



Ministry of Education, Culture and
Science

Letter of 21 April 2023 from the Minister of Education, Culture and Science to the House of Representatives on managing the influx of international students in higher education

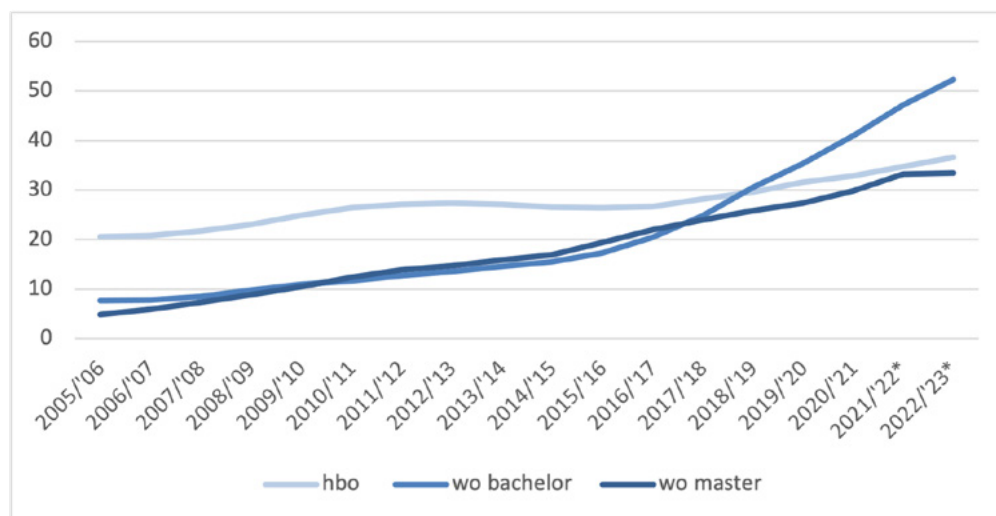
The international dimension of higher education and research is invaluable for students, educational institutions, society at large and our knowledge-based economy. International students make up a significant proportion of the student body at outstanding universities all over the world, and their impact is felt far beyond the national domain. The strong international dimension of our own higher education institutions contributes to a rich learning environment that broadens Dutch students' horizons. And this in turn helps consolidate the Netherlands' position as a key player in the global economy and in tackling major global challenges, such as in the areas of energy, climate and security. These are issues on which we naturally seek a collaborative approach. The international outlook of the Dutch scientific community – and, more broadly, our society and knowledge-based economy – is unparalleled, while parts of our labour market, especially in strategic growth sectors, depend on highly skilled migrants.

Internationalisation is a highly dynamic force in Dutch education. The number of students in Dutch higher education (universities and institutions for higher professional education (HBOs)) has grown strongly from around 700,000 in 2015 to almost 820,000 today.¹

A significant proportion of this growth is due to the increasing number of international students, particularly at universities. In the 2021/2022 academic year, some 115,000 international students were enrolled in a Dutch higher education course² and 40% of incoming university students came from outside the Netherlands (compared to 28% in 2015). According to Universities of the Netherlands (UNL), international students made up 23% of the total student population at Dutch universities in that academic year. This figure includes both students from countries in the European Economic Area (EEA) and students from outside the EEA (non-EEA students). A clear trend is visible of more and more international students seizing the opportunity to do one or more modules, a work placement or an entire course of study in the Netherlands.

This growth comes as no surprise: the quality, accessibility and labour-market alignment of our higher education courses are internationally renowned. Another reason for the growing number of international students in the Netherlands is the fact that more and more courses are taught in English. Moreover, very few courses have restricted enrolment. The reintroduction of the basic student grant as of the 2023/2024 academic year may also attract more international students to the Netherlands.

Figure 1. Total number of international students (x 1,000)³



* provisional data

1 Statistics Netherlands, higher education; number of enrolled students by type of education, type of degree and type of enrolment; 10 March 2023.
 2 Statistics Netherlands, '40 percent international first-year students at Dutch universities', 18 March 2022.
 3 Statistics Netherlands, '40 percent international first-year students at Dutch universities', 18 March 2022.

In recent years concern has mounted about the unchecked pace of internationalisation, both in education and, more broadly, in the workplace and the community. Overflowing classrooms and heavy workloads for teaching staff are putting pressure on the quality of higher education. In addition, various English-taught courses are threatening to become less accessible to Dutch students. Student housing is a problem in the bigger cities in particular, where students have great difficulties finding accommodation at the start of the academic year. These developments detract from the positive experience that higher learning and student life in the Netherlands should be.

These are only a few of the factors that underscore the need to strike a better balance in the higher education system with regard to internationalisation. We need to beware of letting things run their course until it is too late, in other words allowing the quality of our education to come under so much pressure that it undermines our leading international position. Striking a balance requires a strategic reappraisal of internationalisation and talent exchange – recognising the major added value of internationalisation on the one hand while safeguarding the long-term quality, accessibility and efficiency of the higher education system, also in relation to its cost to society.

We should be proud of the many strengths of the Dutch higher education system, of which international students are an integral part. In order to sustainably embed internationalisation in the system we need a multiyear, targeted approach that allows us to control the speed, but above all, the direction of developments. In other words, we need a set of instruments that can boost the advantages of internationalisation while minimising its negative effects and that enables us to take specific, strategic steps based on a vision of the whole system – including if circumstances change in the future. The system should be adaptable to change, yet remain balanced during the process, so that it is resilient to big or sudden shocks.

What this means, too, is that the set of instruments must acknowledge the system's diversity. There should always be scope for courses tailored specifically to the international labour market and small-scale, traditionally international programmes such as those offered by university colleges and fine arts academies. Similarly, scope should always be provided for responding to labour market shortages, addressing regional differences, and meeting specific needs of the community and the regional

labour market. The House also emphasised these points during the debate on this subject on 31 January 2023. Obviously, higher education institutions located in border regions are in a different position regarding internationalisation.

I am also aware of the differences between HBO institutions and universities as regards the extent of internationalisation and the differences between the various degree levels. International students generally make up a smaller share of the student population at HBO institutions, with a few specific exceptions, and the vast majority of HBO courses are taught in Dutch. This does not mean, however, that strategic action is not necessary at HBO level in order to the type of urgent problems that are currently affecting universities. This letter deals only with higher education, i.e. HBO institutions and universities, but the broader discussion about internationalisation should cover all forms of further education, including secondary vocational education (MBO). MBO offers fantastic opportunities for international exchanges of students and teachers, which could be promoted in close cooperation with the business community. Indeed, the scenario study which is currently being performed looks at the entire spectrum, from secondary vocational education to higher education and scientific research.

In any case, difficult and targeted decisions will need to be made. In this, I will exercise my ministerial responsibility for the system, but I also expect the sector to make choices that take account of the interests of the entire system.

While existing legislation already offers a number of instruments that could be used to control numbers of incoming students, notably from abroad, experience shows that these have insufficient effect. I have identified at least five essential additional elements to be fleshed out in a package of measures capable of restoring equilibrium within the system: (1) funding, (2) centralised coordination, (3) student recruitment and accessibility, (4) language, and (5) making better use of the benefits of internationalisation.

This letter does not contain proposals for funding measures. This is because any change to the current funding model would not only affect internationalisation, but also have broader system-wide implications, such as reduced student numbers, macro-efficiency, marketing and employment (including impact on regional labour

markets). At the same time, we recognise that the current funding will not be able to keep pace indefinitely with the growing numbers of international students. Student enrolment figures should therefore be considered against this broader backdrop. Possible funding measures will be proposed in my policy response to the scenario study, which I expect to present to the House after the summer. I do, however, want to initiate action on the four other elements. The following concrete measures are explained in detail in this letter:

- i. *centralised coordination of internationalisation in higher education*
- ii. *statutory frameworks for:*
 - a. restricted enrolment for specific pathways taught in another language than Dutch within a Dutch-taught course
 - b. restricted admission of non-EEA students in the event of capacity shortages
 - c. promoting proficiency in Dutch among all students in all courses, and introducing a mandatory assessment of courses taught in a language other than Dutch
- d. *clarifying the current language requirements*
- i. *administrative agreements with the education sector on matters including recruitment, guiding international students towards the Dutch labour market, student housing and the main language used in educational institutions*
- ii. *tightening up accreditation frameworks*
- iii. *continued support for ongoing actions in regard to internationalisation.*

Finally, with regard to the Language and Accessibility (Higher and Vocational Education) Bill (*wetsvoorstel Wet taal en toegankelijkheid*, WTT bill), it follows from the above that I do not intend to continue with this bill, contrary to the request set out in the adjourned motion submitted by MP René Peters.⁴ This is because I wish to draft more rigorous policy on internationalisation than is provided for in the WTT. If the WTT came into force, it would very quickly need to be updated. From the viewpoint of good governance, I consider this unnecessarily burdensome for the educational institutions concerned, students and

other stakeholders. While the WTT contains a number of elements that would tie in well with the instruments proposed in this letter, others are insufficient or lacking. For instance, the WTT does provide scope for restricted enrolment for non-Dutch courses, but would only allow this for three consecutive years, combined with a duty on the institution concerned to adapt the number of places to demand. This is not in line with my proposal for a permanent restriction. In the interests of legal certainty and transparency, I am choosing to incorporate all the policy set out in this letter in a single bill, to be presented in due course.

Structure of this letter

For a good understanding of the current situation I will briefly sketch how the thinking on internationalisation has developed over the past years, followed by an outline of the principles and considerations that form the basis for the steps I am taking. I will then describe the elements of an effective package of measures, as listed above, followed by an explanation of the proposed measures, the next steps and a provisional timetable.

The House has in recent years repeatedly asked the government to address certain issues relating to internationalisation in higher education. For instance, the House has expressed its concern about the widespread use of English by higher education institutions⁵ and its wish for explicit requirements in this respect in the accreditation framework.⁶ During the debate on the budget in late November 2022, the House also expressed concern about the imbalanced ratio of foreign to Dutch students, pointed to the need for legislation to limit the number of incoming international students and called for a halt to the active recruitment of students from abroad.⁷ This letter contains my response to the various motions passed by the House and a report on the undertakings that I previously gave.

4 [Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1021. Motion submitted by MP René Peters.](#)

5 [Parliamentary Papers, House of Representatives 2019/20, 31288, no. 857. Motion submitted by MP Harry van der Molen.](#)

6 [Parliamentary Papers, House of Representatives 2022/23, 31288, no. 978. Motion by submitted MPs Harry van der Molen and Hatte van der Woude.](#)

7 [Parliamentary Papers, House of Representatives, 2022/23, 36200 VIII, nos. 76 \(motion submitted by MP Hatte van der Woude\), 83 \(motion submitted by MPs Peter Kwint and Harry van der Molen\), 114 \(motion submitted by MP Nicki Pouw-Verweij\).](#)

I thank the House for their input during our debate on this subject on 31 January 2023. This letter deals with a number of specific measures and actions requested during that debate:⁸

- developing standards on promoting proficiency in Dutch and the use of Dutch (in particular with regard to section 1.3, paragraph 5 and section 7.2 of the Higher Education and Research Act (WHW));
- delegating more responsibility to the educational institutions for housing international students if they continue recruiting these students;
- investigating the extent to which Dutch graduates of English-taught courses use English and/or Dutch in their job; and
- developing a knowledge base and a monitoring tool which also deal with language proficiency, in order to find out to what extent higher education institutions succeed in retaining international students for the Dutch labour market (as requested in the motion submitted by MP René Peters).

This letter also contains concrete proposals for consideration by the House concerning:⁹

- housing, mental health and loneliness, migration, labour-market and economic policy, as indicated in the motion submitted by MPs Habtamu de Hoop and Stieneke van der Graaf;
- international students' ties with the Netherlands and the Dutch labour market after graduation, particularly with regard to their 'stay rate', in line with the motion submitted by MPs Hatte van der Woude and Stieneke van der Graaf;
- restricted enrolment, applicable indefinitely, for certain courses.

This letter also implements the motion by MP Harry van der Molen concerning the enforcement of the statutory provision on the use of Dutch in higher education.¹⁰ Finally, this letter also fulfils the undertaking given to MP

Habtamu de Hoop to further examine the conditions under which migrant workers can obtain student finance, also known as the 56-hour norm.¹¹

Context of the debate on internationalisation

The wish to optimise and strike a balance with regard to internationalisation – and the debate on this issue – is not new. In 2018 my predecessor shared key considerations with the House in her letter on balanced internationalisation in education.¹² In the past several years, internationalisation in higher education has grown strongly and this has also caused something of a shift in how it is viewed. The 2019 Interministerial Policy Review (IBO) entitled 'Internationalisering van het (hoger) onderwijs'¹³ ('Internationalisation in higher and vocational education') noted that international students are assets for the field of research, the economy and the labour market in the Netherlands. At the same time, the report noted that continued growth in the number of international students would increase risks with regard to, in particular, the system's absorptive capacity and funding.

By now, the situation at various locations and institutions and in various courses is off-balance and the absorptive capacity has been reached. This is particularly the case at universities. Partly in response to previous calls in the House to temporarily suspend the active recruitment of foreign students and the motion submitted by MPs Peter Kwint and Harry van der Molen¹⁴ to implement this in collaboration with the Vereniging Hogescholen (VH) and UNL, on 22 December 2022 I wrote to the executive boards of all higher education institutions, asking them to suspend their active recruitment of international students at large-scale, general, in-person education fairs and other events until the publication of this letter.¹⁵ More information is given about this below.

The WTT bill aimed to address a number of risks identified in the IBO review and a study by the Inspectorate of

8 *Parliamentary Papers, House of Representatives, 2022/23, 31288, nos. 1008 (motion submitted by MP Pieter Omtzigt), 1009-1010 (motions submitted by MP Peter Kwint), 1019 (motion submitted by MP René Peters) and 1020 (motion submitted by MP René Peters).*

9 *Parliamentary Papers, House of Representatives 2022/23, 31288, nos. 1011 (motion submitted by MP Habtamu de Hoop and Stieneke van der Graaf), 1013 (motion submitted by MP Hatte van der Woude and Stieneke van der Graaf), 1018 (motion submitted by MP René Peters).*

10 *Parliamentary Papers, House of Representatives 2022/23 VII, 36200, no. 101. Motion submitted by MP Hatte van der Woude.*

11 *Undertaking given during the debate of 9 February 2021 on knowledge security and internationalisation and the debate of 31 January 2023 on the recruitment of international students.*

12 *Parliamentary Papers, House of Representatives 2017/18, 22452, no. 59.*

13 *Parliamentary Papers, House of Representatives 2018/19, 31288, no. 782. Motion submitted by MP Harry van der Molen.*

14 *Parliamentary Papers, House of Representatives 2022/23, 36200 VIII, no. 83. Motion submitted by MPs Peter Kwint and Harry van der Molen.*

15 *Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1004.*

Education ('the Inspectorate') into the code of conduct on language.¹⁶ The House of Representatives adopted the bill on 19 December 2019. In my letter of 13 June 2022 I informed the House that I wished to delay passage of the bill.¹⁷ Over the past several months, in the context of the scenario study and the current problems regarding internationalisation, I have reflected further on the matter. This letter can therefore be seen as a well-considered follow-up to my previous decision.

Principles of a balanced, strategic approach

A solid approach that is capable of restoring the system's equilibrium starts with common principles on the position of internationalisation within our system. Below I describe the six principles on which my strategic approach is based.

Principle 1

Internationalisation remains of strategic importance for the Netherlands. We therefore need to take maximum advantage of the added value of internationalisation for the system.

Internationalisation remains of major importance for the Netherlands as an open society with an open economy. Provided it is managed well, internationalisation contributes to a more stimulating academic climate, ensures our country is more aligned with international developments (including in the world of research) and offers a partial solution to labour market demand for highly-skilled professionals. This was also emphasised during the parliamentary debate of 31 January 2023. Internationalisation is an integral part of the system, however a strategic approach is essential in order to optimise and secure its advantages for the long term.

For students, internationalisation enhances their personal development and intercultural skills and broadens their horizons, in terms of both their chosen field of study and the world at large. This is important not only for those students who intend to work abroad or for an international organisation after they graduate; it is important for our own future labour force, who will have

to find answers to global challenges, maintain an open attitude and operate effectively in a diverse and dynamic society.

For higher education institutions, internationalisation contributes to the quality of education and research, strengthens their international reputation and thus helps them recruit talented people from around the world. Universities and HBOs see internationalisation as one of the reasons for the Netherlands' international prominence in the fields of higher education and research.¹⁸

Attracting talented international students to the Netherlands and retaining them after they graduate also benefits the Dutch knowledge-based economy and society more generally. Many companies, such as in the IT and engineering and technology sectors, are desperate for highly skilled workers. International students who stay on after they graduate can help fill these vacancies and contribute to our country's sustainable growth. There is a role here for both educational institutions and employers to help these international graduates find their way to the Dutch job market.

If we recognise these benefits for our knowledge-based society, then we must make an effort to take maximum advantage of them. This means, for instance, improving alignment with the Dutch labour market and strategically steering educational capacity towards courses that deliver the most added value.

Principle 2

We will safeguard the viability and affordability of the higher education system.

According to a study by the Netherlands Bureau for Economic Policy Analysis (CPB), international students brought in more than they cost central government in 2019.¹⁹ This positive balance was maintained over the longer term for both EEA and non-EEA students. The reason, according to the study, was that some international students stay in the Netherlands to work

¹⁶ *Parliamentary Papers, House of Representatives 2018/19, 22452, no. 71. Motion submitted by MP Judith Tielen.*

¹⁷ *Parliamentary Papers, House of Representatives 2021/22, 31288, no. 963.*

¹⁸ 'IBO Internationalisering van het (hoger) onderwijs' ('Interministerial Policy Review on internationalisation in higher and vocational education'), July 2019, p. 26.

¹⁹ CPB, 2019, pp. 35-36. *The discussion of costs and benefits looks mainly at income tax, social security, old age pension, student finance and tuition fees.*

after they graduate, which means they pay income tax, for instance. This underscores the importance of increasing international students' post-graduation stay rate. It should be noted, however, that the positive balance does not apply equally to graduates of all courses. Here, too, a more strategic approach is necessary in the interests of both the future of the Dutch economy and the system's long-term affordability.

The CPB analysis did not consider *all* the costs and benefits. Moreover, it is also important to consider social and spatial planning aspects, such as the capacity and availability of certain facilities in a city, region or country. Effects on, for instance, the housing market, healthcare (including psychosocial care) and other public facilities are difficult to include in an analysis of costs and benefits of international students in the Netherlands. However, it is self-evident that these effects count in the bigger picture.

As the House emphasised and indeed requested during the debate, we need to critically examine the financial incentives that attract international students to the Netherlands. The coalition agreement also states that the government intends to make higher education funding more predictable by removing the incentive effects of enrolment-based funding, reviewing and increasing the amount of flat-rate funding, and achieving a better balance between direct funding for research ('the first flow of funds') and funding via research organisations ('the second flow of funds').²⁰

Principle 3

We are committed to ensuring the quality and accessibility of education for students in the Netherlands.

The Dutch higher education system is very accessible: with the requisite educational qualification, Dutch pupils and students are in principle admitted to the course of their choice.²¹ The Netherlands sets great store by people being able to enrol in their chosen course. The absence of additional selection procedures helps avoid unnecessary

academic pressure on secondary school pupils. It is important that the large influx of international students does not jeopardise this accessibility – a risk that I believe particularly relates to internationally attractive courses not taught in Dutch. A cap on the number of places for such courses could regulate student numbers in a very targeted manner, but also immediately raises concerns about accessibility for students from the Netherlands. It is important to ensure diversity in both the courses and modules offered.

With regard to maximising access to higher education, scope should be provided for distinguishing between EEA and non-EEA students. Union law does not allow the government to differentiate between students from the Netherlands and other EEA countries. However, the Dutch higher education system has no such responsibility vis-à-vis non-EEA students. In cases of insufficient educational capacity, therefore, EEA students could be admitted with priority.²²

While scope should always remain for recruiting exceptionally talented international students, this is not our main focus and should always be assessed in light of the principle of accessibility and the needs of our society and labour market. As the House expressed so clearly during the debate: there is no need to shut the door – which is in any case not in keeping with our nature – but we do need to avoid our students being crowded out of popular courses in the future.

Principle 4

We will maintain and strengthen the use of the Dutch language in higher education.

The preservation of Dutch in the spheres of education and science is of intrinsic value, as I stressed to the House in the debate of 31 January 2023. A primary task of education – including at the level of higher education – is to improve learners' language skills, including in higher education courses and modules taught in languages other than Dutch.

²⁰ 2021-2025 coalition agreement of the fourth Rutte government: 'Looking out for each other, looking ahead to the future', p. 25.

²¹ The prerequisite for admission to an HBO course (associate degree or bachelor degree) is a senior general secondary education (HAVO) certificate, a pre-university education (VWO) certificate or a level 4 secondary vocational education (MBO 4) certificate. A VWO certificate or a bachelor's degree awarded by an HBO is required for admission to a university course.

²² See Parliamentary Papers, House of Representatives 2018/19, 35282, no. 3, pp. 13-16, 31-36; Parliamentary Papers, House of Representatives, 2019/20, 35282 E.

Promoting Dutch proficiency in all courses serves, firstly, to prepare students for the world of work, but the ability to express oneself well in Dutch also tightens the bonds between learners, teachers and the wider community. It is vital that the field of higher education takes part in the public discourse on important current affairs, and makes its points clearly and effectively.

The use of Dutch also contributes to equality of opportunity. For some students, English as the language of instruction could be an obstacle – whether or not they are conscious of it – to enrolling in a certain course. This can result in academic undermatch.²³ For young people with the necessary educational qualifications but with less affinity for or knowledge of foreign languages, retaining Dutch as the language of instruction removes a possible obstacle to enrolling in the higher education course of their choice. At the same time, improving international students' proficiency in Dutch will strengthen their ties to the Netherlands and improve their job prospects here, which will have a positive effect on their post-graduation stay rate.

I would emphasise that it is not my aim for Dutch to become the only language used in higher education, nor did the House express such a goal during the debate. There is definitely a place for English in the Dutch system, and this definitely applies to the world of research. English is increasingly a global language. Its use in the Netherlands, with our open society and economy, enhances our international position and is thus essential in many settings. In strengthening the position of Dutch in higher education, we must aim for both languages to exist side by side in the Netherlands. And of course, there must be scope for differentiation. The use of English alongside Dutch is feasible because people in our country generally have a good command of that language. In fact, the Netherlands ranks first globally for English proficiency among non-native speakers.²⁴ We can be proud of that.

Principle 5

We equip students to play their part in an internationally connected world and economy.

The Netherlands has long been known for its open society and economy, with strong ties to the rest of the world. The government therefore considers it important for students living in the Netherlands to acquire the skills to operate in a globalising society, and to become acquainted with a diversity of cultures, points of view and ways of working. Specifically, this means providing students with a rich educational setting that takes account of society's international dimension. These skills are important, both for graduates who stay in the Netherlands and for those who go to work elsewhere.

Principle 6

We primarily educate students for roles in Dutch society, but foster awareness of the broader international context.

Higher education plays a key role in the Netherlands' development as a knowledge-based society, so it must also respond to that society's requirements. Various sectors in the Netherlands, such as IT, engineering and technology, education and healthcare, are currently struggling to find skilled professionals. This labour market demand can partly be met, both now and in the future, by our own graduates, but also to some extent by international students who choose to stay here after they graduate.

We must seize the opportunities this offers to both graduates and society at large. Strengthening international graduates' ties with the Netherlands post-graduation is, I believe, a task of higher education institutions as well as the Dutch business community and other stakeholders, such as local and regional authorities.

Elements of an effective package of measures

Based on the principles set out above, I have defined five elements which jointly form the basis for an effective package of measures. Below, I will first explain my views on these five elements before describing the instruments with which I propose to strike a better balance in terms of internationalisation within the higher education system.

²³ Inspectorate of Education, 'Onbedoelde zelfselectie: drempels die gekwalificeerde jongeren ervan weerhouden om een specifieke opleiding in het hoger onderwijs te kiezen' ('Academic undermatch: obstacles that prevent young people with the right qualifications from enrolling in a specific course of higher education'), 2022.

²⁴ Education First, 'EF English Proficiency Index', November 2020.

1. Funding

As stated under principle 2, above, we need to critically examine the financial incentives that attract international students to the Netherlands. I see and acknowledge the need to limit these incentives. At the same time, any adjustments to funding will have considerable impact on the system as a whole. I therefore wish to examine this in a system-wide context. The scenario study should provide me with more insight into the scope for adjustments to the funding mechanism with a view to consolidating the long-term viability of our higher education system. I will discuss this in my policy response to that study.

2. Centralised coordination of internationalisation

The current system, in which universities and HBO institutions themselves set the parameters of their student recruitment campaigns – who, how and how many – has resulted in an unmanageable influx of students. Choices made autonomously by the institutions' executive boards cannot resolve all of the problems that have arisen. Actions based on self-interest can be detrimental for the common good, a classic example of the tragedy of the commons. The aim of more centrally coordinated internationalisation is to restore the balance between the positive and negative effects – such as the pressure on educational facilities, the housing market and above all the overall affordability of the higher education system. Irrespective of which instruments are available to us, the question to be answered here is: who decides where, when and to what end choices are made? The answer lies in better coordination and a mechanism for making difficult decisions.

3. Recruitment and accessibility

Existing selection instruments do not allow for differentiation between EEA and non-EEA students. I therefore propose a more targeted approach to recruitment and selection in the future. My preference would be that, as a general rule, international students are actively recruited only for those courses that fulfil a clear societal need (including at regional level) and on condition that this recruitment does not put excessive pressure on the capacity of the education system or on the community. I also want to make more strategic use of restricted enrolment, for instance by applying it to popular courses or pathways only instead of the field of study as a whole. Distinguishing between EEA and non-EEA students can also help in this respect; in this way courses can

remain accessible to EEA and Dutch students while the quality of education is safeguarded. It should be made possible to apply enrolment restrictions indefinitely, or in any case for the longer term. External factors such as student housing will also need to be addressed.

4. Language

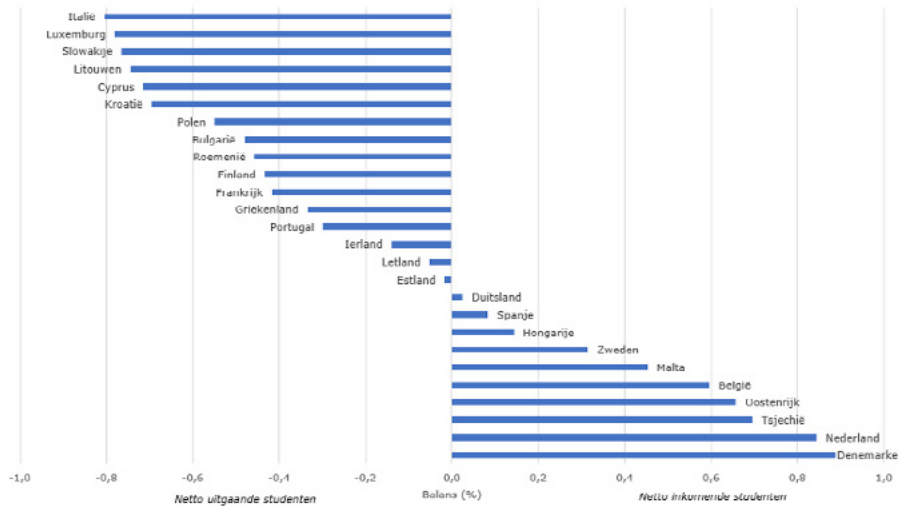
A comparison with neighbouring countries reveals that language is often the factor that restricts and manages the flow of incoming international students. Our higher education system is unique in terms of the exceptionally high number of courses offered in languages other than Dutch. In principle, Dutch remains the language of instruction, and I will aim to promote the use of Dutch and Dutch language skills in all courses, including those taught entirely in another language. I will also tighten up the conditions under which higher education institutions may offer courses in another language. These measures should improve students' proficiency in Dutch, which will better equip them for the Dutch labour market and a life in the Netherlands – and thus increase international students' post-graduation stay rate.

5. Making better use of the benefits of internationalisation

Internationalisation holds benefits, but currently these are not always used or fostered sufficiently. In first instance, I see opportunities to raise the international dimension to a higher level within the curriculum. I would like to continue the development of teaching strategies that incorporate internationalisation. A useful example in this regard is the 'international classroom'. Additionally, I wish to restore the equilibrium of incoming and outgoing degree mobility. The Netherlands is a popular destination for students, certainly compared with other European countries, and this results in one of the biggest imbalances between incoming and outgoing mobility (115,000 incoming students versus 20,000 going abroad to study in 2021/22). In 2020 only Denmark had a bigger imbalance. I would like to explore how we could remove obstacles to Dutch students going abroad for part of their studies, especially since they express genuine interest in such an experience.²⁵ At the same time I would like the international students we attract to the Netherlands to develop a stronger connection with our country, increasing the chance that they will in future contribute to our society.

²⁵ Nuffic, 'Inclusie in uitgaande mobiliteit', 8 February 2022.

Figure 2. Incoming and outgoing degree mobility within the EU^{26 27}



Developing a concrete package of measures

The elements described above have led to a number of instruments that I would like to discuss with the House. The proposed package of measures combines legislative instruments, additional measures and administrative agreements, and is expected to have an effect on incoming student numbers. This means the package will also have budgetary consequences, which will depend on how the measures are elaborated. In working out these plans I will examine the budgetary effects and report these to the House.

i. Centralised coordination of internationalisation in higher education

Higher education institutions will have to exercise their own responsibility in making considered, conscious decisions with regard to implementing the measures set out in this letter, but in the future they will be expected to do this in consultation with each other and with the wider community. At the same time, in today's dynamic political and social context we must examine the system from a consistent and community-wide point of view. I believe this is necessary for effective implementation of the aforementioned measures and for consolidating those measures in the long term. This requires some form of central coordination.

I am investigating the possibility of establishing a coordination authority that will focus on strategic internationalisation issues, particularly the whole-system effects of internationalisation in relation to the wish for tailored regional approaches. The authority could focus on the following central themes: affordability and accessibility of the higher education system in relation to the total number of incoming students (what numbers can society and the system cope with?), balancing the social costs and benefits, and identifying scope for tailored approaches (e.g. in response to labour market shortages or differences between regions, such as the specific characteristics of the border regions). The proposed authority could, for instance, study the effects of the measures proposed in this letter concerning language and restricted enrolment, as well as overarching themes such as target figures, regional characteristics and approaches, and developments at EU level concerning student mobility. It would also be good to take a close look at the entire range of courses taught in languages other than Dutch.

The coordination authority could play a key role in drawing institutions' attention to undesirable developments relating to internationalisation, so that they can deploy the instruments provided by me in a more targeted way and also advise me on this. In the coming period I will reflect on the best way to shape this

²⁶ European Commission, *Education and Training Monitor 2022, Comparative report*, 20 October 2022.

²⁷ European Commission calculations based on Eurostat (UOE 2022 on degree mobility). The mobility balance is calculated as the sum of incoming minus outgoing students, divided by the total number of incoming students (if the sum is positive) or by the total number of outgoing students (if the balance is negative).

coordination authority and how to organise decision-making power in regard to complex issues. Should internationalisation develop in a way that threatens the higher education system, I want parameters to be in place that allow me to intervene in my capacity as minister responsible for that system. I am referring here to developments that conflict with the principles set out in this letter. I will flesh out the details of this power of intervention in the period ahead.

ii. Statutory framework

As I wrote above, I intend to withdraw the Language and Accessibility (Higher and Vocational Education) Bill (WTT bill) and submit a new bill containing concrete instruments based on the principles set out above. In anticipation of legislative amendments, I wish to make administrative agreements with educational institutions that are in line with the aims of the proposed bill.

a. Restricted enrolment for specific pathways within a course (in this context, pathways taught in another language within a Dutch-taught course)

Under the Higher Education and Research Act (WHW), if insufficient educational capacity is available for a course of study the number of students admitted can be capped. A more targeted use of this instrument would help ensure the accessibility of higher education. Instead of setting enrolment restrictions for the entire course, I want it to be possible to restrict enrolment in specific pathways (including those not taught in Dutch) within a Dutch-taught course. This would avoid unnecessarily restricting enrolment in the Dutch-taught part of the course, so that the course of study remains accessible for Dutch-speaking students. This would also contribute to the preservation of Dutch as a language of teaching and science.

Contrary to what the WTT bill proposes, I do not want to set a maximum duration for such restricted enrolment. There are many courses for which restricted enrolment has applied for a long time and this capacity problem is not expected to be resolved quickly. I do intend to keep a close eye on how the instrument is used, and more particularly whether it is used unnecessarily, with a view to ensuring accessibility and equality of opportunity for Dutch students and with regard to courses that train people for work in sectors with severe labour shortages. A more targeted use of restricted enrolment – for a specific

pathway rather than an entire course – will help institutions.

During the debate on 31 January 2023, the House specifically asked that I inform them in this letter about the timetable for introducing restricted enrolment.²⁸ This is a drastic instrument, and higher education institutions are responsible for providing aspiring students with timely information about any enrolment restrictions – ‘timely’ meaning one year before the academic year it affects. In practical terms, if the Act enters into force in 2024, the instrument could be applied as of the 2025/26 academic year, assuming the universities and HBO institutions are duly informed about the applicable statutory standards, so that they will have sufficient time to organise their selection procedures in consultation with the relevant participation bodies.

b. Restricted admission of non-EEA students

As stated under principle 2 above, the Dutch higher education system does not have the same responsibility to non-EEA students as it does to Dutch and other EEA students. One of the topics debated on 31 January 2023 was the introduction of measures aimed specifically at limiting the influx of students from outside the EEA in the event of insufficient capacity. Differentiating between these groups (EEA and non-EEA students) would mean allowing institutions to set a maximum number of places available to non-EEA students, within the parameters of any other applicable enrolment restrictions. I believe this instrument would be particularly suited to courses that are running up against capacity problems, to ensure they remain accessible for EEA students (including Dutch students). Incoming non-EEA students also present an opportunity for meeting certain societal needs, and scope for this should be retained. Moreover, I set store by equality of opportunity, including for non-EEA students. In working out the details of the proposed measures I will therefore consider the relationship with various scholarship and grant programmes for international students, and I will provide scope for tailored solutions for international students studying in the Netherlands on a central-government funded scholarship. Here, too, longer-term strategic policy is required.

Finally, I also wish to implement the House’s wish for an emergency cap on non-EEA students – a stand-alone

²⁸ *Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1012. Motion submitted by MP Hatte van der Woude.*

instrument that could be deployed in the case of unforeseen, major increases in applications from non-EEA students. This instrument would serve to manage growth of the student population and safeguard the accessibility of higher education for EEA students, including Dutch students.

- c. Promoting Dutch proficiency among all students in all courses, and introducing a mandatory assessment of courses to be taught in a language other than Dutch

Currently, under section 7.2 of the WHW, classes and examinations must in principle be held in Dutch. There are several exceptions to this rule and we see that institutions have made frequent use of these, notably the exceptions concerning the specific nature, organisation or quality of the teaching, and the origin of the students. The exception in fact appears to have become the rule in recent years, especially for master's degree courses: only 22% of master's degree courses are taught in Dutch, compared to 71% of bachelor's degree courses.²⁹ Moreover, the statutory requirement to promote Dutch-speaking students' proficiency in Dutch (section 1.3, paragraph 5 of the WHW) has been increasingly neglected in educational practice, the effects of which are now becoming apparent.

I wish to set more concrete provisions on the statutory requirement to improve students' proficiency in Dutch and also wish to extend this requirement to *all* students, including those from abroad. Proficiency in Dutch enhances employability, and this applies equally to Dutch and foreign students.

The requirement to include a Dutch-taught component in courses taught in another language will have to be laid down in law. In the period ahead, I will work out the details of this component and the accompanying statutory requirement. Scope will remain for tailored solutions, such as for courses where Dutch-taught modules would serve no useful purpose, either in terms of content or employability. Examples include courses in engineering and technology. In these cases, Dutch modules could be offered outside the standard curriculum as an option.

As the motion submitted by MP Harry van der Molen stated, this could have positive financial effects if more

international students opt to work in the Netherlands post-graduation.³⁰ The aim of this measure must be to increase the stay rate of international students, while minimising the potential negative effects on the Dutch knowledge-based economy and business climate. It should not frustrate our strategic interests or diminish the added value of internationalisation. After all, our economy depends on our ability to continue attracting talented internationals in fields such as tech and engineering.

I also want to tighten the rules on offering courses in other languages than Dutch in higher education (and secondary vocational education (MBO)). The WTT bill introduces a mandatory assessment of courses taught in a language other than Dutch, to determine if this has added value for the educational quality of the course or for the Netherlands. Although the WTT bill is being withdrawn, I do intend to include this assessment in the new bill. This means a course provider will first need to obtain government approval and satisfy the relevant statutory conditions before being able to offer a course in a language other than Dutch.

Until this new amended Act comes into force, I would strongly urge higher education institutions to exercise their responsibility and immediately start working on the Dutch proficiency of their students, including those enrolled in English-taught courses and international students. I am currently discussing this matter with the institutions, and it will be an important topic in our administrative agreement.

- d. Clarifying the current language requirements

I also intend to clarify the language requirements as they are currently set out in law. In the motion submitted by MP Pieter Omtzigt,³¹ I was asked to ensure that the Inspectorate of Education publish and enforce standards for proficiency in Dutch and the language of instruction (as laid down in section 1.3, paragraph 5 and section 7.2 of the WHW). I was also asked to report to the House by 1 June 2023 on compliance with and enforcement of these standards in undergraduate education (bachelor's degree courses).

²⁹ Inspectorate of Education, 'Staat van het Onderwijs 2022' (*The State of Education 2022*), pp. 186-187.

³⁰ Parliamentary Papers, House of Representatives 2022/23, VII 36200, no. 101. Motion submitted by MP Harry van der Molen.

³¹ Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1008. Motion submitted by MP Pieter Omtzigt.

Previously I informed the House of the difficulties in enforcing these specific provisions of the Higher Education and Research Act (WHW). In 2019 the Inspectorate issued a factsheet³² on compliance with section 7.2 (c) of the WHW, which states that classes and examinations may be held in a language other than Dutch if the specific nature, organisation or quality of the teaching or the origin of the students so requires, in accordance with a code of conduct drawn up by the administration of the institution. This offers institutions scope for making their own arrangements. The Inspectorate found, however, that the codes of conduct do not, as yet, demonstrate the necessity of using the other language.

The WHW also provides considerable freedom with regard to section 1.3, paragraph 5, which states that institutions' teaching activities must include improving Dutch-speaking students' proficiency in Dutch. In view of the freedom provided by the Act, it is not easy to establish whether an institution is in compliance with this provision. I cannot impose sanctions unless it is absolutely clear that an institution is acting unlawfully – clarity that cannot be established readily on the basis of the current provisions. I cannot introduce standards that are not laid down in the Act.

I would emphasise that I will make maximum use of the scope provided by the current Act to take action where English is being used as the language of instruction while the grounds for this are lacking.

In the months ahead, therefore, I will draft further explanatory notes on the current statutory provisions concerning proficiency in Dutch and the language of instruction, taking into account the Act's legislative history, the recent public discourse on internationalisation, the roundtable talks that I have conducted in recent months with the education field, talks with external experts and the recent contributions on this matter by members of the House. They will also provide an explanation of the norms with regard to the grounds for exception and of what is understood by promoting students' proficiency in Dutch. These explanatory notes will be made available in the public domain. I will also talk with the Inspectorate, the Netherlands-Flanders Accreditation Organisation (NVAO) and the Committee on the Efficiency of the Higher Education System (CDHO) to

see if these explanatory notes offer a sufficient basis for their tasks of assessment and supervision. I will inform the House of the outcomes before 1 June 2023. The need for any adjustments to the text of the bill will be considered during the legislative process taking place in parallel.

The withdrawal of the WTT bill removes the legal basis for introducing the so-called 'like-for-like option' in secondary vocational education (MBO). The 'like-for-like option' would have allowed foreign students or newcomers in MBO level 4 courses to get their qualification even if they are unable to attain the required proficiency level for Dutch, provided they compensate this with a higher proficiency level in another language. I will examine other ways to make attaining an MBO qualification easier for students who are not Dutch native speakers, have had less than 6 years of schooling in the European part of the Netherlands and are insufficiently proficient in Dutch, while maintaining a reference level for Dutch that is similar to the current qualification requirements.

iii. Administrative agreements

I am currently in talks with educational institutions on renewing the agreements on managing the influx of international students, and aim to conclude these before summer 2023. Some of the agreements will apply only until new legal instruments are introduced, while others will have a more permanent character. I aim to reach agreement on the following:

- a. assessing whether the competences relating to proficiency in Dutch, as set out in the Taalunie's reference framework, are adequately expressed in course learning outcomes;³³
- b. possible further agreements on the language of instruction, in anticipation of new legislation;
- c. active recruitment of students abroad only for courses aimed at occupational fields where regional labour shortages exist, while continuing to encourage conservative recruitment for other disciplines;
- d. stopping preparatory year (foundation year) courses for international students who do not have the requisite secondary education qualification for admission to a bachelor's course;
- e. effective ways of actively guiding international students to the Dutch labour market, and reporting on this;
- f. using Dutch as the main language within the institution

³² *Parliamentary Papers, House of Representatives 2019/20, 22452, no. 78.*

³³ *Taalunie, 'Taalcompetent in het hoger onderwijs. Kader voor een taalcompetieversterkend aanbod aan hogescholen en universiteiten', 2022.*

- (other than as the language of instruction) or adopting a policy of bilingualism. This should apply in particular to all formal decision-making processes (including decisions communicated to students and staff);
- g. institutions' responsibility for providing sufficient information on student housing and its limited availability. To this end, institutions should consult their local authority at an opportune time (as laid down in point (v) of the National action plan on student housing 2022-2030) and only actively recruit international students when there is sufficient housing available for them;
 - h. the level of Dutch proficiency required of teaching staff with a permanent contract whose native language is not Dutch;
 - i. the further development and implementation of the international dimension within the curriculum, for instance by means of the international classroom.

iv. Tightening up accreditation frameworks

In recent years, during the accreditation process the NVAO would ask institutions to give their reasons for teaching a course in another language than Dutch, in light of the prevailing quality requirements. On the basis of an interim report that the NVAO has sent me on this matter (see annexe) I can conclude that there has been little critical discussion between course providers and accreditation panels on the choices made. The report should prompt further discussion on the way decisions about the language of instruction are justified in the accreditation process and again underscores the need for a centralised coordination role. This is a point I am discussing with the NVAO. It is clear that the accreditation framework needs to be adapted on this point.

In anticipation of new statutory provisions on the language of instruction, I will strive for the accreditation framework to be tightened up, so that institutions must provide good grounds for choosing to give a course in a language other than Dutch. This will take into account regional, national and international points of view and professional and academic requirements concerning the content of the course. For courses that are taught entirely in another language, accreditation panels should examine to what extent that language choice contributes to attainment of the graduation requirements.

Finally, the current accreditation framework includes a requirement concerning the English proficiency of Dutch-speaking teaching staff. Most institutions set C2 as the reference level for English. Once tightened up, the accreditation framework should also include a requirement concerning the Dutch proficiency of English-speaking teaching staff with a permanent contract. They should attain the required reference level within five years.

v. Continued support for ongoing actions

Various actions have already been initiated to help restore the balance with regard to internationalisation in the system. Given the urgency of this issue I will continue supporting these actions. For the sake of completeness, I highlight a number of actions here:

Action plan on outgoing student mobility

At my request Nuffic has launched an action plan to remove obstacles, real or perceived, to outgoing student mobility. It does this by, for instance, timely information (also targeting secondary pupils and their parents) on studying abroad and financing this. I also hope the action plan will lead to more equality of opportunity. In terms of going abroad to study, there is currently still a difference between first-generation students and students with highly-educated or wealthier parents.³⁴ Making international experience more broadly accessible (which can be done in various ways) helps resolve the imbalance between incoming and outgoing student mobility. I will continue my close involvement with the action plan and raise it in my talks with sector parties.

Decentralised selection methods

With regard to the Inspectorate's report,³⁵ I gave the House the undertaking to scrutinise the system of decentralised selection. I will also do this against the backdrop of the restricted enrolment measures described in this letter, which I intend to introduce through the new legislation. To establish what the effects would be, particularly in terms of equality of opportunity and accessibility, I would like to take the time to conduct a comprehensive review. The House will therefore receive a letter on this matter after summer 2023, and not before as I had promised earlier.

³⁴ Nuffic, 'Inclusie in uitgaande mobiliteit', 8 February 2022.

³⁵ Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1005.

Student finance for international students

In the debate on knowledge security and internationalisation of 9 February 2022,³⁶ I gave the House the undertaking to further explore the conditions under which migrant workers from the EEA and Switzerland can obtain student finance. Students from these countries are eligible for the full package of student finance if they work at least 56 hours a month. This is not an all-or-nothing threshold. Students who work at least 56 hours a month are always considered migrant workers. Applications from students who work 24 to 56 hours a month are considered on a case-by-case basis. DUO has had to change the way it implements this policy (see annexe) after judgments in a number of court cases. Students who work less than 24 hours a month are in principle not considered migrant workers, but they too will have an opportunity to provide additional proof to support their application for student finance.

During the debate the House specifically asked the government to investigate the policy effects of lowering the 56-hour norm, and these are described in more detail in the annexe to this letter. The expectation is that a lower norm will increase our country's appeal to students from EU/EEA countries, which would have a substantial budgetary impact. That is why the government is not in favour of lowering the norm.

In this regard I would also note that, partly in response to questions from the House during the debate on the reintroduction of the basic grant, the government is taking extra measures to ensure, within the prevailing legal framework, that awarding student finance to international students remains efficient and effective. I will send the House a letter before the summer, giving a more detailed response to the questions on this matter.

During the debate of 15 February 2023 on the bill reintroducing the basic grant for students in higher education, MP Zohair El Yassini asked about the scope for international students to receive student finance for study abroad – i.e. the portability of student finance. Specifically, the question was whether a student with migrant worker status is eligible for portable student finance. I will present the House with a comprehensive legal analysis of this issue before the summer.

National action plan on student housing

On 7 September 2022, the Minister for Housing and Spatial Planning, also on my behalf, presented the National action plan for student housing 2022-2030 to the House. Many of the relevant parties have joined forces in this action plan to resolve the student housing shortage. The aim is to increase the student housing stock by 60,000 units. One of the agreements in the action plan is to explore possible instruments for managing the influx of international students, which is worked out in greater detail in this letter. I will uphold the agreements made in the action plan and will closely follow its implementation via the annual student housing monitor (*Landelijke monitor studentenhuizing*). If these progress reports give me reason to do so I will engage in timely dialogue with the parties involved.

Knowledge base and research

The motion submitted by MP René Peters called on the government to develop a knowledge base and a monitoring tool, in which Dutch proficiency also plays a role, with regard to retaining international students for the Dutch labour market post-graduation. The motion submitted by MPs Hatte van der Woude and Stieneke van der Graaf also referred to international students' ties with the Netherlands after graduation. I think it is important to have information about the stay rate, which is monitored in the context of the current administrative agreement. Nuffic conducts periodic studies into this, and recently also studied job advertisements to determine the demand for international competences. The Dutch language authority Taalunie regularly conducts surveys into the languages spoken in workplace. Naturally, a more comprehensive knowledge base can be developed on this subject and I will discuss this with the parties involved.

Next steps

In view of the urgency with which internationalisation issues need to be addressed, I will begin drafting a new bill immediately. If the legislative process runs smoothly, the new law could enter into force as of 1 September 2024. The aim is to conduct an online consultation on the draft bill during the summer recess. In the meantime I will also pursue new administrative agreements, including on recruitment, to be reached before the summer so that they can be implemented swiftly. Until such time, I stand by the general suspension of active recruitment of international students at large-scale, general, in-person

³⁶ *Parliamentary Papers, House of Representatives 2021/22, 31288, no. 943.*

education fairs. An exception is made, until the new administrative agreements are concluded, for courses in fields where regional or national labour market shortages exist – such as healthcare, engineering and technology, and education – but only with the permission and under the responsibility of the executive board. Such recruitment activities should be conservative and targeted. For further details, please see my letter of 22 December 2022.³⁷ Additionally, as explained above, I will initiate work on tightening up the accreditation framework, which I expect to present to the House for preliminary scrutiny before the 2023 summer recess.

In the coming period I will continue my dialogue of the previous months on all these points with VH, UNL, the Dutch National Student Association (ISO) and the National Students' Union (LSVB).

In my debate with the House on 31 January 2023 I also mentioned that I would raise the issue of international student mobility at EU level. On 7 March I talked with Commissioner Mariya Gabriel in the margins of the Education, Youth, Culture and Sport Council about the need for a better balance in incoming and outgoing international student mobility. The Commissioner expressed her understanding of the issue and urged me to make use of the public consultation that the Commission is currently holding in connection with its policy proposal to update the EU learning mobility framework, which is expected to take place this autumn.³⁸ I am currently drafting a position paper for that consultation, which I will submit around mid-May.

Internationalisation is a topic in the broader scenario study into the future of the system as a whole. This letter precedes my response to the scenario study and was written in response to the House's request to propose concrete measures to better manage the influx of international students. My response to the scenario study will also address internationalisation, but specifically in relation to other issues, such as student numbers, binarity, the labour market, funding and marketing.

For example:

- What skills will the Netherlands need in the near future

and how will we organise the relevant education and training ('Talentvraag 2040')?

- In examining funding in relation to international student numbers we will take a broader view than incentives alone (see also the motion submitted by MP Peter Kwint).³⁹
- The issue of growth and shrinkage affects the entire sector and should not be addressed only through internationalisation.
- The centralised coordination being introduced here anticipates a broader review of management and governance of the higher education system, with a view to optimising it between now and 2040.

Final note

In my progress report on the 2022 administrative agreement on higher education and science,⁴⁰ which I aim to send to the House in mid-2023, I will provide more information about the additional agreements on internationalisation that I hope to conclude with both HBO institutions and universities. Monitoring of these agreements will take place within the current system of annual reporting. Additional indicators will be agreed where necessary.

I hope to discuss these measures with the House soon. It is important that decisions are made with due care and consideration for the quality, accessibility and efficiency of the system, and for safeguarding the benefits of internationalisation for the Netherlands and for all higher education students in the Netherlands.

A copy of this letter will be sent to the Senate of the States General in view of my intention to withdraw the WTT bill.

³⁷ Letter of 22 December 2022 from the Minister of Education, Culture and Science to the House of Representatives on suspending the active recruitment of international students.

³⁸ [Have your say on the public consultation on the future of learning mobility - Employment, Social Affairs & Inclusion - European Commission \(europa.eu\)](https://ec.europa.eu/eip/eip-employment-social-affairs-and-inclusion/)

³⁹ Parliamentary Papers, House of Representatives 2022/23, 31288, no. 1009 (motion submitted by MP Peter Kwint).

⁴⁰ Parliamentary Papers, House of Representatives 2022/23, 31288, no. 969.

Annexe 1: Effects of lowering the 56-hour norm

In the debate on knowledge security and internationalisation of 9 February 2022, I gave the undertaking to MP Habtamu de Hoop to further explore the conditions under which migrant workers, including international students with a job in the Netherlands, can obtain student finance.

Context

Under EU law, students from the EEA and Switzerland who meet certain conditions are eligible for full student finance.⁴¹

The question at hand is: how does one determine whether a student is a migrant worker? A migrant worker is a person who performs genuine and effective work that is not marginal. In the EU context, this term may not be interpreted restrictively. For practical reasons, 32 hours of work was initially introduced as a norm, but it was not absolute. Students working less than 32 hours a month could also be designated as a migrant worker. This resulted in a sharp increase in the number of migrant workers receiving student finance. In 2014 the norm was raised to 56 hours in order to align with the Aliens Act 2000 Implementation Guidelines,⁴² which include an explanation of the term 'genuine and effective work' and the norm of 40% of the working hours of someone on a regular full-time contract. For the sake of completeness, it should be noted that 56 working hours a month corresponds to 12 working hours a week. On average, Dutch students working alongside their study work 13 hours a week.⁴³

The 56-hour norm was not an all-or-nothing threshold. For students who worked less than 56 hours a month, DUO was required under EU law to assess whether they should be considered migrant workers. However, in implementing the policy DUO applied the 56-hour norm

as a fixed threshold. This led to several court cases in which the court held that students who were not considered to be migrant workers by DUO did in fact have this status on the basis of European case law.

Consequences of the judgments

On the basis of these cases, the government felt it was necessary to create more scope for individually tailored solutions.

No policy change was necessary for students who work more than 56 hours a month on average. They are automatically considered to be migrant workers, and they are therefore eligible for student finance provided they also meet the other conditions that also apply to Dutch students.

What has changed, however, is that in cases where students work 24 to 56 hours a month, DUO will more specifically consider the individual merits of each case. On the basis of documentation such as the student's employment contract, pay slips and record of hours worked, DUO will seek to determine the nature, scale and content of the employment relationship. Students who work at least 24 hours a month will be given more opportunity to explain why they believe they qualify as migrant workers. My ministry is still discussing the framework for this individual assessment with DUO.

Students who work less than 24 hours a month are in principle not considered to be undertaking the 'genuine and effective work' that is necessary for them to be considered to be migrant workers. However, they too will be given an opportunity to provide additional proof that could lead DUO to revise its opinion. The burden of proof is, however, substantially higher for this group.

DUO keeps a record of the number of students who are eligible for student finance on the grounds of migrant worker status. The number of international students who are eligible for student finance because they are undertaking work in the Netherlands themselves – whose eligibility is not tied to a parent's or partner's migrant

⁴¹ *Family members of migrant workers are entitled to work in the recipient member state irrespective of their nationality or whether they are dependants of the EU citizen. Migrant workers' children, whatever their nationality, have the right to education in the host Member State on the same terms as its nationals. (OJ (2010), COM(2010) 373, p. 17). Under EU law, a migrant worker is a person who undertakes genuine and effective work, excluding activities on such a small scale as to be regarded as purely marginal and accessory. This also applies to the children of parents who are engaged in economic activities in the Netherlands. This group is not considered further in this letter.*

⁴² *Government Gazette 2013, no. 6218.*

⁴³ *Nibud, 2021 survey of students.*

worker status – has increased significantly in recent years. Table 1 shows an increase in the number of eligible students between 2010 and 2013, followed by a period of stability when the norm for hours worked was raised in 2014, followed by a more than twofold increase between 2014 and 2021. This trend occurred in spite of the norm being raised to 56 working hours a month. A further spike occurred in 2022 when DUO was required to change the way it implements the policy.

Effects of lowering the norm

MP Habtamu de Hoop asked me to specifically address the financial consequences of lowering the 56-hour norm. Firstly, it is reasonable to expect that lowering the norm will make our country substantially more attractive for students from EU/EEA countries, as it will be easier for them to be eligible for student finance. This means the financial impact will probably be sizeable. Unfortunately it is not possible to provide exact estimates of this effect.

This is due, first of all, to the difficulty in quantifying how many extra students would opt for the Netherlands as a result of a lower norm. This effect is independent of how the measure would work out for the current student population, but it is in any case expected to be substantial.

A second complicating factor is that the system of student finance currently does not include a basic grant for those in higher education. And, as stated earlier, most international students are in higher education. So, not only is it possible that in the coming years the Netherlands will become more attractive for students with migrant worker status, our data for the past several years has little predictive value.

As a result of these two complications, any estimate would have such a large margin of uncertainty that little value could be attached to it. As a general indication, every 1,000 additional international students who are eligible for student finance would cost the state at least €13.8 million.⁴⁴ Besides this extra expenditure, a further increase in the number of international students would also increase the pressure on the higher education system, as I have already outlined in the letter.

From the way he formulated his question, it was clear that Mr De Hoop believes lowering the norm would improve international students' wellbeing. In general, I am not convinced that working 12 hours a week alongside a study course, which is necessary to meet the norm of 56 working hours a month, has a major negative impact on students' wellbeing. In this regard, I also consider that students who work alongside their study work 13 hours a week on average, according to a 2021 survey of students by Nibud. In other words, working 12 hours a week is not unusual for students. I do understand that the fact that job loss would result in both the loss of one's income and the loss of one's eligibility for student finance could be a source of anxiety. The new way in which DUO will implement this policy rule should provide some relief in this regard.

Point of view

As indicated above, after my discussion with the House and following the court judgments, I approved a change in the way DUO implements this policy so as to provide for more flexibility in assessing the criterion of genuine and effective work. I expect this will alleviate the concerns of international students who felt DUO's assessment was too restrictive in this regard.

Table 1: Number of international students eligible for student finance on the grounds of their own work activities

| Year | 32-hour norm | | | 56-hour norm, old implementation policy | | | | | | | | New | |
|------|--------------|------|------|---|------|------|------|------|------|------|------|------|------|
| | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | | 2021 |
| No. | 1198 | 1664 | 2202 | 2819 | 2592 | 2465 | 2971 | 3552 | 4610 | 5997 | 6325 | 6968 | 9773 |

⁴⁴ Central government grant (on average €8,800 per student), plus the costs of the basic grant and student travel card (€5,500 per student). This figure does not include a possible supplementary grant.

Although the House did not ask me to formulate a position on this, I nevertheless wish it to be known that I am not in favour of amending the current implementation of this policy. I do not consider the number of hours to be worked in order to be considered a migrant worker unreasonable, certainly not with the new implementation policy of case-by-case assessment of students working 24 to 56 hours a week. I also find a further lowering of the norm to be at odds with the House's wish to control international student numbers, partly because of the financial consequences.

