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ACADEMIC MOBILITY IN THE EU: USING EXPERIENCE FOR THE EAEU

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ABSTRACT

We trace the history of forming the legal framework for the regulation of academic mobility within the European Union in the paper. We also consider the documents that are the legal basis for popular academic programs implemented by the European Union. We analyze the main regional agreements regulating the implementation of academic migration within European States. We study the legal mechanisms and social aspects of the implementation of academic mobility programs within the EU and the European Higher Education Area, assess the perception of academic mobility programs by Russian students passing temporary training in the territories of European countries through a special sociological method. Based on the analysis carried out, we make a conclusion on the possibilities and advantages of using the experience of legal regulation of the academic mobility of the EU within the framework of the Eurasian Economic Union.

INTRODUCTION

KEY WORDS

Academic mobility, the European Higher Education Area, educational migration, the European Union, the Eurasian Economic Union, and legal regulation.

It is well known that the EU countries are striving to create common European spaces in various fields, therefore the field of higher education has not become an exception. Since the end of the last century, the countries of the European Union are paying closer attention to the development of this auxiliary integration field. The first attempts to create a common educational area were made within the European Community, where two programs were adopted in 1987: Commett, aimed at stimulating contacts and exchanges between the universities and industry and Erasmus, aimed at encouraging inter-university contacts and cooperation, including student mobility. In 1990, the Tempus program was adopted to encourage educational exchanges and cooperation between European universities and universities of the former USSR countries.

Significant efforts in the field of mutual recognition of education and qualifications have been made within the Council of Europe since the 1950s. of the XX century. [1] The Annex to the 1995 Recommendation of the Committee of Ministers of the Council of Europe No. R (95)8 formulated the notion of "academic mobility" - a period of study, teaching and/or research in a country other than the country of residence of a student or an academic staff member (hereinafter referred to as the "home country"). This period should have a limited duration, while it is stipulated that the student or employee returns to his/her home country after the specified period [2].

After several attempts to streamline the approaches to European education through the adoption of the 1997 Lisbon Convention on the Recognition of Qualifications in Higher Education in the European Region and the 1998 Sorbonne Declaration, the Bologna Declaration that initiated the process of standardizing higher education systems for the countries of the European Union, as well as other member states of the Council of Europe, was adopted in 1999.

The measures taken within the framework of the Bologna Process were largely based on the results obtained by the European Union in implementing the Erasmus and Tempus programs. In particular, during the 2015 Yerevan Meeting, the Ministers of Education adopted the revised ECTS User Guide as an official document of the European Higher Education Area and an annex to the Yerevan Communiqué of the Ministers of Education. As noted by V.N. Chistohvalov and V.M. Filippov, this ECTS system "was introduced in 1989 under the ERASMUS/SOCRATES program..." and served initially to recognize the courses and terms of study abroad when returning students to their home institution [3].

Formation of the EU policy in higher education, as well as of the European Higher Education Area, and the results obtained in the field of regional legal regulation can be borrowed in order to develop the legal model of academic mobility of the EAEU, given that the EAEU is in the process of building economic integration, which includes the elements of educational cooperation, and almost all the countries of the EAEU (excluding Kyrgyzstan), like the members of the European Union, are the participants in the Bologna Process.

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MATERIALS AND METHODS

The general theoretical methods include analysis (study of materials on academic mobility), synthesis (bringing together the social and legal aspects of academic mobility), generalization (establishing a general understanding of this phenomenon) and systematic approach (consideration of academic mobility as a set of interrelated elements) [4]. As special methods, we used the social method of qualitative semi-formalized interviews (personal communication of the researcher with the respondents, where the wording and order of the interviewer's questions may be subject to change during the conversation) and such special-legal methods as historical and legal (study of the genesis and development of academic mobility in Europe), formal and legal method (direct study of legal documents), comparative approach (comparison of legal documents on academic mobility among themselves) and legal forecasting method (identifying relevant trends in the development of this phenomenon).

For the research group it seemed important to learn about the features of the implementation of the academic mobility program on the basis of its perception by Russian students in the EU. Data collection was a set of different methods, among which the main was the method of qualitative semi-formalized interviews with Russian students who had taken part in the academic mobility programs. The questions included the blocks of motivation for traveling abroad, problems in the implementation of the academic mobility program in the EU, training standards, and the difficulties associated with adaptation (living, learning, communication, culture).

We conducted 15 interviews with Russian students from different cities (St. Petersburg, Moscow, Kazan, Perm, Ufa) studying at the social and humanitarian faculties. The sample structure can be represented as follows: Russian students who took part in the academic mobility program in Europe. Interviews were conducted in Russian. The toolkit was developed taking into account the breadth of coverage of individual experience of living and training of a Russian student in the new conditions.

The theoretical and methodological basis of this study is the provisions of the main legal acts (including hard and soft law), tutorials and scientific articles of some Russian and foreign scientists dealing with the problems of educational migration.

RESULTS AND DISCUSSION

Migration for education is one of the main directions for regulating the legal migration in Europe. Since the middle of the 20th century, the main issues concerning the academic mobility of students have been regulated through the European conventions developed within the framework of the Council of Europe and UNESCO (the Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the European Region (1979), the Convention on the Recognition of Qualifications relating to Higher Education in the European Region (1997), etc.).

On June 19, 1999 29, the Ministers of Education of European States signed the famous Bologna Declaration, which stipulated the formation of a pan-European area for higher education.

The Russian Federation joined the Bologna Process in 2003, Armenia became a process member in 2005, Kazakhstan - in 2010, Belarus - in 2015. The European Higher Education Area was officially created at the 2010 Meeting.

The Bologna Process calls for a convergence of the higher education systems of European States with a view to the functioning of a single European Higher Education Area. The documents of the European Union in the field of integrating higher education and ensuring academic mobility have a significant impact on the Bologna Process.

In the EU, the academic mobility policy was officially enshrined in Art. 126 of the Maastricht Treaty; previous measures taken within the EU were implemented in the so-called "gray zone of law". It can be argued that the very strong emphasis of the Community's policy and actions on the transnational mobility was chosen due to *faute de mieux* [5, 6]. The first academic mobility programs, such as the Education Action Programme (1976-1984), as well as the Erasmus program launched in 1987, were introduced on the basis of the Community's competence in vocational training (Art. 128 of the European Community Treaty), which was confirmed by the position of the EU Court in case 293/83 Gravier v. City of Liège, in which the Court gave a broad definition of vocational training as any form of education that prepares qualifications for a particular profession, trade or employment (para. 30) [6, 7]. In fact, the decision on the Gravier case introduced legal grounds for the free movement of students to the EU [7].

To date, the academic mobility belongs to the field of auxiliary competence - Art. 165 of the EU Functioning Treaty indicates the objectives of EU actions, which include the development of European dimension in education, as well as stimulation of the mobility of students and teachers, encouraging, among other things,

academic recognition of diplomas and length of studying. Para.3 of Art. 165 emphasizes the need to deepen cooperation with third countries and competent international organizations, especially the Council of Europe [8].

The main achievements of the EU in the field of academic mobility have become the so-called European mobility and quality assurance instruments, which include: ECTS (European Credit Transfer and Accumulation System), the Diploma Supplement as one of the five documents of the Europass project, the European Quality Assurance Register and the European Qualifications Framework [9].

The important practical issues of academic mobility of students from third countries are reflected in the Directive (EC) 2016/801 of the European Parliament and Council dated May 11, 2016 on the conditions for entry and residence of third-country nationals for research, education, internships, volunteerism, exchange programs or educational projects and tutorship under the Au pair program [10]. According to the Directive, the academic exchange is characterized by:

- temporary stay (despite the fact that, as a rule, it exceeds 90 days;
- the fact that the main migration purpose is learning;
- the fact that employment cannot be the main reason for migration.

This directive facilitated the mobility of students and other groups of students within the EU: thus, a third country citizen with a study permit or research work obtained in the first Member State has the right to enter, stay, take part of his/her studies, or carry out part of his/her research in one or more other Member States of the EU.

The Eurasian Economic Union Treaty lacks a special area of cooperation in the field of education. Section XXVI devoted to labour migration, in the context of facilitating labour mobility, includes only the provision on recognizing the educational documents without the implementation of internal recognition procedures, and the documents on academic degrees and academic titles are recognized in accordance with the internal procedures of Member States (para. 3, Art. 97).

The somewhat broader scope of cooperation in the education field, including academic mobility, is established by the 2009 Agreement on Cooperation of the EurAsEC Member States in the Education Field [11], whose main tasks include the cooperation between educational institutions, promotion of academic mobility and mutual exchange of students, pedagogical and scientific-pedagogical staff. This agreement formally continues to operate, since para. 2 of Art. 3 of the EurAsEC Termination Agreement dated 10.10.2014 is included in the list of treaties that continue to operate between the participants, however its institutional mechanism in the form of the Education Council under the EurAsEC Integration Committee has been abolished [12].

The main obstacle for interstate cooperation in the field of academic mobility in the EAEU area is the differences in national reform strategies, the fears of Kazakhstan and Belarus regarding the outflow of local students to Russian universities, and the priority to integrate into the global English-speaking educational space for the Republic of Kazakhstan [13].

It is likely that the scant regulatory framework may relate in this issue to the different legal policies of the Member States of the EAEU, as well as to certain sociological factors, which will be discussed below.

The research question, which the authors sought to answer: what is the functional peculiarity of implementing academic mobility programs in the EU through the eyes of Russian students? What problems can students encounter and what are the mechanisms for resolving them? Is it possible to borrow the experience of academic mobility in the EU for the academic programs of the EAEU? [14].

The research results showed that the implementation of academic mobility programs on the EU territory is characterized by a high level of students' satisfaction with the educational process, adaptation programs, teaching staff training for admission and training of foreign students.

The main condition for taking part in the academic mobility programs is to meet the high requirements for a foreign student at the primary stage, to prevent language and cultural barriers: high level of language knowledge, general academic and educational level, scientific activity. As noted by the respondents, each foreign student is attached to the curator-tutor, who acts as an intermediary between the host institution and the foreign student, which reduces the conflict and adaptation barriers of academic migrants. For the same purposes, there are language courses and preparatory classes at the European universities before the semester starts.

The implementation of the academic mobility programs is characterized by a high level of teachers' training to work with foreign students [15]. The universities organize familiarization seminars for the newly recruited teachers, some of whom are dedicated to working with foreign students. As noted by the surveyed Russian students, the European system of education and maintenance of academic mobility is characterized by the

existence of a well-functioning system, the existence of academic cities in which all departments and associations function to maintain an academic international environment and increase the international ties.

CONCLUSION

The implementation of the academic mobility programs in the EU has a positive dynamic, and is characterized by the expansion of international relations, partnership programs and exchange between the institutions around the world. The effectiveness of the legislatively fixed system for implementing epy academic mobility programs in the EU is confirmed by the results of a series of interviews conducted with Russian students, who have taken took part in the academic mobility programs in Europe. The results of the conducted socio-legal research confirm the successful implementation of the EU law and the possibility to use the inherent standards and principles in the functioning of the academic mobility system in the EAEU.

Large-scale cooperation between the universities leads to a constant growth of opportunities for the academic exchange. The academic mobility can serve as an effective tool for attracting qualified workers and people with high intellectual potential, in which every modern state is interested. Due to serious funding and other forms of support in the education field, academic mobility in Europe is one of the most effective, and therefore it is rightfully considered one of the most successful examples for other regional integrations [16]. Due to the large number of similarities in the regulation of higher education issues, the authors believe that the academic mobility system in the EU may be projected onto the EAEU integration in general, taking into account the specifics of Eurasian integration.

The EU documents that promote student mobility solve most of the practical problems that are faced by the students. The authors believe that the tendencies towards convergence of laws of the EU member states in this area, as well as the improvement of legal regulation with regard to the changing situation in the education field and the needs of labor markets, can be taken into account when developing new educational documents within the framework of the EAEU, which can become the basis for the development of its own academic mobility system. Since the EAEU countries are directly related to the Bologna Process, the development direction of their educational fields is gradually adapting to those already used within the EU framework.

To stimulate the development of a full academic space within the framework of the EAEU, what the participants are striving for, it is necessary to expand the legal framework that would contain the procedural rules that implement the material norms of the agreement "On Cooperation of the Member States of the Eurasian Economic Community in the Education Field". The authors believe that the EU experience in the field of academic migration can be an example for creating an effective educational migration model within the EAEU.

CONFLICT OF INTEREST

There is no conflict of interest.

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None

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