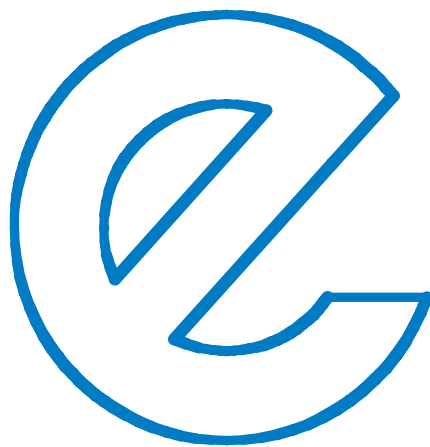


# Recommendations for admitting non-EU researchers



## Aim

The European Union (EU) has different provisions for regulating the admission (i. e. entry and residence) of researchers who are third-country nationals (TCNs).

**This paper identifies the discrepancies and sets out the recommendations from Eurodoc.**

## Background

The conditions for admitting TCN researchers are elaborated in two Council directives:

(a) Council directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (hereafter the '**students directive**')

(b) Council directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research ('**researcher directive**')

These two Council directives are adopted to facilitate the creation and consolidation of a Europe of Knowledge (covering the European Higher Education Area and the European Research Area). Whilst it strongly encourages this endeavour, **Eurodoc does not support how these respective directives define the status of doctoral candidates for the purpose of TCN admissions.**

## Recommendations

The Salzburg Principles proclaim that 'Doctoral candidates as early stage researchers should be recognised as professionals - with commensurate rights - who make a key contribution to the creation of new knowledge'.

Similarly, the European Charter for Researchers and the Code of Conduct for the Recruitment of Researchers stress that 'All researchers engaged in a research career should be recognised as professionals and be treated accordingly. This should commence at the beginning of their careers,

namely at postgraduate level, and should include all levels, regardless of their classification at national level’.

According to Article 2b of the ‘students directive’, ‘students’ are those pursuing ‘a full-time course of study leading to a higher education qualification...including diplomas, certificates or doctoral degrees in an establishment of higher education’.

**(1) Eurodoc reiterates that doctoral candidates are research professionals and calls for Article 2b of the Council directive 2004/114/EC to be amended accordingly.**

The definition of doctoral candidates as ‘students’ in the ‘students directive’ has resulted in their exclusion in the ‘researcher directive’.

Indeed, paragraph 12 of the ‘researcher directive’ (recital) explicitly stipulates that ‘doctoral students carrying out research as students...should be excluded from the scope of this Directive and are covered by Council Directive 2004/114/EC’.

**(2) Eurodoc emphasises that doctoral candidates are early-stage researchers and therefore should be included in the provisions of Council directive 2005/71/EC.**

**(3) Eurodoc recommends that the Commission, Council and the Parliament should ensure that amending Council directive 2004/114/EC would result in extending more favourable provisions to doctoral candidates.**

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