

# Assessment and recognition of the qualifications of third country nationals in Europe: Challenges and best practices

Conference for the European Migration Network: Overview and conclusions<sup>1</sup>

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## Background

The right to education is a fundamental human right. Moreover, educational attainment can have a direct impact on the well-being of individuals, communities and countries as a whole, which is why it is in the general interest to ensure that educational qualifications are transferable between countries. As international migration gains greater scope and impact, it has, however, become clear that there is an urgent need to review the practices related to the assessment and recognition of foreign qualifications. National educational systems vary greatly due to cultural, historical, socio-economic and religious environments, complicating the comparison of qualifications acquired in different countries, and in turn the procedures of assessment and recognition of educational qualifications. In an attempt to tackle this discrepancy, countries and international organisations are focusing on increasing transparency, efficiency and comparability in the procedures and principles used to assess and recognise foreign qualifications.

Formal recognition practices in Europe are regulated by several international agreements which lay down different rules and practices for assessing and recognising academic and professional qualifications:

- In the field of academic recognition, the key legal instrument is *The Convention on the Recognition of Qualifications concerning Higher Education in the European Region* – usually referred to as **the Lisbon Convention**. It was developed by the Council of Europe and UNESCO and adopted in 1997 by more than 30 countries, including Estonia. The Lisbon Convention establishes the requirement for competent agencies and the principles of assessment for signatory states.

- The main legal instrument in professional fields, however, is the *Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications*. It establishes the rules on the mutual recognition of professional qualifications between the EU, non-EU EEA countries and Switzerland. The directive provides, on the one hand, for **automatic recognition** for some professions whose minimum training conditions are harmonised at the European level (doctors, nurses responsible for general care, dentists, veterinary surgeons, midwives, pharmacists and architects) and, on the other, the **general system** for other regulated occupations, access to which is granted after professional recognition procedures and for which countries may require individuals to undertake an adaptation period or an aptitude test.

Improving the practices of assessment and recognition of qualifications has become particularly important in midst of the current **refugee crisis** in Europe. Article VII of the Lisbon Convention stipulates that

*“...each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.”*

Currently only a handful of signatories have the necessary instruments to do so.

<sup>1</sup> The conference was held by the European Migration Network Estonian Contact Point on 3 November 2016 in Tallinn.

<sup>2</sup> Full text of the Lisbon Recognition Convention is accessible here: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/165>

The conference organised by the European Migration Network (EMN) National Contact Point (NCP) for Estonia addressed this and many other challenges, offering a platform for countries to exchange ideas and best practices.

## Recommendations

1. Countries need to devise both **temporary crisis measures**, equipping them with the means to tackle new challenges that have arisen as a result of the current refugee crisis, and also a **long-term strategy** that would ensure that they would have the necessary capabilities to cope with growing demand for recognition as international migration increases.
2. The new system should be **transparent, efficient, fair and sustainable**.
3. The purpose of assessment and recognition of foreign qualifications should be determining **the function of a qualification**.
4. Countries that have signed and ratified the Lisbon Convention need to **accelerate the harmonisation process** of their domestic legal frameworks with **Article VII**. Any delays may hinder successful integration of refugees, causing socio-economic and other problems down the line.
5. Governments also need to pay attention to **informal societal recognition** by encouraging employers and higher education institutions to recognise and value employees with foreign qualifications.
6. Due to the changing nature of the 21<sup>st</sup> century educational landscape, it is necessary to devise systems of assessment and recognition for **unconventional education**.

## Panel summaries

### Welcome speeches

The conference was opened by the **Secretary-General of the Estonian Ministry of Education and Research, JANAR HOLM, the Deputy Secretary-General of the Ministry of the Interior, RAIVO KÜÜT, and the Coordinator of the EMN Estonian Contact Point, MARION PAJUMETS**, who all stressed the importance of improving assessment and recognition practices in an increasingly mobile world. This is an aspect of immigration that is often overlooked, yet is critical to achieving the positive consequences of migration for everyone involved. A well-functioning system at the European level would create the necessary conditions for a **win-win situation** whereupon countries can both mitigate labour market tensions due to the ageing workforce, while also facilitating the successful socio-economic integration of third-country nationals to receiving countries.

Opening speeches also touched upon the urgency deriving from the current refugee crisis unravelling in Europe. This has created a demand for a more flexible system. Most national procedures rely heavily on the evaluation of original documents, but many war refugees arriving in Europe do not have these documents with them. Countries have begun to address this problem, but there is a long way to go before all member states have the capacity to do this.

All opening speakers hoped that this conference would be a platform for sharing experiences and learning from each other, encouraging further collaboration between countries to create a system that is **transparent, efficient and fair**.

### Panel I. International legal instruments and policies for assessment and recognition of third country qualifications

The first panel focused on supranational legal instruments in the assessment and recognition of qualifications, namely the Lisbon Convention and Directive 2005/36/EC. **ANA CARLA PEREIRA**, the Head of the **Skills and Qualifications Unit at DG Employment, Social Affairs and Inclusion at the European Commission**, emphasised the need to differentiate between **formal recognition** and **informal societal recognition**. The aim of formal recognition is to determine through the identification of a person's prior educational achievements his or her suitability to work in certain occupations or to pursue further education. Societal recognition, however, refers to the willingness of employers and educational institutions to acknowledge the value of foreign qualifications and to recruit such workers and students as equals.

In Europe, **the basis of formal recognition is the assessment of educational outputs**. The focus is not on the name of the degree, the specific curriculum or the length of study, but on the outcome. In other words, what does the qualification allow one to do in terms of work and further studies in his/her home country?

This is true both for academic and professional recognition. **TIIA RAUDMA**, Adviser at the **Estonian Ministry of Education and Research**, suggested that although Directive 2005/36/EC on the recognition of professional qualifications is applicable only for EU citizens, the same principles should be also used to assess and recognise professional qualifications



Photo 1. Tiia Raudma.

from third countries. The system envisioned in the Directive focuses on overcoming the differences between foreign and national qualifications rather than on the outright exclusion of aliens from accessing the labour market or further education. If the authorities find significant differences between qualifications, they can require the individual to undertake an **adaptation period** or an **aptitude test**.

Alongside traditional qualifications that students have acquired as part of a formal educational system, the representative of the European Commission also drew attention to the growing **need to assess and recognise unconventional diplomas and qualifications**. Most countries currently recognize only qualifications that have been obtained through formal education, but the educational landscape of the 21<sup>st</sup> century is changing rapidly with new alternative types of education emerging, including academic courses offered by universities globally through websites like Coursera and edX. This is creating new challenges, which is why the European Commission has asked the Member States to devise necessary legal instruments by 2018. Currently only 5 countries are on track to meet this target.

Overall it can be said that Europe is prioritising these issues. This can be witnessed by the development of '*Skills Agenda for Europe*', which seeks to (1) improve the quality and relevance of skills formation, (2) make skills more visible and comparable, and (3) improve skills intelligence and information for better career choices.<sup>3</sup> The Commission is also

3 European Commission (2016) A New Skills Agenda: Working

in the process of revising the Europass Framework and developing a '*Skills Profile Tool Kit for Third Country Nationals*' to support early identification and profiling of skills and qualifications of asylum seekers, refugees and other migrants.

## Panel II. Best practices from Europe

In the next panel, the focus shifted from supra-national legal instruments to reviewing the best practices across Europe, specifically in Sweden, Norway and Luxembourg. Despite the differences between countries, many European countries currently face similar challenges. The main problems in the field of recognition are the increasing number of applications for formal recognition, the limited integration of educational systems, difficulties with assessing incomplete education and carrying out recognition without all the necessary documents.

The ability to carry out formal recognition with limited or without any documentary evidence in particular has become a pressing issue due to the refugee crisis in Europe. Article VII of the Lisbon Convention stipulates that signatories devise a system, capable of assessing the skills and prior education of refugees, without the necessary documents, to ensure their access to employment and further education. Until now, only a few countries have fully adopted this Article into their national legislation (e.g., the Netherlands).

**Sweden**, however, is rapidly moving towards having the necessary measures in place. The representative of the Swedish ENIC/NARIC, **CECILIA GEORGE**, introduced the system of recognition currently in use for individuals who have partial or no documentation. In both cases, the individual applying for recognition has to make a **sworn statement**. If some original documents can be obtained, the Swedish ENIC/NARIC issues a **recognition statement**. If, however, all documentary evidence is missing, then the Swedish ENIC/NARIC issues a **background paper**, which is a descriptive account that comes with a disclaimer that they were unable to carry out formal recognition procedures fully due to a lack of documentary evidence, yet stating that this is what they believe to be the **Swedish equivalent of the claimed qualification**. This type

together to strengthen human capital, employability and competitiveness. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. European Commission: Brussels. Accessed at: <http://ec.europa.eu/social/main.jsp?langId=en&catId=1223>

of recognition is relatively new and it is too early to assess whether background papers are seen as sufficient evidence by employers and educational institutions.

**ROLF LOFSTAD** from NOKUT (the Norwegian Agency for Quality Assurance in Education) noted that Norway has been issuing similar background papers since 2005 but the process is slightly different. Norway's **UVD-procedure**<sup>4</sup> is based on in-depth interviews with relevant disciplinary experts who are asked to evaluate applicants' knowledge and skills. This allows relatively accurate assessments, but can be a resource-heavy process, which is why **Norway** has begun to develop a new instrument that would allow Norway and other European countries to assess skills and qualifications more easily. This instrument, inspired by the historical Nansen Passport, is known as the **Qualifications Passport for Refugees**. During the pilot period, more than 20 passports like this were issued, which incorporated information on educational qualifications, work experience and language skills. This is not a formal recognition document, but a temporary measure that expires after 3 years or sooner if the individual applies for formal recognition. This semi-formal instrument is a useful measure at a time where the number of refugees is growing rapidly and formal procedures are too costly.

Most other European countries have not yet developed state-level instruments for recognition without the necessary documentation. Instead, universities and employers have had to devise their own in-house practices to deal with such situations. This is the case also at the University of Luxembourg, where **internal procedures** have been created to facilitate the enrolment of refugee students. The university established a working group, which has developed practices to assess the prior knowledge and skills of such applicants as well as an integration programme. **ADOLFO SOMMARRIBAS**, Research Associate at the University of Luxembourg, was directly involved in the process, emphasized that the university assesses **prior knowledge** rather than recognising prior qualifications. If the applicant's language skills are deemed sufficient, a committee consisting of three members of university staff is formed. Each appointee conducts a separate interview with the applicant, assessing his/her prior knowledge in the relevant discipline and proposing to either accept the applicant, and at which level, or to reject the applicant altogether.

Although it is necessary to develop instruments for recognition without necessary documentation, both **GUNNAR VAHT** from the Estonian ENIC/NARIC

4 "Uten verifiserbar dokumentasjon" – "without verifiable documentation"



Photo 2. Gunnar Vaht, Katrien Bardoel, Karolina Lindholm Billing.


	Passport No. 47XXXXXX	Educational background / highest educational qualification achieved 2005: Bachelor of Civil Engineering, University of Damascus, Syria (4 years higher education)
	Date of issue 28.10.2015 Date of expiry 28.10.2018	
Family name M Given name Sonia Previous name, if any N/A Date of birth 01.01.1982	Sex F Country of origin, place of birth Syria, Homs	Language proficiency Native language: Arabic Other languages: English, French
Signature Sonia M	National education system (description of the educational system in the country where the highest qualification was taken) Information/guidance on further recognition procedures available from ENIC-NARIC offices. Link to the ENIC-NARIC website	

Figure 1. Illustrative image of NOKUT's Qualifications Passport for Refugees.

and **KATRIEN BARDOEL** from the Dutch EP-Nuffic noted in the following panel discussion that in practice it is not that common that an individual has no documentation at all. ENIC and NARIC networks generally have the necessary capability to obtain an adequate amount of information to carry out formal recognition, at least partially. The main problem, instead, was believed to be **diverging practices** in recognition without full documentation across Europe.

**KAROLINA LINDHOLM BILLING** from the Office of the United Nations High Commissioner for Refugees (UNHCR) noted that besides focusing on the practical side and instruments, it is important to acknowledge the **psychological importance** of recognition as it impacts the self-esteem of refugees. **ROLF LOFSTAD** from NOKUT also raised this point, stressing that recognition is more than a technical exercise, but a **way of recognising the value of the person behind the qualification** and hence important in building inclusive societies. A recent worrying study from UN RICE (Refugee Integration Capacity and Evaluation in Europe) in Sweden,<sup>5</sup> however, found that refugees feel that their qualifications and degrees

5 UNHCR.2013. A New Beginning: Refugee Integration in Sweden. It's About Time. Accessible: [http://www.unhcr-northerneurope.org/uploads/tx\\_news/A\\_NEW\\_BEGINNING\\_-\\_Refugee\\_Integration\\_in\\_Sweden\\_Its\\_about\\_time.pdf](http://www.unhcr-northerneurope.org/uploads/tx_news/A_NEW_BEGINNING_-_Refugee_Integration_in_Sweden_Its_about_time.pdf)

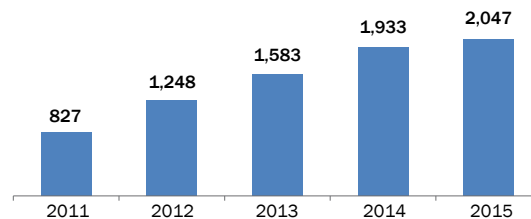
from, say, Damascus are not valued and recognised to the same degree as those from Paris or Stockholm. It is thus necessary for governments, employers and educational institutions to do a better job in acknowledging the value created by refugees and third country nationals.

### Panel III. Past experience and new developments in Estonia

The last panel of the day focused on the situation in Estonia. Similarly to many other European countries, assessment and recognition of qualifications is regulated in Estonia by the Lisbon Convention, signed by Estonia in 1997 and ratified in 1998, and Directive 2005/36/EC. The most important national regulation governing academic recognition is a ministerial decree No. 89 on “Regulations concerning the assessment and academic recognition of foreign educational qualifications and the use of the names of foreign qualifications” of April 6, 2006. Additional relevant laws and regulations include the Education Act of 1992 and a ministerial decree No. 120 “Correspondence of qualifications issued in the Republic of Estonia and qualifications issued in former USSR prior to 20.08.1991” of June 6, 2005.

In Estonia, the recognition of **academic qualifications** by third country nationals is procedurally similar to recognising qualifications from other European countries. The Estonian ENIC/NARIC assesses what is the appropriate national equivalent to the foreign academic qualification and issues a formal recognition statement based on this.<sup>6</sup> The Head of the Estonian ENIC/NARIC, **GUNNAR VAHT**, pointed out that Estonia has sought to **minimise bureaucracy** and **simplify assessment procedures**. If in the past, the focus was mainly on inputs (for instance, the content of curricula and the conditions for graduating), then since 2012, however, the main criterion has been the **function of qualification** – in other words, what are the rights associated with it and what does it allow

<sup>6</sup> The exact criteria for which has been established in the Lisbon Recognition Convention and related documents. Concurrently the original title of the degree or qualification has to be used. It is also important to note that Estonia has automatic mutual recognition agreements with four countries – Latvia, Lithuania, Ukraine and China.



**Figure 2. Number of qualifications assessed at the Estonian ENIC/NARIC.**

you to do in your home country after graduating?

A major problem in the field of recognition is the **rapidly growing number of applications**

by **third country nationals** for recognition. This is true for the Estonian ENIC/NARIC, but also for Estonian higher education institutions. Universities and private entities have a right to carry out assessments of foreign qualifications internally if they believe they have the necessary competence. This has become a relatively common – and often expected – practice. **ÜLLE TENSING** from the University of Tartu noted that although they have 2-3 competent experts at the University capable of carrying out relevant assessments, they get more than 2,500 international applications, which forces them to turn to the Estonian ENIC/NARIC frequently for additional support. An additional problem many Estonian universities face relates to the differences in qualification issuance times that might mean that

**necessary documents may not get to Estonia in time** for a foreign student to be enrolled in September.

The recognition of professional qualifications takes place in two stages: firstly, academic recognition and, secondly, professional recognition. Professional recognition is particularly important when the individual seeks to work in regulated occupations and is carried out by an appointed **competent authority**. Since the requirements for the same profession in different countries may vary significantly, the competent authority has to evaluate the qualification’s compatibility with national regulations for someone practicing in the regulated field. In the case of significant differences, there is the possibility to implement **compensation mechanisms**, for example, an aptitude test or an adaptation period.

**MARGUS HAIKAK, Ministry of Education and Research**, explained that the multi-staged nature of the recognition of professional qualifications is partly due to the general nature of regulated professions and noted that entry barriers exist also for nationals.

The representative of the **Estonian Health Board**, **EVI LINDMÄE**, the competent authority for health professionals, noted that professional recognition in healthcare can be incredibly difficult, because there is a lot of specialisation and **specialised medical licensing tests are conducted only in Estonian**. Many foreign health professionals are hence forced to take the general licensing test, which is available also in other languages, and then have to acquire Estonian language skills before they can take the necessary aptitude test in the area of their expertise. This means that in practice full professional recognition can take years. This is highly-problematic – not only for the applicants, but for Estonia as a whole as the country is experiencing a rapid outflow of medical personnel.

**EERO JANSON, Estonian Refugee Council**, shared the experience of a refugee, who is qualified to work as a paediatrician, yet is currently stuck in low-skilled occupations. Even if academic recognition has taken place, professional recognition procedures are both time-consuming and expensive, requiring the individual to acquire Estonian language skills and to save up money to pay formal registration fees.

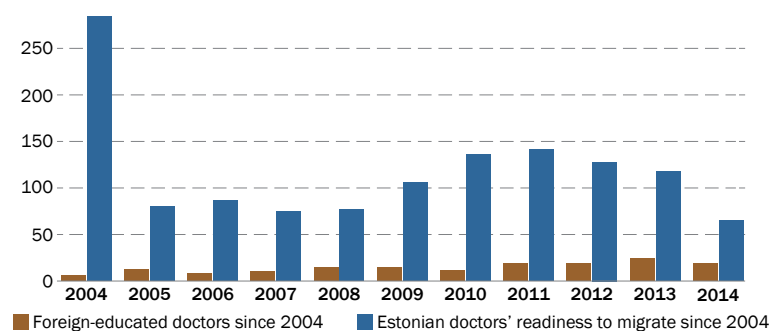
**LIIS VALK** from the **Estonian Police and Border Guard Board (PBGB)**, however, raised the concern that employers in industries with a critical workforce shortage, including healthcare, are willing to hire individuals with less experience and lower skills than is in the public interest. For instance, a hospital recently hired a foreign medical doctor, whose competence and qualifications had been called into question by another hospital, without imposing any additional compensation measures or tests.

The representative of the **Technical Regulatory Authority**, **LIIS PIPER**, added that in some regulated occupations formal recognition procedures may not be sufficient to assess the competence of a worker. In construction, for instance, it is not simply the formal education that matters, but also their work experience and a sound knowledge of the national building code. The current professional recognition procedures do not assess these parameters and, instead, leave it to the employer.

**Estonia is also one of the countries that has not harmonised Article VII of the Lisbon Convention with its national legislation**, yet the Estonian ENIC/NARIC confirmed that they are capable of academic recognition with partial documentation. The plan then is to issue a recognition statement similar to the one used in Sweden. If all the nec-



**Photo 3. Conference attendees.**



**Figure 3. Third country doctors registration and emigration readiness.**

essary documentation is missing, however, the Estonian ENIC/NARIC is unable to issue a recognition document. In practice, however, there have been no such instances in Estonia. Instead, most refugees in Estonia have had all the necessary documents, meaning that regular academic recognition procedures were used to carry out assessments.

When it comes to **professions that are not regulated**, professional recognition by a competent authority is not necessary. Instead, however, the degree of informal **societal recognition** by employers and universities may become an issue.

### Closing remarks

**GUNNAR VAHT**, the Head of Estonian ENIC/NARIC and Archimedes Foundation, presented the main conclusions of the EMN conference. The key takeaways were:

- The **greatest challenges** in assessment and recognition continue to be **legal** – most European countries are unable to recognise foreign qualifications if the necessary documentation is partial or missing altogether.
- There is an urgent need to devise better instruments to cope with this issue as more and more refugees are making their way to Europe.

Refugees have a lot of potential to contribute and we should **aim to facilitate their access** to both labour market and further education.

- All signatories of the Lisbon Recognition Convention **need to harmonise Article VII with their national legislation** as soon as possible.
- Recognition of foreign professional qualifications is a particularly **sensitive topic** as it is still

relatively common to think national education and qualifications are superior to those acquired from elsewhere. This is why it is also important to **combat the existing biases**.

- Our common challenge is to **simplify assessment and recognition procedures without sacrificing in quality**. This is why it is important to find better platforms to learn from each other. ■



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The European Migration Network (EMN), established by the Council of the European Union in 2008 and co-ordinated by the European Commission, is a network for information collection and exchange on migration and asylum issues, comprised of National Contact Points (EMN NCPs) and national networks of relevant stakeholder organisations.

The EMN plays a key role in providing up-to-date, objective, reliable and comparable information on migration and asylum topics to policy makers (at EU and Member State level) and the general public.

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# Assessment and recognition of the qualifications of third country nationals in Europe: Challenges and best practices

Conference by the EMN Estonian National Contact Point on 3 November 2016 in Tallinn

## PROGRAMME

- 10:10-10:30 Registration  
 10:30-11:00 Opening speeches  
 10:30-10:40 Ministry of Education and Research – Janar Holm, Secretary General  
 10:40-10:50 Ministry of the Interior – Raivo Küüt, Deputy Secretary General for Public Order and Migration Policy  
 10:50-11:00 European Migration Network – Marion Pajumets, Coordinator at the Estonian National Contact Point for EMN

### Panel I. International legal instruments and policies for assessment and recognition of third country qualifications

- 11:00-11:25 EU tools for recognition and transparency of third country qualifications – Ana Carla Pereira, Head of Unit Skills and Qualifications, DG EMPL, European Commission  
 11:25-11:55 What the EU system for the recognition of professional qualifications teaches us about the recognition of third country qualifications – Tiia Raudma, Advisor at the Ministry of Education and Research  
 11:55-12:40 Lunch

### Panel II. Best practices from Europe

- 12:40-13:05 The challenge of missing documents – Swedish experiences in assessment and recognition of qualifications – Cecilia George, Swedish ENIC/NARIC, Swedish Council for Higher Education  
 13:05-13:30 Norwegian best practices in assessment and recognition of qualifications, and the concept of European Qualifications Passport for Refugees – Rolf Lofstad, Deputy Director of Foreign Education, Norwegian Agency for Quality Assurance in Education (NOKUT), Norwegian ENIC-NARIC  
 13:30-13:55 University of Luxembourg's experiences in recognition of qualifications of refugees – Adolfo Sommarribas, Research Associate, Luxembourg National Contact Point for EMN  
 13:55-14:25 Panel discussion: Lessons learnt by countries experienced in the field

- Gunnar Vaht, Estonian ENIC/NARIC, Archimedes Foundation;
- Katrien Bardoel, EP-Nuffic (Netherlands);
- Karolina Lindholm Billing, UNHCR Regional Representation for Northern Europe.

14:25-14:50 Coffee

### Panel III. Past experience and new developments in Estonia

14:50-15:20 The procedure of assessment and recognition of foreign qualifications – The case of Estonia – Gunnar Vaht, Head of Estonian ENIC/NARIC, Archimedes Foundation

15:20-15:40 Experiences of the University of Tartu in enrolling students from third countries and recruiting third country nationals – Ülle Tensing, Senior specialist for International Studies, Office of Academic Affairs at the University of Tartu

15:40-16:00 Health Board's experiences, challenges and plans for recognising medical qualifications of third country nationals – Evi Lindmäe, Head of Health Care Professionals and Licensing Department at Health Board

16:00-16:30 Panel discussion – How could Estonia move faster from the current stage to the next level?

- Maarja Kerner, Health System Development Department, Ministry of Social Affairs;
- Margus Haidak, Higher Education Department, Ministry of Education and Research;
- Liis Piper, Technical Regulatory Authority.
- Liis Valk, Police and Border Guard Board's office for identity and statuses;
- Eero Janson, Estonian Refugee Council.

16:30-16:45 Closing of the conference  
 Gunnar Vaht, Head of Estonian ENIC/NARIC, Archimedes Foundation; Marion Pajumets – Coordinator at the EMN Estonian Contact Point



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