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Opening or closing borders to international students?

Convergent and divergent dynamics in France, Spain and the UK

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Antonina Levatino led this initiative. She was in charge of the literature review, the framework of analysis, as well as wrote and edited the various versions of this paper. Tatiana Eremenko contributed to the collection and analysis of data on the French case, gave her contribution to all the sections and to the re-organization and editing of a previous version. Yoan Molinero worked on the Spanish case, made the figures using ImPol data and contributed to different versions of this paper. Erica Consterdine was in charge of the collection and analysis of data on the UK case, was a principal designer of the ImPol dataset, contributed to the literature review and to all the sections of a previous version of this paper. Amparo González-Ferrer was the principal investigator of the TEMPER project, was in charge of the collection and analysis of data on the Spanish case and contributed to the organization and editing of a former version of this paper. Lama Kabbanji was in charge of the coordination of the collection and analysis of data for France, Spain and the UK and contributed to a former version of this paper. Mélanie Jolivet contributed to the collection and analysis of data on the French case. Cris Beauchemin was responsible for the TEMPER project at INED and contributed to an early version of this paper.

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Abstract

While attracting international students is the declared objective of many countries of the global North, the regulation of movements of this migrant group does not escape the tensions that characterise policymaking on migration. This paper compares the evolution of student migration policies in three major European destinations – France, Spain and the UK – since the late 1990s. The aim is to evaluate whether policies in this area have or not converged, and the factors behind their evolution. Our findings suggest that despite common forces encouraging convergence, country-specific factors, such as countries' migration history and the political force in power, seem crucial in explaining important differences in actual policies across the three countries.

Keywords: international students; migration policies; France; Spain; United Kingdom.

1. Introduction

International students are the migrant group that compared to other migration groups, such as migrant workers and family migrants, experienced the most rapid growth in relative terms in recent decades (Beine et al., 2013). Countries facing skilled labour force shortfalls or aiming to select immigrants by educational credentials increasingly consider international student migration a desirable “migration channel” (Tremblay, 2005). Their presence is a way to guarantee the sustainability of national higher education systems by maintaining study programmes otherwise at risk of termination (Brooks and Waters, 2011), as well as a source of revenue given budget cuts to higher education (MacReady and Tucker, 2011). Finally, countries across the world increasingly see international students as a mean to increase their soft power (Stetar et al., 2010) as they enhance their prestige and image in the international arena. Several OECD countries have therefore implemented a variety of strategies to promote their national higher education systems abroad and to facilitate access and stays for international students (Suter and Jandl, 2008).

However, there are tensions when it comes to designing and implementing migration policies for students (King and Raghuram, 2013). From the destination country

perspective, international students may not correspond to the desired target: they may want to enrol in study-programs where domestic students abound; once they graduate, some of them may have trouble finding a job according with the qualifications obtained in the host country; and in periods of economic recession, international graduates could also be seen as competitors for domestic labour force. Moreover, agreements with the students' countries of origin might lead to restricting their settlement rights in order to limit potential brain drain.

These contradictory forces at play reflect the difficulty of reconciling the different objectives of the liberal agenda (Hoffmann, 1995) that characterizes migration policymaking. This “liberal paradox”, as conceptualised by Hollifield (2004), lies in the opposition between, on the one hand, domestic security concerns that move states to control their borders and, on the other hand, international economic forces that push towards free circulation of goods, services and people. As already noted, student mobility policies do not escape these tensions, some of which may even be more pronounced for students than for other migrant groups. Indeed, while some types of flows are enshrined in international conventions, e.g. asylum and family migration, no “right to study in another country” is internationally recognized and student migration is thus not protected by international law. This leaves states more discretion in regulating it. In addition, motives for opening or closing borders to international students are frequently context-sensitive. All this can generate divergent ways of regulating student mobility in the different countries.

Notwithstanding the importance attributed to international student migration and a growing scholarly interest in this issue, research on international student policymaking and changes in it remains limited as noted by Riaño and Piguet (2016). This situation is unfortunate given the role policies play in migration choices and patterns (see e.g. Hollifield, 2004; Bertoli et al., 2011). This paper seeks to contribute to the small body of cross-national comparative research on student migration policies by focusing on three European countries which are among the most attractive destinations for international students worldwide: France, Spain and the United Kingdom. This way it moves away from the single-country bias found in most of the existing literature on student mobility policies (Haugen, 2013; Hawthorne, 2012; Mosneaga, 2015) but also from the focus on English-language destination countries (She and Wotherspoon, 2013; Riaño and Piguet 2016). Drawing upon a thorough analysis of legal and policy documents, as well as the exploitation of ImPol, a new migration policy database measuring changes in the

restrictiveness and openness of immigration regulations, we compare the evolution of international student policies in these three countries since the 1990s, and assess the extent to which global factors encouraging convergence in this area are offset by country-specific situations. Our focus is on policies targeting non-EU students as they do not fall under European regulations on freedom of movement. Thus, it is for this group of students that the above-cited tensions characterising migration policymaking are most visible.

After a brief description of our theoretical framework and an overview of the main actors at stake, the paper presents the context of international student migration in the three countries under analysis and also explains the relevance of this comparative exercise. Section 4 explains our methodology. In section 5 we systematically compare changes in student migration policies in the three countries. The last section discusses the findings and presents our conclusions.

2. Policymaking in the area of migration: theoretical approach and main actors at stake

Our analysis adopts a neo-institutionalist approach. Within this interpretative framework, the state is theorised as a multi-composed entity made up of different institutions, for instance, system of party politics, administrative structures, etc., which have at times different or even conflicting agendas. According to this account, policies result from dialogue and tensions between the state and the institutions composing it (Joppke, 1998). For neo-institutionalists, shared principles and values play a fundamental role in influencing people's behaviour. In order to understand social phenomena we must therefore start with an analysis of the institutions and their influence, by taking into account their historical development (Boswell, 2007). Following this approach, we will put particular attention on the ways each country's institutions and history can help to understand student migration policies.

The neo-institutionalist account will help us overcome a limit of existing studies about migration policymaking, which often assume a silo mentality. Policymaking is indeed often assumed to be unaffected by other public policies (Anderson and Ruhs, 2010). In our analysis we take into account that, though the conditions of entry, stay and circulation for international students are regulated by migration policies, their flows can be strongly influenced at origin and destination by policies related to higher education systems. Other issues, such as aiding countries of departure to fight against brain drain or strategies of country branding and promotion, may also be involved. Furthermore, student migration policies can be complex as they may aim not only to influence the number of

international students admitted, but also determine their profiles (origin, level of entry, organized versus individual mobility).

In addition to national actors and their potentially conflicting goals, there has been considerable supranational action by European Union (EU) institutions to influence international student mobility and migration. Several initiatives, of which the Erasmus programme is the oldest, have been launched to foster student mobility within and from outside Europe. Since 1999, the EU has promoted the construction of a unified European educational space by facilitating the recognition of European degrees and the circulation of students within Europe, as well as harmonizing the various national higher education systems into a common three-cycle structure based on the Anglo-Saxon model. The creation of a common legal framework for the admission of non-EU students and researchers to European institutions has also been a priority, with the signature of two Council Directives in 2004 (2004/114/EC) and 2005 (2005/71/EC). In March 2013, the Commission reiterated its intention to establish favourable conditions for non-EU students and researchers, with the goal of making Europe attractive as a centre of excellence for studies, vocational training and research (EC, 2013). A new directive (2016/801) adopted in May 2016 seeks to further harmonize the different national legislative frameworks on these issues. This continuous supranational effort to build up a coherent legal framework among the Member States not only displays the importance that the EU ascribes to student mobility (COM, 2011), but it also reveals the extent to which the various member states regulate non-EU-student migration differently.

3. Historical context and international student flows in France, Spain and the UK

France and the UK have a longer immigration history than Spain, dating back to the beginning of the industrialisation period. Whereas France displayed an early openness towards foreigners (Hollifield, 2010), the UK has showed a more closed attitude (Layton-Henry, 1992). In the aftermath of World War II, both countries faced the challenge of regulating growing economic migration flows from their former colonies, which was considered as an “unintended effect” of decolonization (Freeman, 1995: 889). They, however, responded differently. France initially allowed large flows of migrants from ex-colonies to compensate post-war labour shortages, only to become more selective in the 1970s and 80s. Conversely, the UK applied protectionist legislation in the post-war period (Cornelius et al., 1994). Spain, in contrast, has been designated as a “new country of

immigration” (Freeman, 1995: 893) and a “latecomer” in policymaking on migration (Cornelius et al., 1994: 22). It adopted a comprehensive immigration law only in 1985 before its entry into the European Community.

The three countries under analysis are nowadays among the most attractive destinations for international students worldwide. The UK and France ranked second and fourth among the leading host countries for international students in 2014 (UNESCO/UIS, 2016). Spain, meanwhile, remains the main destination for many students from Latin America (UNESCO/UIS, 2016).

France, Spain and the UK constitute three distinct reception contexts, in terms of both the attractiveness of their higher education systems, and their conceptualisation and regulation of international student migration. All three countries have put particular effort into promoting and internationalising their higher education system to make it more attractive and accessible to international students. In this respect, the UK is a pioneer - the British Council which promotes British higher education worldwide was founded as early as 1934. EduFrance was created several decades later in 1998 (replaced by CampusFrance in 2007). In Spain, the first initiative to increase the visibility of the Spanish university system and to attract foreign ‘talent’ (Spanish Ministry of Education, 2011) was designed in 2008 under the name of *Estrategia Universidad 2015* (EU2015). In addition to its pioneering role, the UK higher education is extensively present abroad through offshore educational services and programs. French and Spanish higher education institutions have only recently started to be physically present abroad, respectively in the Maghreb region and in Latin America (ACA, 2008). This presence is however still marginal, especially in the case of Spanish higher education institutions.

Table 1 shows information about the main countries of origin of international students for France, Spain and the UK. It also displays figures on the number of hosted students and the share of international students among the total number of tertiary students ('inbound mobility rate').

Table 1. Main countries of origin of international students and inbound mobility indicators (France, Spain and the UK), 2014

	Main five countries of origin	Inbound mobility indicators	
		Total number of mobile students hosted	Inbound mobility rate*
UK	China 86,204 India 19,604 Nigeria 17,973 Malaysia 15,583	428,724	17.5

	United States	14,950		
France	China	25,388	235,123	10.2
	Morocco	25,223		
	Algeria	16,558		
	Tunisia	8,955		
	Senegal	7,439		
Spain	Colombia	5,754	56,361	2.9
	Italy	4,752		
	Peru	3,490		
	Ecuador	3,439		
	Morocco	3,071		

* Inbound mobility rate is the number of students from abroad studying in a given country, as a percentage of the total tertiary enrolment in that country.

Source: UNESCO-UIS 2016. Data are for reference year 2014.

As suggested by table 1, linguistic proximity and former colonial ties seem important factors shaping the destination choices of international students (cf. Garneau and Mazzella, 2013). However, geographical proximity also determines international student flows and skilled migration more generally (Beine et al., 2013; Czaika and Parsons, 2015). In this respect, the case of Moroccan students is emblematic: France constitutes their first destination country and Spain their second (UNESCO/UIS, 2016).

The differences in the immigration histories of France, Spain and the UK, and the volume and profiles of student flows, raise the question of whether these differences have led to different models of student migration policies. Likewise, as earlier explained, it is interesting to investigate whether a tendency towards convergence can be noted despite these differences, as supranational level actively promotes convergence.

4. Methodology and tools for the empirical analysis

This paper was produced within the framework of the European project “Temporary vs Permanent Migration” (TEMPER project). In order to better understand student and academic mobility, the project analysed policy documents on past and current policies and programs aimed at regulating student migration. Furthermore, a new European migration database, named ImPol, was constructed to measure changes in the restrictions placed on mobility by immigration policies from the 1960s.

In this paper, we combine the analysis of policy documents with that of ImPol data. The focus of our analysis is on migration policies towards third-country students for the period between the late 1990s and 2014. The starting point of our analysis is justified by the fact that the late 1990s was the period when “student mobility” emerged as a distinct policy area (Spain and the UK) or took on renewed importance (France). This was probably due to the influence and widespread importance of ideas around the “knowledge-based economy” (OECD, 1996). Before that period, student mobility was

generally subsumed under immigration rules as a form of temporary mobility or was not a major subject of political discussion or debate.

For the qualitative part, documents of the following bodies were analysed. In the UK, the relevant entities were the Department for Business, Innovation and Skills¹ and the Home Office. We also consulted the website of the UK Council for International Student Affairs (UKCISA). In the case of France, we studied the policies designed and implemented through inter-ministerial cooperation between the Immigration Department of the Ministry of Interior², the Ministry of Foreign Affairs and the Ministry of Higher Education and Research. For the Spanish case, we examined the policy documents of the Ministries of Education and of Science and Competitiveness, as well as the legislative production of the General Secretariat of Immigration and Emigration, a national body operating under the umbrella of the Ministry of Labour.

We expand our qualitative analysis of policy documents using data from ImPol in order to graphically illustrate the evolution of student mobility policies in the three countries. ImPol focuses on legal texts (policy inputs) rather than on policy outputs, such as the number of visa applications. In the database, information coming from legal texts is quantified into an ordinal scale for each indicator, which reflects the relative degree of restrictiveness or openness of the policy in force in a given year, with three categories: more restrictive (-1), neutral (0), and less restrictive (1). It is important to emphasize that all legal texts available, not only laws but also decrees, circulars and internal instructions were considered in the construction of the database. Furthermore, the coding of the policy indicator was based on the texts that allowed us to capture more details on the implementation of the law in force, which are normally circulars and instructions (Consterdine and Hampshire, 2016)³.

For this paper, we use all the information available in the ImPol dataset referring to the following policy areas for the period 1999-2014:

¹ The Department for Business, Innovation and Skills was replaced by the Department for Business, Energy and Industrial Strategy in July 2016. In that year, the Department for Education assumed responsibility for higher education policy.

² The name of the department in charge of immigration as well as the overseeing ministry changed several times in the period under study. Up until 2007 it was the Ministry of Social Affairs' Directorate of Population and Migrations; in 2007 it became the General Secretariat of Immigration and Integration and was under a separate Ministry until 2010 and part of the Ministry of Interior from 2010 to 2013; from 2013 and currently it is the General Directorate of Foreigners in France under the Ministry of Interior.

³ For more information on the methodology of Impol, see Consterdine and Hampshire (2016) or Mezger and Gonzalez Ferrer (2013).

- (1) Admission and eligibility;
- (2) Rights granted to migrants during their stay (in-country rights);
- (3) Possibility of transitioning from a student visa to a work permit.

Table 2 shows the indicators used for each of the analysed policy area and the way they are constructed in the database.

Table 2. Aspects analysed and ImPol indicators used

ADMISSION AND ELIGIBILITY		
<u>Indicator 23. Language test</u>		
<i>Question:</i> To be eligible for a student visa, does the person need to pass a language test?		
-1	0	1
Yes		No
<u>Indicator 23a. Language level</u>		
<i>Question:</i> In cases where a student must meet a language requirement, at what level of the Common European Framework for Languages (CEFR) must the student be proficient?		
-1	0	1
B2: Independent user/ Vantage or upper intermédiaire	B1: Independent user/ Threshold or intermediate	A: Basic user/A1 (beginner) or A2 (elementary) or no language requirement
<u>Indicator 24. Economic resources</u>		
<i>Question:</i> Does the applicant have to demonstrate maintenance (available money) to be granted a student permit/visa?		
-1	0	1
Yes, amount clearly defined and needs to be proven	Yes, but there is no defined amount	No
<u>Indicator 25. Health insurance</u>		
<i>Question:</i> Does the applicant need to demonstrate that they have full health insurance coverage before being granted a student visa?		
-1	0	1
Yes or applicant must pay health insurance surcharge		No
IN-COUNTRY RIGHTS		
<u>Indicator 26. Possibility of working</u>		
<i>Question:</i> Once a student visa/permit is granted, can the student work during their studies?		
-1	0	1
No	Less than part-time and with some time and salary limitations or labour market test or quota	Yes, part time or more than part time and/or full time during vacations
<u>Indicator 30. Possibility of bringing family</u>		
<i>Question:</i> Can the applicant (student) bring dependants (spouse and children) on a student visa?		

-1	0	1
No	Some scope for discretion, or only on specific degree programmes. Possible but not granted after rather than on initial admission	Yes
POSSIBILITY OF TRANSITIONING FROM A STUDENT VISA TO A WORK PERMIT		
Indicator 27. Transition to a work		
<i>Question:</i> When their studies are complete, is there a mechanism or a separate visa/permit that allows international students to stay in the destination country to work?		
-1	0	1
No	With conditions: e.g. more than one year of residence, good grades, specific subjects, etc.	Specific route facilitating students' entrance into labour market.

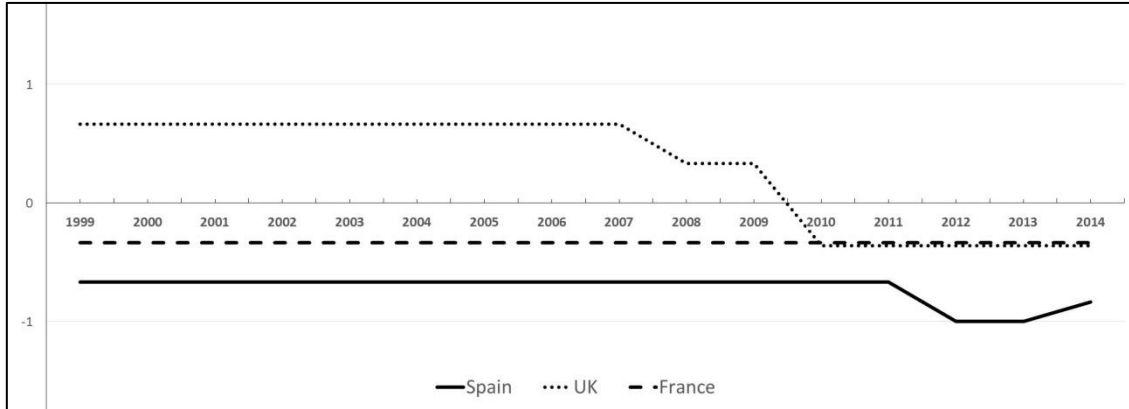
Due to data availability, some limitations should be remarked. First of all, for the in-country rights, ImPol does not contain any indicator for international students' access to social security rights. Secondly, ImPol data only covers norms regulating the migration of undergraduate students. Finally, the different policy areas rely on different numbers of indicators. Whereas for admission and eligibility we rely on four indicators, only two indicators for in-country rights were available, meanwhile the possibility of transitioning from a student visa to a work permit relies on only one indicator. We are aware that it would be advisable to use more than one indicator to capture a policy area. However, even though we could have used all the indicators available to capture policies towards students in general, we are convinced that for the aim of this paper it was important to show the graphs for these policy areas separately. They clearly relate to different stages of an international student's life course: entry into the student status, rights as a student and the possibility to change their migration status after completing their studies.

5. Student migration policies: admission, stay and transition to the labour market

- *Admission and eligibility of international students*

The analysis with respect to admission and stay of international students for the 1999-2014 period shows that migration policies in the UK and Spain have shifted at particular moments to become more or less restrictive, while remaining largely unchanged in France. Figure 1 displays policy changes for the eligibility criteria available in the ImPol dataset in the three countries.

Figure 1. Changes in international student eligibility criteria (1999-2014)



Source: ImPol Database, means of indicators n. 23, 23a, 24 and 25.

In the UK and Spain, shifts between openness and restrictiveness often went together with changes in the governing party or coalition. In the UK, for example, Labour governments that were in power from 1997 to 2010 adopted an expansionary approach to student immigration by facilitating the entry of third-country students. In 1999, under the Initiative for International Education (PMI and PMI2⁴), Prime Minister Blair succeeded in doubling the number of countries sending more than 10,000 students per year to the UK, as well as increasing the number of educational partnerships between the UK and other countries. This set of policies framed students as “customers” for the higher education sector and, at the same time, beneficial contributors to the national economy. UK recognition of international students as a special group of migrants was made perfectly clear in 2009 with the introduction of a specific visa for students, the Tier 4 (T4). This has since constituted the primary route of entry for all international students taking post-compulsory courses running longer than six months, including PhD students. In 2008, however, policies on eligibility became more restrictive in the UK following a scandal denouncing the presence of a large number of “bogus colleges” on the official register of educational institutions. The tendency towards restrictiveness became sharper with the advent of the Conservative-led coalition and the current Conservative government, which have since pursued a net migration target that includes international students.

The Conservative government in the UK offers a particularly clear illustration of the liberal paradox suggested by Hollifield (2004). Whilst international student migration

⁴ PMI refers to the Prime Minister's Initiative for International Education, a five-year plan that lasted from 1999 to 2005. The plan was renewed (PMI2) and ran until 2011.

is rhetorically encouraged, the curtailing of net migration to the tens of thousands is simultaneously pursued. This is achieved by establishing several criteria and curtailments, such as increasing language and maintenance requirements that have the effect of selecting and controlling student immigration. Resources and efforts have also been focused on identifying “bogus students” and tackling so-called “abuses and misuses” of the student route (Consterdine, 2014). This has included increased scrutiny of educational institutions with a Tier 4 sponsor licence. While the government insisted that these policies would not dissuade “genuine students” from coming to study in the UK, the measures made it harder to obtain a student visa (Consterdine, 2014). From a new institutional viewpoint, the tension between openness and closure seems to be epitomized by the conflicting agendas of government institutions, i.e. departments. In the period under consideration, while the Department for Business and Innovation sought to encourage and solicit student immigration for the benefit of the higher education sector, the Home Office, whose remit includes immigration control, tried to stem the number of migrants including students through curtailments in rights and higher eligibility requirements. This resulted in open conflict on the policy between government departments, with Vince Cable, then Business Secretary, being particularly critical of the Home Office’s approach to international students (Hampshire and Bale, 2015).

An oscillation pattern is also evident in the case of Spain. Like with the Labour government in the UK, the policymaking of the Spanish Socialist party (2004-2011) and its design of the initiative *Estrategia Universidad 2015* (EU2015) were justified with two main arguments. The first was related to the economic contributions that universities make to the country’s socioeconomic progress; the other focused more generally on the concepts of “innovation” and “progress”. As the new institutionalist school argues, institutions matter when it comes to policy outputs, and reorganizing competencies can affect policymaking. Spain is an excellent example of this. Following the victory of the Conservative Party there in 2011, subsequent reorganization of the ministries working in the area⁵, and the considerable budget cuts, it became more difficult to advance towards the goals of the EU2015 (hiring foreign professors and researchers from abroad, reinforcing funding for migration programmes and creating international programs).

⁵ The previous Ministry of Science and Innovation used to have complete jurisdiction in the area of university education, research and innovation. That jurisdiction was later divided between the Ministry of Education, which handles everything related to universities, and the Ministry of Economy and Competition, which handles research and innovation.

Figure 1, consistent with the results of the qualitative analysis, shows a tendency towards more restriction after the Conservative Party came to power.

Nonetheless, encouraging student migration remains a priority for Spain, and acceptance of student immigration as economically positive continues to underpin policy discourse even under the Conservative government. This is possibly due to the fact that Spain is not yet receiving large numbers of student migrants so their presence is not felt as a phenomenon that should be “controlled”. Two changes in the legal migration framework have been implemented to favour internationalization: 1) the adoption of the Law 4/2013, which establishes a new type of visa and residence permit for academics as a particular type of highly skilled workers and, 2) reform of the higher education system in 2014 aimed to facilitate access to undergraduate foreign students.

In the case of France, we observe no significant changes in student eligibility criteria in the period under study (Figure 1). This could be due to the fact that there is a longer tradition of “selection” of international students in France, going back to the 1970s (Slama, 1999). After the considerable increase in student migration flows from former colonies and in response to the economic crisis, restrictions towards students coming from the global South were introduced and priority was given to students from Europe or other countries of the global North. Recently, students arriving at postgraduate levels of education have received a preferential treatment as the differences in the duration of the documents students receive illustrates: while undergraduate students are usually issued a long-stay visa between 3 and 12 months, students at the Master’s or PhD level have recently acquired the possibility to receive a multi-year permit (up to 4 years) (Law of July 22nd of 2013). Figure 1 does not show this last change because, as explained above, ImPol data do not contain information on policies exclusively targeting postgraduate students. As in the case of the UK and in contrast to Spain, in France a concern about the “seriousness of the studies” can be also observed, as expressed in the Circular of October 7th of 2008.

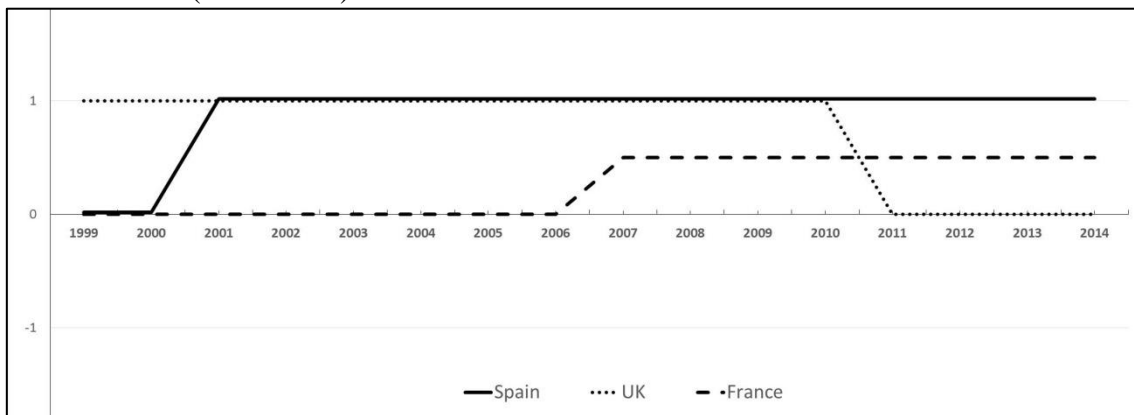
It is important to note that neither in Spain nor in the UK does the time a student remains in the country contribute to consolidate permanent settlement status, nor is it taken into consideration in applications to acquire nationality by residence. In France, the regulations are more complex: while the years spent in the country with “student” status do not count toward a permanent residency permit (*carte de résident*), the minimum residency requirement for naturalization is reduced from five to two years if the individual has successfully completed two years at a French higher education institution.

- ***In-country rights of international students***

Access to rights in the destination country — access to the social security system, for example, or the possibility of working while studying — is an important factor for international students’ well-being while studying abroad (Marginson et al., 2010; Marginson, 2011). Guaranteeing international student in-country rights thus increases the attractiveness of the given destination.

Figure 2 shows results on two indicators: the right to work and the right to bring family members over while studying.

Figure 2. Changes in right to work and to bring family over during study and the national labour market (1999-2014)



Source: ImPol Database: means of indicators 26 and 30.

In the UK these rights seem to be granted or withdrawn consistent with the intention to increase or decrease student inflows. The Labour government, for example, took a specific interest in postgraduate and government-sponsored students and in 1999 abolished the rule that students can only work part-time during their studies. In this way, they enabled international students to support themselves, thereby making the UK “a far more attractive destination” (UKCISA, 2008: 25). Conversely, the Conservative coalition chose to reduce student migration by restricting the right of postgraduate and government-sponsored students to bring dependants and by curtailing dependants’ rights.

In France, foreign students could work part-time prior to 2006 but had to apply for permission. The law of 2006 implementing the 2004 EU directive also made it easier for international students to work during their studies: they were allowed to work up to 60% of the annual statutory working time and no longer needed to apply for a work permit. Students’ right to family reunification is the same as for other non-student migrants; however, conditions are easier for post-graduate and PhD students with “researcher” status. In addition, foreign students are covered by the student social security

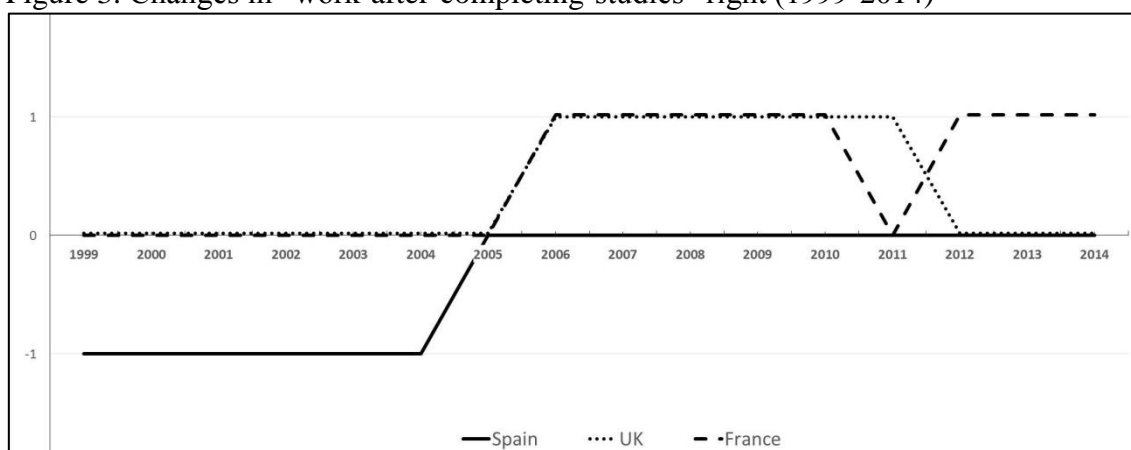
regime (paid for upon registration at the higher education institution) and have the same access to health services and housing allowances as other national students.

Since the introduction of the student visa in 1986, international students in Spain are allowed to work part-time as either employees or self-employed (extendable to full-time for a period of less than 3 months not overlapping with the study period). However, contrary to the French case, the resulting wages are not considered maintenance funds when applying for residence permit extensions or renewal. The Royal Decree 864/2001 of 20 July made it possible for international students to bring their families to Spain. They have the right to bring their spouses, unmarried partners and underage and/or disabled children, who are not allowed to work but receive a permit for the same period of time and under the same conditions as the main visa holder.

- ***Transition to the national labour market***

In the framework of the “knowledge-based economy” countries have sought to expand skilled migration, believed beneficial to the national economy (OECD, 1996). The “train and retain” formula (Suter and Jandl, 2008) promoting temporary or permanent settlement of students by facilitating their access to the labour market after graduation has become an appreciated and widespread strategy in achieving this goal (Dreher and Poutvaara, 2005). From the students’ perspective, if the decision to study abroad is part of a strategy to later gain entry into the receiving country’s labour market, being allowed to work after graduating is an important factor (Findlay and King, 2010). Figure 3 shows how this policy instrument has evolved in all three countries.

Figure 3. Changes in “work-after-completing-studies” right (1999-2014)



Source: ImPol Database: indicator n. 27.

In the UK, student policy was first closely linked to the UK labour market by way of the Labour government’s Initiative for International Education (Consterdine, 2015).

International students started to be considered a pool of soon-to-be skilled workers as well as a means to fill key skill shortages by capitalizing on the training and higher education provided by British institutions. The inspiration was the Scottish “Fresh Talent Scheme⁶”, which allowed science and engineering graduates to remain in Scotland for twenty-four months after obtaining their degrees even without a job offer and with no restrictions on type of work. The Labour government extended this right to all foreign UK graduates in 2006, allowing them to apply for a post-study work permit under the points-based system (PBS⁷). In 2007, the government went so far as to establish a separate type of visa for post-study work under the PBS (Tier 1 Post-Study Work, PSW) which did not require former students to pass the resident labour market test (Consterdine, 2014). Conversely, the Conservative coalition government abolished the PSW in April 2012 to ensure that student migration would be temporary.

The law of 2006 allowed students obtaining a Master’s degree in France to remain six months after completing their study to look for a job⁸. This measure aiming at making studies in France more attractive to specific profiles of students was part of a larger immigration reform aimed at facilitating the entry and stay of skilled workers, including students and academics, i.e. “chosen immigration” (“immigration choisie”), to meet the needs of the French economy. However, in 2011, the circular of 31 May known as the “Circulaire Guéant”, named after the Minister of the Interior, Overseas Territories and Immigration, attempted to limit the possibility for students to apply for a work permit at the end of their studies. The measure was heavily criticized by the academic community as well as leftist organizations, and was abrogated on 31 May 2012 under the new Socialist government following the victory of François Hollande. The fact that this restrictive measure lasted only one year in France may be interpreted to reflect the country’s economic interest in retaining international graduates, but also the realization that this measure negatively impacted on the image of French higher education

⁶ Established by the Scottish government in 2005, this scheme allowed non-EEA graduates from Scottish higher education institutions to work in Scotland for up to two years after completing their studies (Scottish Executive, 2005).

⁷ Under the PBS, 80 different types of visas were created and regrouped under 5 Tiers (some of which have since been closed) organized by skills. Each tier allots a different number of points depending on the different attributes assessed for the visa; to obtain it, then, applicants must score above the minimum established threshold.

⁸ In 2002 the government had already issued administrative circulars aimed to encourage administrations to allow some foreign students to transition to worker status, but implementation of these norms varied (Math et al., 2006).

institutions abroad. Following the repeal of the Circulaire Guéant, the period during which graduates with at least a Master's (or equivalent degree) were able to stay in France and look for a full-time job was extended to one year (non-renewable).

For a long time, Spain had no specific legislation on foreign students staying in the country after earning a degree. Since the end of 2004 (with the RD 2393/2004), international graduates can remain in Spain as employees. However, the employer must present the permit application and applicants must meet specific requirements, such as having lived in Spain for at least three years and not having received grants or scholarships from cooperation and development programmes in either Spain or their country of origin, a restriction that excludes some groups of students.

6. Discussion and conclusion

The objective of this paper has been to compare how student migration policies in three major European destinations – France, Spain and the UK – have evolved in order to evaluate whether policies in this area have or not converged, and the factors underlying these changes. Our analysis shows that since the late 1990s attracting international students has been a priority of public policies in all three countries, particularly in the first half of the 2000s. In achieving this goal, governments have resorted to similar instruments: loosening entry and stay requirements of immigration legislations, extending rights to work or possibilities for post-study transition to work. However, the actual direction and the timing of changes of the policies present important differences across the three contexts. Forces of convergence such as the international economic context/rationale, as well as supranational policy initiatives (EU level), have had a limited impact compared to the long-term dynamics/specific immigration history in each national context.

In all three destinations, there has often been an economic rationale behind the promotion of student migration. This attitude reflects a global trend of considering “knowledge” a crucial component of economic competitiveness. In this context, students seem to be figuratively seen as living containers of knowledge because once graduated they can become key drivers of development and economic growth. Their migration is thus increasingly interconnected with the labour market needs and economic goals of the destination countries. In all the countries, this willingness to attract students seems directly proportional to their level of education. These global tendencies generate convergent dynamics of a sort, with graduates and postgraduates often benefiting from more favourable conditions.

Our analysis also suggests the influence, albeit limited, of supranational policy initiatives, e.g. in the form of EU directives, on student migration policymaking. Though some EU directives have triggered the adoption of specific policies favouring student migration and/or increasing international students' rights in Spain and France, we see no convergent trend here. Moreover, the UK did not adopt these EU Directives and is not bound by them. It will be relevant in the future to see the effect of Brexit on the UK policies on student migration.

The results show that changes in policies often go hand in hand with changes in the governing party or coalition, i.e., shifts in ideologies and policy agendas (Consterdine, 2015). While Liberal parties have generally emphasized the idea of the benefits of increasing student immigration, having Conservative parties or coalitions in power has normally signalled a tendency towards restrictiveness. This is especially the case for the UK, where a tendency towards restriction in the last few years has been particularly evident. Whilst public attitudes toward immigration in the UK have long been antagonistic, immigration became a key election issue in the early 2010s (Duffy, 2014). Additionally, the Conservative government has responded to such concerns with increasingly drastic measures – the cornerstone being the net migration target itself. These measures have tightened the eligibility criteria and rolled back rights for international students. This has questioned the existence of a democratic deficit in policymaking on immigration (Freeman et al., 2013), showing how public attitudes actually seems to play an important role in constraining public policy on migration.

Interestingly, though the advent of a Conservative government in Spain has also made the entry of international students more difficult, it has not been accompanied by a reduction of students' rights and some efforts have even been made to facilitate their enrolment in Spanish higher education. This could be partly due to underlying differences between the two countries, which probably lie in their different immigration histories. Spain does not yet receive many international students from outside of the EU. In addition, international students in Spain do not benefit from specific and/or more favourable legislation. Thus, international students have neither been framed as a potential threat for security nor as a phenomenon that should be “controlled”, in contrast to the UK.

Although some similar trends appear in the French case, this country's student migration policies have been more stable in the period under study. France's historical background may explain the particular configuration of French policies towards

international students. On the one hand, French immigration policies have been marked by the concept of selection for a much longer period. On the other hand, according to Hollifield (1994), republicanism and the values attached to it are fundamental in explaining immigration policies in France. These two aspects may shed some light on the peculiarities of France, which once again, compared with the other two countries, appears particularly selective. Nonetheless, once they have entered, international students in France enjoy the same rights related to social security as native students and have more opportunities to remain in the country.

In light of our analysis, policymaking on student migration seems to constitute one of the best examples of the ‘liberal paradox’ theorized by Hollifield (2004), especially in countries like the UK and France where student inflows have been greater. International students do seem to be considered simultaneously a threat and an opportunity, and policymaking is marked by a continuous tension between ‘open’ and ‘closed’. International students are foreigners whose entry should be controlled and regulated to protect the national system and citizens from possible misconduct or illicit behaviour on their part. Nonetheless, the logic of the knowledge-based economy continues to affect policymaking in this area and generates a positive attitude towards this kind of migration. Interestingly, the paradox assumes different features in the two countries. In the last years in the UK, it is particularly visible in recent efforts to control student flows and, simultaneously, the active international commitment to its higher education sector abroad. In France, it is revealed by the important divergence between particularly selective policies at entry and policies that facilitate the post-study transition.

Our results show how the tension between the ‘open’ and ‘closed’ poles is sometimes artificially overcome by using concepts or pseudo-solutions that encompass both. This is the case with “selection”, which among other things, may consist in actively recruiting students from some world regions while imposing barriers on those from others. It may also imply relative openness towards tertiary students and graduates compared to other categories of migrants. Another example is related to the debates on the “real aim” of student migration, debates especially lively and widespread in the UK and France. These debates imply that “genuine” student migration exists and that it should be promoted and distinguished from fraudulent student migration, which should be blocked. Interestingly, they lead to a normative categorisation of international students reminiscent of the theoretical considerations of Geiger and Pécoud (2013) on ‘disciplining’ migration and the development of a new form of ‘governmentality’

encompassing techniques and procedures designed ‘to manipulate and discipline people's mobilities across borders’ (Geiger, 2013, p. 34). The expansion of transnational higher education services with campuses and programs based in the origin countries could also be considered emblematic of this tension. While the international marketing effort corresponds to the openness imperative that aims to increase the pool of potential students, migration control policies modulate the volume of immigrants allowed in (Levatino, 2016).

The institutional lens of our analysis has highlighted the importance of each country's immigration history, institutions and administrative reforms in shaping national student immigration policies. The analysis has also shown how the changing political orientation of the governing party plays an important role in migration policymaking. Nonetheless, future research can be pursued in many directions. Studies should look in greater depth at the idiosyncrasies of each case study and explore ways in which the existence of extreme-right parties and their weight in the national political arena may influence Conservative party policymaking on migration. The role of relevant interest groups, such as the academic community or the public opinion, in influencing student mobility policy-making could also constitute an object of further analysis. Due to growing international exposure of universities, policies on higher education have become essential for understanding student and skilled migration. In existing research, the two policy domains are usually treated as distinct. This paper encourages future research to look at them jointly in order to explore how they affect each other reciprocally. More studies are also needed to corroborate the effect of policy shifts on student migration and on the number of people who stay after graduation. For these kinds of endeavours, ImPol data could constitute a valuable tool and a rich source of information.

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