organisations** through a provision in the Directive. This will thus also increase recognition of the exchange programmes they operate.

**Demand 2: Provide specific rights to recognised pupil exchange organisations,** such as:

- the possibility for a recognised organisation to be **responsible for providing evidence that participants can sustain themselves during their stay abroad**, in order to ensure that this responsibility does not fall completely on the individual pupil and his/her family, creating a barrier to the access to mobility. This is foreseen under the specific conditions for school pupils (Chapter 1, Art 11d), but it is not consistent with the general conditions (Chapter 1, Art 6f).
- **The right of handling of the residence permit and or long-term visa application procedure** on behalf of the school pupils participating in their programmes, and receive automatically updated information on visa and residence permit procedures..

2. **Authorisation and duration of residence:** the proposed directive foresees a maximum period of one year for stay for school pupils (Chapter III, Art 16.3). Under article 16.6 it is guaranteed that when the validity of the visa is shorter than the authorized duration of the stay, a residence permit should be granted without addition formalities for the rest of the stay. These provisions still leave uncertainty

and administrative burden on the school pupils and prevents the school pupil to easily prolong his/her stay for learning purposes within the typical one-year learning programme.

**Demand 3: Grant school pupils long-term visas for the entire authorised duration of their stay,** corresponding to the duration of their exchange programme and up to a maximum of one year.

3. **Procedural guarantees:** directive 2004/114 encouraged Member States to grant a fast track procedure to school pupils participating in a recognized exchange scheme. The current proposal from the Commission does not foresee a fast track procedure and introduces the deadline for notification of 60 days, with a positive discrimination for researchers and students (30 days) discrimination.

**Demand 4: Grant a fast track procedure to recognised organisations operating pupil exchanges and a deadline for notification of 30 days for all targets of the proposed directive, including school pupils.**

4. **Reciprocity of exchanges:** the proposed directive foresees that 'Member States may confine the admission of school pupils participating in an exchange scheme to nationals of third countries which offer the same possibility for their own nationals' (Chapter I, Art 11.2). This provision prevents intercultural dialogue and the development of contacts and friendships between young people coming from countries that might face difficult diplomatic relations.

**Demand 5: Remove the possibility of Member States to follow the principle of reciprocity of exchanges** under the scope of the directive

5. Finally, EFIL and EEE-YFU call on the inclusion of a provision that encourages Member States to conclude agreements between their embassies in order to enable applicants to complete the application procedure and the granting of visa or residence permit within their home country, without having to travel to the nearest embassy in a neighbouring country.

#### European Federation for Intercultural Learning (EFIL)

EFIL is the umbrella organisation of 27 AFS organisations in Europe. AFS's main activity is the long-term secondary school and host family-based exchanges of students. AFS is present with volunteer-driven organizations in 50 countries, operating in more than 80 countries worldwide. The mission is to promote intercultural learning and active citizenship.

[www.efil.afs.org](http://www.efil.afs.org)

#### European Educational Exchanges – Youth for Understanding (EEE-YFU)

EEE-YFU is an international non-profit organisation (AISBL) and is the umbrella organisation of Youth for Understanding in Europe. Present in 50 countries worldwide, YFU advances intercultural understanding, mutual respect, and social responsibility through educational exchanges for youth, families, and communities. EEE-YFU supports its 29 member organisations through capacity building, advocacy & representation, and knowledge building & networking.

[www.eee-yfu.org](http://www.eee-yfu.org)