



## **EMN Ad-Hoc Query on Ad hoc query on immigration permission for training within the aviation industry**

Requested by Anne SHERIDAN on 10th April 2018

### **Residence**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Slovak Republic, Spain, Sweden, United Kingdom (22 in total)

#### *Disclaimer:*

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**



Ireland is currently examining the feasibility of developing a formal immigration permission for non-EEA nationals who wish to enter Ireland for the purposes of studying and training in the aviation industry, specifically for pilot training and aircraft maintenance.



We would like to gather information from other Member States on any relevant programmes, schemes and permits they have in place for training of this nature and kindly request NCPs to answer the following questions.



### **Questions**


1. Does your Member State have any immigration schemes that allow for TCNs to apply for an entry permit for the purposes of studying or training in the aviation sector? (Yes/No).
2. If yes, are they granted an immigration permission/visa similar to that of higher level/third level students?
3. What are the restrictions or conditions imposed upon TCNs who are training in the aviation sector?
4. Does your Member State permit TCNs to access the labour market during their course of study in the aviation sector?
5. How long are TCNs permitted to stay in your Member State for the purposes of completing a training course in the aviation sector?
6. Does your Member State impose any quotas on the numbers of TCNs permitted to study in this sector?



### **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
	Austria	No	
	Belgium	Yes	<ol style="list-style-type: none"><li>1. No. Belgium doesn't have a program that focuses specifically on TCNs who want to study or train in the aviation sector.</li><li>2. Not applicable.</li><li>3. Like other international students, TCNs who want to study or train in the Belgian aviation sector</li></ol>

			<p>can apply for a student visa in accordance with article 58 of the Belgian Immigration Act. When applying for a student visa, certain conditions have to be met: proof of enrollment in a (normally full-time) course that is recognized by the authorities, proof of having sufficient means of subsistence, certificate of good behavior and character, and medical certificate.</p> <p><b>4.</b> Like other international students, they have limited access to the labour market (20 hours a week).</p> <p><b>5.</b> Like other international students, they are allowed to stay for the duration of their study, and insofar they fulfill certain conditions (public order, means of subsistence, ...) .</p> <p><b>6.</b> No</p>
	Croatia	Yes	<p><b>1.</b> No</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p> <p><b>5.</b> N/A</p> <p><b>6.</b> N/A</p>
	Cyprus	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p>

			<p><b>5.</b> N/A</p> <p><b>6.</b> N/A</p>
	Czech Republic	Yes	<p><b>1.</b> No, there is no special regime for students or interns in the aviation sector. These students can apply for an entry permit according to the Act No. 236/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic. A student who plans to stay in the Czech Republic longer than 3 months for the purpose of studying an accredited educational programme can apply for a long-term residence permit for the purpose of studies. High school students can apply for long-term visa for the purpose of studies in case their stay is not a part of a student exchange program or if the stay is not considered as a paid internship. In case the stay of a student is less than 3 months the student can apply for a short-term visa.</p> <p><b>2.</b> See above.</p> <p><b>3.</b> There are the same conditions for all students, which means, there are no restriction or special conditions.</p> <p><b>4.</b> All students who prepare themselves systematically for the future career as a part of daily educational programme have free access to the labour market of the Czech Republic.</p> <p><b>5.</b> The long-term residence permit for the purpose of studies, the long-term visa for the purpose of studies are issued for specific period confirmed by a study certificate (but the period cannot be longer than 1 year).</p> <p><b>6.</b> The Czech Republic does not have any special quotas on the numbers of permits to study in this sector.</p>
	Estonia	Yes	<p><b>1.</b> No, there are no separate schemes for studying or training in the aviation sector. All students who are not Estonian citizens or EU citizens (including EEA countries and Switzerland) need a temporary residence permit for study.</p>

			<p>2. N/A</p> <p>3. There are no separate restrictions imposed upon TCNs training in this sector.</p> <p>4. Yes, an alien who holds a residence permit for study, can be employed in Estonia without holding a separate permit for employment, provided that his or her employment shall not interfere with the studies.</p> <p>5. Temporary residence permit for study may be issued to an alien with a period of validity until the end of the nominal study period but for no longer than the estimated duration of studies. When an alien has been issued a residence permit for study, the right to stay in Estonia arising from the expiry of the period of validity of a temporary residence permit shall be the legal basis of an alien for stay in Estonia for the 183 days following the expiry date of the period of validity of the residence permit, if the period of validity of the temporary residence permit of an alien expired upon arrival of the term.</p> <p>6. No.</p>
	Finland	Yes	<p>1. No special schemes for the aviation sector. In both cases a residence permit can be granted if the person fulfils the conditions for studying or training in the Alien's Act (Section 46 or Section 77 paragraphs 11 and 12).</p> <p>2. N/a</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p> <p>6. No</p>

	France	Yes	<p><b>1.</b> No, there is no specific scheme. It means that common law applies to TCNs who wish to enter France for the purposes of studying and training in the aviation sector. They can access the labour market during their course of study under the same conditions as TCNs holding a residence permit for the purpose of studies (up to 964 hours per year during the year of validity of the residence permit, which corresponds to 60% of the statutory annual working time). .</p> <p><b>2.</b> N/A.</p> <p><b>3.</b> See Q1. There are no specific restrictions or conditions imposed upon TCNs who are training in the aviation sector.</p> <p><b>4.</b> See Q1.</p> <p><b>5.</b> Common law applies to TCNs staying in France for the purposes of completing a training course in the aviation sector. It means that TCNs are permitted to stay for the duration of the training course (The duration is up to 6 months if the training is organized as part of the TCNs studies. If the training is organized in the framework of an intra-corporate transfer, the initial duration may not exceed 12 months and may be extended once, for a total period not exceeding 18 months).</p> <p><b>6.</b> No, there are no quotas on the numbers of TCNs permitted to study in this sector.</p>
	Germany	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> n/a</p> <p><b>3.</b> n/a</p> <p><b>4.</b> n/a</p> <p><b>5.</b> n/a</p> <p><b>6.</b> n/a</p>



Greece

Yes


**1. YES**

**2.** No they do not. The interested third country nationals are granted with a national visa and a residence permit for the purpose of studying in Training colleges for aircraft pilots, engineers and cabin attendants, operating under the Civil Aviation Authority approval, if they have submitted all the necessary documents according to the relevant joint ministerial decision (see below, Q. 3). Holding a degree is not a precondition for the entry visa/residence permit application to be accepted. The interested third country nationals should, however, be high school graduates.



**3.** According to a recent joint ministerial (no.368/2018 Official Gazette no 352, issue B, 7-2-2018 ) “Residence permits for third country nationals, who enter the country for the purpose of studying in Training colleges for aircraft pilots, engineers and cabin attendants, operating under the Civil Aviation Authority approval”, for the purpose of training in the aviation sector the following preconditions should be met: - the Training institution has to be certified by the Civil Aviation Authority; - a certification should be submitted with information on the duration of the training programme, the starting date of the programme and the total amount of the courses to be attended by the applicant; - a certification by the Training institution that the candidate student meets the programme entry requirements; - evidence that the candidate student can provide for their subsistence and training course fees (annual revenue statements or six-month bank account statement, etc.) - security check by the national competent authorities before granting a national visa and residence permit; - applications should be lodged at least six months before the starting date of the programme; - a certified copy of the deposit of one-third of the total amount of the tuition fee.


**4. No**




**5.** The following categories of authorisations are provided by law: - visa D and a residence permit with 3 years duration for air training; - visa D for up to 6 months period and a residence permit for short term training; - visa C for up to 3 months period. In this case the education does not include air training; - visa C for up to 3 months for participation in examinations carried out on the ground and not in the air.

			<b>6. No</b>
	Hungary	Yes	<p><b>1.</b> No, Hungary does not have any special immigration scheme for the studies/training in the aviation sector, general rules apply.</p> <p><b>2.</b> According to the general rules of the Community Code on Visas, a visa may be issued for maximum 90 days; or if they would like to stay in Hungary for more than 90 days, they may request a residence permit, in case of studies in accredited institutions for the purpose of studies, otherwise for other purpose. Accredited studies are available e.g. for aircraft operator, aviation specialist, air traffic logistics management, road- and airport designer, etc.</p> <p><b>3.</b> Hungary does not apply any special restriction or condition in this matter, general rules apply.</p> <p><b>4.</b> In the case of higher education institutions, third-country nationals with a residence permit for the purpose of study may engage in gainful employment during their term-time for maximum twenty-four hours weekly, and outside their term-time or for a maximum period of ninety days or sixty-six working days. If third-country nationals with a residence permit issued for the purpose of study would like to work more than it is permitted with their current residence permit, it is possible to apply for the extension of their residence permit for example for the purpose of gainful employment in the frame of single application procedure. Nevertheless, the third-country nationals can continue their studies while they are working in the same time in possession of the residence permit for the purpose of gainful employment.</p> <p><b>5.</b> Hungary does not have any special rule for them. A Schengen visa may be issued for maximum 90 days. The validity period of a residence permit issued on grounds of the pursuit of studies: a) shall correspond to the duration of training, if it is less than two years, b) shall be at least one year or maximum two years if the duration of training is two years or more, and it may be extended by at least one or at most by two additional years at a time. The validity period of a residence permit issued on grounds of the pursuit of studies may not exceed the validity period of the applicant's travel document even if the provisions above are taken into consideration. The residence permit for other purpose may be issued for 5 years.</p>




			<p><b>6.</b> Hungary does not apply any special quotas on the number of TCNs. The possible number of students generally depends on capacities of the institution.</p>
	Ireland	Yes	<p><b>1.</b> Currently Ireland has no formal immigration entry permission for those seeking to train in the aviation sector.</p> <p><b>2.</b> In Ireland, Ministerial discretion (Minister of Justice and Equality) is used to grant TCNs a permission to training in these aviation sector which is analogous to that granted to Third Level/Higher Education students. An immigration Stamp 2A is granted to those training in the aviation sector.</p> <p><b>3.</b> In Ireland, TCNs training in the aviation sector are required to register with the immigration services each year. They are not entitled to family reunification, do not have the access to the labour market that most other students have, and time spent in the State during this period of training is not considered reckonable for the purposes of citizenship or naturalisation.</p> <p><b>4.</b> Ireland does not allow trainees in the aviation sector access to the labour market.</p> <p><b>5.</b> TCNs are permitted to remain in Ireland for the duration of their aviation training course or a maximum of 3 years, whichever may be lesser. TCNs training in the aviation sector are only granted a 12 month permission at a time, renewable every year.</p> <p><b>6.</b> Ireland currently does not operate quotas on the numbers of TCNs permitted to enter the State for the purposes of training in the aviation sector.</p>
	Italy	Yes	<p><b>1.</b> No. In Italy there is not a special regulation on studying and training in the aviation sector. However, the general scheme of the entry permit for purposes of studying or training also applies in this sector (art. 39 and 39bis of the Legislative Decree 286/1998).</p> <p><b>2.</b> n/a</p>



			<p><b>3.</b> n/a</p> <p><b>4.</b> As stated in art. 14, para. 4 of the implementing regulation (DPR 394/1999) the entry permit for the purposes of studying or training allows to work for a period of not longer than 20 hours per week within the annual limit of 1.040 hours.</p> <p><b>5.</b> The entry permit for the purposes of studying or training allows to stay in Italy as long as last the training course but this period may be extended for others 12 months (art. 5, para 3, lett. c) of the D.lgs 286/1998 as modified by the Law Decree 104/2013).</p> <p><b>6.</b> Any quota is specifically provided for the aviation sector. However, every 3 years the Ministry of Labour and Social Policies set quotas for the entry of TCN for the participation in professional training courses and training internships. For the period within 2017/2019 the Decree of 24 July 2017 has established a maximum limit of 15.000 entries.</p>
	Latvia	Yes	<p><b>1.</b> Entry for the purpose of training in the aviation sector is allowed within the framework of general admission scheme.</p> <p><b>2.</b> It depends on the length of study course. There could be training that takes place for some 2-3 months – in these cases C type visa is issued. If there is full study course in the higher educational institution, the persons shall obtain a temporary residence permit as students.</p> <p><b>3.</b> There are no special limitations or conditions, just the usual ones – no threat to public policy and state security, sufficient financial means, valid travel document.</p> <p><b>4.</b> Access to labour market is allowed if a person is enrolled in the educational institution for full study course.</p> <p><b>5.</b> Permit is granted for intended course of studies, renewable every year.</p> <p><b>6.</b> There are no quotas.</p>


	Lithuania	Yes	<p><b>1.</b> No. LT does not have any specific grounds or immigration schemes for this sector at the moment. However, the possibility of introducing a ground for issuance the national (D) visa which would allow TCNs to apply for entry to improve qualifications or to train (take up an internship) at educational institution's programs accredited by the Civil Aviation Administration is currently being considered.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/a</p> <p><b>4.</b> N/A</p> <p><b>5.</b> N/a</p> <p><b>6.</b> N/A</p>
	Luxembourg	Yes	<p><b>1.</b> No. Even though, CARGOLUX provides flight crew training using state of the art equipment in the Flight Training Center. It trains EASA and Non-EASA airlines as private individuals.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p> <p><b>4.</b> N/A</p> <p><b>5.</b> N/A</p> <p><b>6.</b> No</p>
	Malta	Yes	<p><b>1.</b> No</p>

			<p><b>2.</b> No</p> <p><b>3.</b> No</p> <p><b>4.</b> Not applicable (refer to question 1).</p> <p><b>5.</b> Not applicable (refer to question 1).</p> <p><b>6.</b> Not applicable (refer to question 1).</p> <p><b>7.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>8.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>9.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>10.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>11.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>12.</b> The same conditions applicable to higher-education students are imposed upon TCNs who are training in the aviation sector.</p> <p><b>13.</b> TCNs training in the aviation sector are issued with a one-year residence permit. The said document may be renewed according to (i) the academic progress of the student, and (ii) the length of the course.</p> <p><b>14.</b> TCNs training in the aviation sector are issued with a one-year residence permit. The said</p>
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			<p>document may be renewed according to (i) the academic progress of the student, and (ii) the length of the course.</p> <p><b>15.</b> TCNs training in the aviation sector are issued with a one-year residence permit. The said document may be renewed according to (i) the academic progress of the student, and (ii) the length of the course.</p> <p><b>16.</b> No</p> <p><b>17.</b> No</p> <p><b>18.</b> No</p>
	Netherlands	Yes	<p><b>1.</b> No, the application for studying in the aviation sector has the same procedures and conditions as other (exchange) students from third countries. The institution of higher education needs to be a so-called 'sponsor' recognized by the Dutch Immigration Services (IND).</p> <p><b>2.</b> No, the application for studying in the aviation sector has the same procedures and conditions as other (exchange) students from third countries. The institution of higher education needs to be a so-called 'sponsor' recognized by the Dutch Immigration Services (IND).</p> <p><b>3.</b> N.A.</p> <p><b>4.</b> N.A.</p> <p><b>5.</b> There are no separate policy rules for a short term stay related to (corporate) aviation training in the Netherlands. Only two institutions for higher education in the Netherlands that are recognized sponsors that offering aviation education programmes. The conditions for recognition are basically identical as those for the 'regular' institutions. Nonetheless, there are two major differences: i. Accreditation is being taken care of by the Human Environment and Transport Inspectorate (ILT); and ii. Both these institutions are being visited by the General Intelligence and Security Service</p>

			<p>(AIVD) on a yearly basis.</p> <p><b>6.</b> There are no separate policy rules for a short term stay related to (corporate) aviation training in the Netherlands. Only two institutions for higher education in the Netherlands that are recognized sponsors that offering aviation education programmes. The conditions for recognition are basically identical as those for the ‘regular’ institutions. Nonetheless, there are two major differences: i. Accreditation is being taken care of by the Human Environment and Transport Inspectorate (ILT); and ii. Both these institutions are being visited by the General Intelligence and Security Service (AIVD) on a yearly basis.</p> <p><b>7.</b> A student currently has a restricted access to the labor market. A maximum of 10 hours a week (or fulltime during summer holidays) of additional labor next to their study is allowed during the course of their study. Furthermore, an employment permit (TWV) is required. The amount of working hours will increase to a maximum of 15 after implementation of directive (EU) 2016/801.</p> <p><b>8.</b> A student currently has a restricted access to the labor market. A maximum of 10 hours a week (or fulltime during summer holidays) of additional labor next to their study is allowed during the course of their study. Furthermore, an employment permit (TWV) is required. The amount of working hours will increase to a maximum of 15 after implementation of directive (EU) 2016/801.</p> <p><b>9.</b> N.A.</p> <p><b>10.</b> N.A.</p> <p><b>11.</b> No, there are no quotas in this sector.</p> <p><b>12.</b> No, there are no quotas in this sector.</p>
	Slovak Republic	Yes	<p><b>1.</b> No. In the SR a TCN can apply for residence for the purpose of study or other education in general, in line with the Act on Residence of Aliens. There is no specific distinction in between the fields of study or sectors to apply for. No special schemes for aviation industry are in place.</p>

			<p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p> <p>6. N/A</p>
	Spain	Yes	<p>1. No.</p> <p>2. -</p> <p>3. -</p> <p>4. -</p> <p>5. -</p> <p>6. -</p>
	Sweden	Yes	<p>1. We have no specific rules for the aviation sector. In other words, those within the aviation sector can apply for residence permit under the same rules as anyone else.</p> <p>2. That depends on the kind of education they are going to attend. They will be granted a permit based on the typ of education - just like any other student.</p> <p>3. None - since there are no special rules for the aviation sector</p> <p>4. That depends on the level of education. If it is a education at a University or University college the student has the right to work in Sweden during the same time period for which he/she has a residence</p>

			<p>permit without a workpermit. If it is a education at a upper secondary school or folk high school the student is not allowed to work without a work permit.</p> <p><b>5.</b> As for all other students the residence permit is valid for the period the studies require. Even if the student has been accepted for a study course lasting several years, he/she can usually get a residence permit for a maximum of one year at a time, or thirteen months for a first-time application.</p> <p><b>6.</b> No Sweden has no quotas at all.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p><b>1.</b> Not specifically for the aviation sector. TCNs could do up to 30 days training under the visit route as long as that is not the main purpose of their visit: <a href="https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules">https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix-v-visitor-rules</a></p> <p><b>2.</b> N/A</p> <p><b>3.</b> They may do 30 days training as long as it is not the main purpose of their visit.</p> <p><b>4.</b> N/A</p> <p><b>5.</b> N/A</p> <p><b>6.</b> N/A</p>