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Abstract

The article discusses the content of the EU directive on a specific procedure for admitting third country nationals for purposes of scientific research 2005/71 and problems of implementation in the Federal Republic of Germany. The author describes the pro's and con's of the new directive with regard to attracting qualified researchers to the European Union and in particular to Germany. He points to the statistics of the German Bundesamt on admission of researchers and potential reasons why so little use has been made of the new residence title , particular by private research institutions. Some of the difficulties arising in connections with the new directive can be attributed to the bureaucratic requirements imposed by the directive upon the issuance of a researchers residence permit. The author discusses the issues concerning the proof of financial resources and the content of the residence permit. He refers to a recent German legislation trying to provide more flexibility in changing the original research project without running into the need to start a new procedure for the issuance of a residence permit, in spite of the directive's preoccupation for a defined research project

28.4.2025

in the hosting agreement. Another critical issue concerns the exclusion from the scope of application of students carrying out research in order to obtain a doctoral degree. The author identifies possibilities to interpret the directive in order to include students engaged as researchers although the research is also destined to obtain a doctoral degree. Finally the article gives an overview on the directive's provisions on admission of spouses of researchers to the labour market , pointing to some interpretation difficulties, and the social rights of researcher resulting from the directive concerning equal treatment with regard to labour conditions and social insurance, as well as recognition of professional qualifications. (HRK / Abstract übernommen)