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# PROBLEMATIC TRANSITION FROM RESIDENCE PERMIT FOR THE PURPOSE OF STUDIES TO HAVING EMPLOYMENT: NON-EU INTERNATIONAL STUDENTS FROM POST-SOVIET COUNTRIES AND CZECH IMMIGRATION POLICY

PROBLEMATYCZNE PRZEJŚCIE OD ZEZWOLENIA NA POBYT W CELU STUDIÓW DO PODJĘCIA PRACY: STUDENCI ZAGRANICZNI SPOZA EU Z KRAJÓW PORADZIECKICH A CZESKA POLITYKA IMIGRACYJNA

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### Abstract:

The Czech Republic introduced a migration policy in 1999, and one of the newly emerged residence permits was for the purpose of studies. It allowed non-EU foreign nationals to study in the Czech Republic. However, its rationale was also associated with restricting the permanent settlement of non-EU international students in the country. The policy changed in 2006. However, even up to 2019, it remained challenging for international students to secure permanent residency. In particular, students from post-Soviet countries wanted to settle permanently and had to find a job before graduation to secure their stay. In 2019, the Czech Republic introduced a transitional period for non-EU foreign graduates, enabling them to stay in the country for nine months to find a job. However, despite the advantages, this was late compared to other European countries. This article discusses the situation of non-EU international students before 2019 and the difficulties they experienced due to the complicated transition process from residence permit for the purpose of studies to employee status.

### Keywords:

student migration, Czech Republic, Non-EU international students, residence permit, migration policy

**Abstrakt:**

Republika Czeska wprowadziła politykę migracyjną w 1999 r. i jedno z nowo pojawiających się zezwoleń na pobyt dotyczyło studiów. Umożliwiała ona studiowanie w Czechach obcokrajowcom spoza UE, ale jej uzasadnienie wiązało się także z ograniczeniem możliwości stałego osiedlania się w tym kraju studentów zagranicznych spoza UE. Zmieniło się to w 2006 r., ale do 2019 r. studentom zagranicznym nadal trudno było zapewnić sobie stały pobyt. Szczególnie studenci z krajów poradzieckich chcieli osiedlić się na stałe i aby zapewnić sobie pobyt, musieli przed ukończeniem studiów znaleźć pracę. W 2019 r. Czechy wprowadziły okres przejściowy dla absolwentów zagranicznych spoza UE, umożliwiający im pobyt w kraju przez dziewięć miesięcy w celu znalezienia pracy. Jednak było to późno w porównaniu z innymi krajami europejskimi, pomimo zalet. W artykule omówiono sytuację studentów zagranicznych spoza UE przed 2019 rokiem oraz trudności, jakich doświadczyli w związku ze skomplikowanym procesem przejścia od zezwolenia na pobyt w celu studiowania do statusu pracownika.

**Słowa kluczowe:** migracja studentów, Czechy, studenci zagraniczni spoza UE, zezwolenie na pobyt, polityka migracyjna

## Introduction

Czech migration policy emerged in 1999, and the “Act on the Residence of Aliens in the Territory of the Czech Republic” (No. 326/1999 Coll.) came into force in 2000. This Act aimed to harmonize with the European Union regulations and can be seen as a form of alignment with European laws. Czech migration policy also introduced a “long-term residence permit for the purpose of studies,” which allows non-EU foreign nationals (also called third-country nationals) to study in the Czech Republic. This permit is issued for a maximum of two years with the possibility of renewal, but it could not lead to permanent residence before 2006. The 2006 Amendment allowed non-EU international students to receive permanent residence through a residence permit for the purpose of studies. However, this permit was counted at half of the length of stay needed to receive permanent residence (counted from five years, which is the necessary period upon which permanent residence is standardly granted to non-EU foreign workers). These changes in migration policy were aligned with the standards of the European Union. Thus it means that – since 2006 – non-EU international students are eligible for permanent residence after ten years of renewed residence permit (Ministry of Interior of the Czech Republic, 2023a). However, studies at Czech universities might usually last seven years – taking into account bachelor (Bc.) and

master (Mgr.) studies, apart from doctoral (Ph.D.) studies – and the disparity between the usual length of studies and the time needed to obtain permanent residence might be recognized as an effect of restrictive migration policy that limits student’s opportunities to settle in the Czech Republic (Kušniráková, Čížinský, 2011). Before 2019, non-EU foreign students wishing to stay permanently should apply for an “employee card,” “long-term residence permit for the purpose of business,” or another non-student residence permit before graduation to secure their relocation.

In 2019, the Czech Republic launched the “residence permit for the purpose of seeking employment,” which provides non-EU international students nine months to find a job after graduation (Ministry of Interior of the Czech Republic, 2023b). This residence permit should be acknowledged as beneficial for non-EU foreign students who only recently received a desired transitional period (between graduation and finding a job), but also for the Czech Republic which is now able to secure skilled migrants in its territory. However, the transnational residence permit was delivered later compared to other European countries, and this article shows the situation of non-EU international students before 2019.

Besides that, the situation of international students at Czech universities remains understudied despite their increasing number in the Czech Republic (Leontiyeva, Kopecká, 2018). This topic is promising for future research, and this article

only partially contributes to the overall context. The following parts are dedicated to long-term residence permit for the purpose of studies, data, and transition period after graduation.

## Development of Czech migration policy and the rationale behind the long-term residence permit for the purpose of studies

The Czech migration policy was developed only in 1999 (Barša, Baršová, 2005; Drbohlav et al., 2008; Uherek et al., 2016) and came into effect in 2000. Official data about international students in the Czech Republic from 1993–1999 are missing. However, it might be presumed that foreigners may have entered the Czech Republic as tourists and subsequently enrolled in universities during this time.

Czech migration policy introduced residence permits, but its measures might be seen as restrictive for third-country nationals, especially in comparison with the previous *laissez-faire* period. The long-term residence permit for the purpose of studies allows non-EU foreign nationals to study in the Czech Republic, but they were still excluded from the possibility of receiving permanent residence until 2006. Since that year, the amendment to the Act on the residence of aliens in the territory of the Czech Republic allowed non-EU international students to obtain permanent residence, counted at half-weight of the standard stay required for receiving permanent residence. Thus, permanent residence for legally working non-EU foreign nationals can be granted after five years of continuous stay. However, non-EU international students should stay for ten years to have the possibility of receiving permanent residence. These changes, introduced in 2006, after two years of accession to the European Union (2004), narrow Czech migration policy with the policy of the European Union. It is also worth mentioning that due to the Czech Republic's

accession to the European Union, this small Central European country became attractive to migrants, and immigration only increased after the country joined the Schengen Area (2007).

For long-term residence permits for the purpose of studies, applicants need a passport, contracted accommodation (for the duration of their stay), sufficient funds in a bank account, and, in some cases, parental consent (Ministry of Interior of the Czech Republic, 2023a). Applicants have to submit a request at Czech Embassies. The process signifies certain limitations because it is difficult for financially insecure non-EU international students to prove they have contracted accommodation or finances in a bank account. As a result, only students from relatively wealthy families may be able to study in the Czech Republic.

Registration in the online Visapoint system was required before applying for a long-term residence permit for the purpose of studies. This system lasted from 2009 to 2017 and was widely criticized by non-governmental organizations because many semi-legal or illegal organizations sold registrations irregularly while, at the same time, applicants were unable to register themselves in the system. Following the abolition of the Visapoint system in 2017, registration is now possible by personal email to the Czech Embassy.<sup>1</sup>

According to data from the OECD, the proportion of international students compared to the total number of tertiary students in the Czech Republic in 2020 was higher than the average proportion of international students in other European countries. Regarding the proportion of international students, the Czech Republic ranks higher than Germany and the Netherlands but lower than Austria and the United Kingdom (OECD, 2023). However, when considering the

<sup>1</sup> In the meantime was launched Regime student (2017) aimed at third country nationals. However, strict quotas were introduced (in 2018 were opened applications for 36 students at Embassy in Kyiv and 13 at Embassy in Lviv) and also the effectiveness of project is doubtful (Leontiyeva, Kopecká, 2018).

total number of international students in 2021, Germany led with 132,597, followed by Austria with 70,462, Poland with 51,170, Switzerland with 43,938, France with 41,898, and the Czech Republic with 40,369 (Eurostat, 2022).

Most non-EU international students at Czech universities come from post-Soviet countries (Table 1). The motivations of these students, particularly Ukrainian students as studied by Yana Leontiyeva and Ludmila Kopecká (2018), are primarily linked to dissatisfaction with living conditions in their home countries, the desire to obtain a European diploma for further success in the European Union, opportunities to study free of charge, lower living costs (compared to other countries), and the quality of education in the Czech Republic. According to the Czech Statistical Office (CSO), the largest cohort from non-EU countries in 2021 came from Russia (8,071), followed by Ukraine (4,377) and Kazakhstan (2,565) (CSO, 2022). The Russian invasion of Ukraine on February 24, 2022, led to a slight shift in these numbers, with 7,645 students from Russia and 6,224 from Ukraine in 2022 (CSO, 2022). Additionally, students from post-Soviet countries often express an intention to settle permanently in the Czech Republic, with securing permanent residence being a significant motivator (Leontiyeva, Kopecká, 2018). However, some also consider relocating to another country within the European Union<sup>2</sup> (Kudrnáčová et al., 2021).

However, the predominant group of international students is from Slovakia (21,913; CSO, 2022), a member of the European Union. Czech universities also attract students from Asia, Western Europe, and the United States (Table 2). Their

<sup>2</sup> According to data from Czech Statistical Office (2022), number of holders of permanent residence increased sharply after accession of the Czech Republic to the European Union (in 2004 had permanent stay only 99,467 foreigners, eighteen years later already 332,722 foreigners). However, it is not possible from this data to explore the number of foreigners who studied in the Czech Republic universities and later decided to settle permanently.

main motivations for studying are relatively lower costs for studies (but students from Asia, Western Europe, and the United States usually study the English version of the study program, which is charged) and obtaining a diploma that enables them to find employment in the Czech Republic or another country (Sborník k mezinárodní konferenci, 2015; Kudrnáčová et al., 2021). This also contributes to their limited integration, as they often find themselves in environments dominated by other international students, reducing the pressure to learn the Czech language.

According to a 2021 quantitative study, which primarily surveyed students from Slovakia (39%) but also included students from post-Soviet countries, the main reasons for studying in the Czech Republic were specific study programs and universities, along with the country's geographical location and cost of living (Kudrnáčová et al., 2021). Most students in the study were enrolled in health care (including medicine), business, economics and administration, social sciences, and IT technologies (Kudrnáčová et al., 2021). However, data on graduates who decided to settle in the Czech Republic is unavailable.

Czech universities typically offer study programs in both English and Czech, and foreigners can choose their preferred language of study. Kudrnáčová and her colleagues (2021) found that among international students, mostly Slovaks and students from post-Soviet countries (70%) opt for Czech-language programs (70%). This choice is primarily due to language similarity, but another significant factor is the cost advantage, as Czech programs are tuition-free regardless of citizenship. However, the cost of living in the Czech Republic, particularly in larger cities where universities are located, is another crucial consideration for non-EU students.

The Czech population remains cautious towards foreigners. The Czech Republic became a country of immigration after 1993, but Czechs were generally unprepared for strong migration inflow. As a result, there is a general expectation

Table 1

*Numbers of on-EU foreign students at Czech universities from post-Soviet countries*

Country	2014	2015	2016	2017	2018	2019	2020	2021
Russia	5,486	5,651	5,868	5,753	5,766	6,207	7,498	8,071
Ukraine	2,317	2,518	2,861	3,051	3,326	3,598	4,043	4,377
Kazakhstan	1,524	1,481	1,615	1,632	1,670	1,963	2,345	2,565
Belarus	668	355	732	751	757	813	929	1,026

Source: University students – foreigners by citizenship. [online]. Czech Statistical Office (CSO) [cit. 14-09.2023]. Retrieved from <https://www.czso.cz/csu/cizinci/number-of-foreigners-data>

Table 2

*Number of foreign students at Czech universities by citizenship*

Country	2014	2015	2016	2017	2018	2019	2020	2021
All	40,916	42,027	43,450	43,671	44,685	46,359	49,920	52,109
Slovakia,	23,900	23,475	23,395	22,625	22,357	22,080	22,305	21,913
Russia,	5,486	5,651	5,868	5,753	5,766	6,207	7,498	8,071
Ukraine	2,317	2,518	2,861	3,051	3,326	3,598	4,043	4,377
Kazakhstan	1,524	1,481	1,615	1,632	1,670	1,963	2,345	2,565
India	248	367	518	710	846	995	1180	1,530
Belarus	668	720	766	785	789	834	961	1,067
Germany	528	615	704	797	874	956	1041	1045
China	163	218	264	420	562	755	751	698
Italy	262	256	328	377	489	561	540	682
U.S.	260	279	300	358	388	430	472	600
Iran	91	105	133	221	305	367	462	563
Vietnam	910	871	749	704	5975	508	519	511

Source: University students – foreigners by citizenship. [online]. Czech Statistical Office (CSO) [cit. 14-09.2023]. Retrieved from <https://www.czso.cz/csu/cizinci/number-of-foreigners-data>

among Czechs for the assimilation of foreigners, although tolerance towards them has been increasing over time (CVVM, 2020a). However, perceptions vary based on national origin; Slovaks, Poles, Americans, and Western Europeans are generally viewed positively, while people from post-Soviet countries and Muslim-majority nations are often seen in a negative light (CVVM 2020b). Nevertheless, data from CVVM provided meaningful indications, but it is impossible to extract attitudes towards non-EU international students.

## Demanding situation of non-EU international students before 2019

Non-EU international students from post-Soviet countries typically study in Czech-language bachelor's and master's programs for a maximum of seven years without any tuition fees. However, extending their studies beyond this period incurs additional costs, approximately a minimum of 21,000 Czech crowns per semester at

Charles University, with the amount increasing if studies are extended two or more) (see, for example, Druhy a výše poplatků, 2023) and the costs for additional semesters are problematic for students from post-Soviet countries with less advanced economies. Thus, many students from these countries did not consider prolonging their studies. Instead, after earning their bachelor's and master's diplomas, they seek employment in order to obtain an "employee card"<sup>3</sup> (or, in some cases, a "long-term residence permit for the purpose of business"<sup>4</sup>) which may lead to a permanent residence permit. Holding a diploma from a Czech university aids in job acquisition, and they typically need to work for two to three years post-graduation to qualify for permanent residence.<sup>5</sup>

Thus, before 2019, the transition to the labor market was crucial for students wishing to settle in the Czech Republic. They needed to secure a job and an employee card (or a long-term residence permit for the purpose of business) before graduation. Failing this, they were required to return to their country of origin. This process was demanding for several reasons. First, employers might be reluctant to hire students. Second, it is challenging to combine studying with a full-time job, and third, it means another bureaucratic task that consumes much time with an uncertain outcome. However, the expiration of the residence permit for studies could lead to a return to the country of origin. Then, the students must start with the procedure again because years of residence in the Czech Republic are canceled due to

returning. For instance, a non-EU international student might stay in the Czech Republic for four years. He/she needs to stay another six years to obtain permanent residence, but when the student cannot secure a job or another year of study, the residence permit is not extended. The students have to return to their home country and start again from the first year of study in the Czech Republic, which is now counted as the first year of stay in the order of ten "student" years.

Moreover, the return of highly skilled graduates from Czech universities contradicted the stated intentions of the Czech migration policy. Since 2004, the Czech Republic has been focused on attracting highly skilled migrants and developed policies for this purpose, such as the Blue Card, Green Card, Ukraine Regime, Qualified Employee Program, and Highly-Qualified Employee Program. Despite expressing interest in the educational potential of migrants, the transition of non-EU foreign graduates, who were often highly qualified, to the labor market was limited. They were not properly recognized as "highly-skilled," and the logic of migration policy averted their settlement in the country.

## Residence permit for seeking employment: newly emerged transition period

The policy towards non-EU international students did not change until 2019. While non-EU international students from post-Soviet countries often plan to settle in the Czech Republic after graduation (Leontiyeva, Kopecká, 2018), the Czech migration policy did not align with their expectations. Factors like adaptation, social networks, language proficiency, cultural competencies, and years of residence contribute to settlement (Drbohlav et al., 2015), but Czech policy previously overlooked students' intentions.

The approach in other countries is significantly different. Similar transitional periods for non-EU

<sup>3</sup> Employee card is in fact the long-term residence permit for a purpose of employment. Duration is from six months to two years with a possibility of prolongation and possibility to receive permanent residence after five years of stay in the Czech Republic.

<sup>4</sup> Ministry of Interior of the Czech Republic, 2023c.

<sup>5</sup> The difference between long-term residence permit for the purpose of studies and employee card is the period of stay needed to receive permanent residence. Employed third country nationals need only five years of working to secure permanent residence.

international students are offered in Austria, Germany, Finland, Ireland, France, Luxembourg, the Netherlands, Portugal, Poland, Slovenia, and Norway (Sborník k mezinárodní konferenci, 2015). Unlike the Czech Republic (until 2019), these European Union countries aim to facilitate the settlement of non-EU international students. For instance, Poland, a neighboring country with an EU accession process similar to the Czech Republic, has offered non-EU foreign graduates a one-year stay for job-seeking purposes since 2014. Poland also runs the Edwork.pl project, which helps non-EU international students find employment with Polish companies during their studies (Cheruscheva, Parkhomenko, 2021), thus aiding their transition to employee status. Similarly, Germany allows non-EU international students to extend their residence permit by up to twenty months to find a job related to their field of study.

Since 2019, the amendment to the Act on Residence of Aliens in the Territory of the Czech Republic allows students to remain in the country for nine months after graduation to find employment. The introduced long-term residence permit for the purpose of seeking employment is primarily focused on non-EU foreign graduates, and this permit is more in line with the intentions of students from post-Soviet countries. This permit is also aligned with the state's eagerness to possess highly skilled specialists.

To obtain this permit, graduates must have completed their studies at a Czech university and apply before their current residence permit expires. Other requirements are contracted accommodation, sufficient funds in a bank account, and health insurance. This permit is issued only for nine months and cannot be prolonged. In practice, this means that holders who are unsuccessful in finding a job must either return to their country of origin or relocate within the European Union. However, there is a lack of data regarding the usage of this permit by non-EU foreign graduates.

## Conclusion

The Czech Republic established its migration policy in 1999, prior to joining the European Union in 2004. This policy included the provision of a long-term residence permit for the purpose of studies, enabling non-EU international students to study in the Czech Republic. This type of residence permit is issued for a maximum of two years with the possibility of renewal. Since 2006, students have been able to attain permanent residence after ten years of study by renewing their residence permit. However, this ten-year period is challenging, as bachelor's and master's degrees are typically completed within seven years. This policy might be perceived as restrictive for non-EU international students, as it hinders their ability to settle down (Kušniráková, Čížinský, 2011). While students could extend their studies and pay for additional semesters, a more comprehensive solution involved obtaining an employee card (or a long-term visa for the purpose of business) before graduation, which facilitated permanent residence. This required students to secure employment before completing their studies, and organizing the whole process was challenging. Before 2019, this process was essential to secure permanent residence; otherwise, students had to leave the Czech Republic after their studies, either returning to their home countries or moving to another country.

Even though Czech migration policy has been actively searching for highly-skilled migrants since 2004, it simultaneously did not recognize the potential of non-EU international students and, until 2019, did not develop a policy that could provide a transition period between graduation and obtaining a job. Owing to the benefits that are important for the Czech state (students as highly-skilled migrants) and for the students themselves, at least from post-Soviet countries (wanting to settle in the Czech Republic), the Czech migration policy has created a significant constraint for the settlement of non-EU foreign graduates.

Only the new amendment to the Act on Residence of Aliens in the Territory of the Czech Republic, introduced in 2019, overcomes this obstacle. The amendment provides a transition period (long-term residence permit for the purpose of seeking employment) for non-EU international students, and they have nine months after graduation to find a job. This transitional period finally secures the passage from graduation to work-related status, which could benefit the Czech state as well as non-EU international students from post-Soviet countries who wish to settle permanently.

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