



MARIUPOL STATE UNIVERSITY

RIGHTS AND OBLIGATIONS OF INTERNATIONAL STUDENTS



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RIGHTS AND OBLIGATIONS OF INTERNATIONAL STUDENTS IN UKRAINE

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The number of international students in Ukraine is constantly growing. Over the past two years, the number of Ukrainian universities where foreign students study has increased from 185 to 240 universities.

What attracts foreign students to higher education in Ukraine? First, it is relatively inexpensive, compared to obtaining higher education in other countries. Secondly, Ukraine has a high-quality academic school and the level of knowledge gained. Third, it is confidence that you will definitely get a diploma, because in Western Europe the procedure is much more complicated and not every student gets a diploma there. Fourth, this is a great opportunity to move to live in a more developed country, and these interest students from undeveloped countries.

Approximately 30% of international students in Ukraine are citizens of states of former Soviet Union. For many years, Azerbaijan ranked first in terms of the number of citizens who chose Ukraine for higher education, but in 2017, India took the lead in terms of the number of citizens.

The top ten in terms of the number of foreign students in Ukraine includes India (almost 11 thousand students from this country), Azerbaijan (7.5 thousand), Morocco (5.8 thousand), Turkmenistan (4.5 thousand), Nigeria (3.5 thousand), as well as Georgia, Jordan, Egypt, Turkey and Uzbekistan.

As for the most popular specialties among international students, 45% go to get a higher education in medical specialties, we are talking about medical science, dentistry, medicine and pharmacy. Management, Law, Economics, and construction are also popular.

The most popular international students are Kharkiv National Medical University (5.5 thousand international students) and V. N. Karazin Kharkiv National University (4.3 thousand), as well as Odessa National Medical University, Zaporizhia State Medical University and National Medical University named after Bogomolets.

Most foreign students study in Kharkiv – almost 20 thousand, in Kiev – 14 thousand and Odessa – 7.5 thousand.

At the international level, the rights of foreign students are enshrined in the convention for the protection of human rights and fundamental freedoms; the International Convention on the elimination of all forms of racial discrimination; the Universal Declaration of human rights; the Declaration on human rights in relation to persons who are not citizens of the country in which they live; the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, etc.

The listed conventions and declarations both establish the general human rights to freedom, personal inviolability, equality before the law, and prohibit discrimination, including on racial, national, and ethnic grounds.

The legal status of foreign students in Ukraine is regulated by the Law of Ukraine “On the legal status of foreigners and stateless persons”. This Law defines the legal status of foreigners and stateless persons staying in Ukraine and establishes the procedure for their entry into and exit from Ukraine: "Foreigners and stateless persons staying in Ukraine legally enjoy the same rights and freedoms, and also bear the same obligations as citizens of Ukraine, with exceptions established by the Constitution, Laws or international treaties of Ukraine". In particular, foreign citizens do not have the right to elect and be elected, hold positions of civil servants, including military personnel, be a lawyer, auditor, notary, etc.

Just like Ukrainian citizens, foreigners and stateless persons have the right to health care, the right to education, the right to housing, the right to work, the right to rest, the right to enjoy cultural achievements, the right to participate in Citizens'

Associations, the right to freedom of conscience and other rights. However, international students cannot study and work at the same time.

Unfortunately, in fact, not all rights can be freely enjoyed by foreigners, and international treaties and Laws of Ukraine do not protect foreign students from troubles that often happen. First of all, they often spend much more on accommodation and travel, as sellers and drivers create “special” fares for foreigners.

Due to ignorance of their rights and the Laws of Ukraine, foreign students often find themselves in conflict situations. Students' responsibility for violating the law or rules of stay in Ukraine is divided into general and special.

General responsibility consists in the fact that foreigners who have committed a crime or administrative offense are liable on general grounds, just like citizens of Ukraine.

Special types of liability include:

- liability for violation of the procedure for staying in Ukraine, transit through its territory;
- reduction of the period of temporary stay in Ukraine and Prohibition of entry to Ukraine;
- forced return and expulsion from Ukraine.

A foreigner and a stateless person, who violates the legislation of Ukraine, if these violations do not provide for administrative or criminal liability, may be reduced the period of stay in Ukraine determined by them. The terms "*forced return*" and "*forced expulsion*" should be understood as a system of administrative and legal measures aimed at forcing foreigners and stateless persons to leave the territory of Ukraine against their will and desire.

According to the law, foreigners and stateless persons who have arrived in Ukraine for the purpose of studying and received a temporary residence permit are considered to be legally staying on the territory of Ukraine for the period of study. To apply for a temporary residence permit, a foreigner must submit documents to the territorial body of the state migration service of Ukraine. A temporary

residence permit for foreign students is issued for the period of study, which is indicated in the document confirming the fact of studying in Ukraine. Also, a foreign student must apply for a student visa to study at a Ukrainian university.

One of the requirements for admission of foreigners to Ukrainian higher education institutions is also to pass the procedure for recognizing an educational document obtained in another country, on the basis of which admission is carried out. As a result of the recognition procedure, the owner of foreign educational documents receives a certificate confirming the right of the owner of documents issued by an educational institution of another state to continue education or employment in a specialty in a higher educational institution of Ukraine or in institutions throughout Ukraine.

Foreign students who violate the requirements of the legislation on registration of a place of residence are liable under the law, in particular, non-compliance by foreigners and stateless persons with the established procedure for movement and change of place of residence, entails the imposition of a fine of thirty to fifty non-taxable minimum incomes of citizens.

Thus, foreign students, in order to legally stay on the territory of Ukraine and study at universities, must apply for a type, student visa and pass the procedure for recognizing an educational document. According to the Constitution, foreigners who are legally located on the territory of Ukraine officially have all the rights and obligations that citizens have, with only a few exceptions. However, in fact, they may not use their rights in full, and we can often observe violations of their rights. At the moment, it is worth paying more attention to international students. It is necessary to create special assistance centers where foreigners could get the information they need and get acquainted with the laws of Ukraine, the rules of behavior in various situations, for example, during a conflict or a conversation with the police. Also, students should definitely understand how to act when there is a violation of their rights, where to apply and what to demand.

The status and rights of a student are determined by the legislative framework of Ukraine and international treaties. To fully use all the opportunities provided by the law, you need to know what exactly students are entitled to.

A student is a person who studies at a higher education institution for the purpose of obtaining certain educational and educational qualification levels.

Institution of Higher Education is an, educational and scientific institution that is founded and operates in accordance with the legislation on education, implements educational and professional programs of Higher Education provide training, upbringing and professional training of persons, as well as carries out scientific and scientific and technical activities. Higher education institutions include: College, Institute, Conservatory, Academy, and University.

Student rights are determined by the Constitution of Ukraine, the law of Ukraine "On education" and "On higher education". Relations in the learning process may be regulated by orders of the Cabinet of Ministers of Ukraine, the Ministry of education of Ukraine, as well as internal regulatory legal acts of the educational institution. The most important regulatory act of an educational institution is the Charter, which must comply with the legislation of Ukraine.

Public relations in the field of education, upbringing, professional training, namely: organizational, financial and other principles of functioning of the higher education system, conditions for self-realization of students' personalities, ensuring the needs of society and the state for qualified specialists are regulated by the laws of Ukraine "On education" and "On higher education". The rights and obligations of students are defined in Articles 62 and 63 of the Law of Ukraine "On higher education".

Persons studying in higher education institutions **have the right to:**

- 1) choice of the form of study for admission to higher education institutions;
- 2) safe and harmless conditions of study, work and everyday life;
- 3) working activities;

4) additional paid leave in connection with studying at the main place of work, reduced working hours and other benefits provided for by law for persons who combine work with study;

5) free use of libraries, museums, information funds, educational, scientific and sports bases of higher education institutions;

6) free provision of information for training in accessible formats using technologies that take into account life disabilities caused by the state of health (for persons with special educational needs);

7) use of industrial, cultural and educational, household, health-improving bases of the institution of higher education in accordance with the procedure provided for by the Charter of the institution of Higher Education;

8) providing a hostel and round-the-clock access to it for the duration of training in accordance with the procedure established by law;

9) participation in research and development works, conferences, symposia, exhibitions, competitions, submission of their works for publication;

10) participation in events on educational, scientific, research, sports, artistic, public activities held in Ukraine and abroad, in accordance with the procedure established by law;

11) participation in the discussion and resolution of issues related to improving the educational process, research work, awarding scholarships, organizing leisure, everyday life, and improving health;

12) making suggestions on the terms and amount of tuition fees;

13) participation in public associations;

14) participation in the activities of public self-government bodies of the institution of higher education, institutes, faculties, departments, the Academic Council of the institution of Higher Education, student self-government bodies;

15) selection of academic disciplines within the limits provided for in the relevant educational program and curriculum, in the amount of at least 25 percent of the total number of ECTS credits provided for this level of Higher Education. At the same time, applicants for a certain level of Higher Education have the right to

choose academic subjects offered for other levels of higher education, in agreement with the head of the relevant faculty or department;

16) training simultaneously in several educational programs, as well as in several institutions of higher education, provided that only one higher education is obtained for each degree at the expense of the state (local) budget;

17) academic mobility, including international mobility;

18) receiving social assistance in cases established by law;

19) enrollment in the insurance experience in accordance with the law of Ukraine "On mandatory state pension insurance" of periods of full-time study in institutions of higher education, postgraduate, doctoral, internship, residency, subject to voluntary payment of insurance premiums;

20) academic leave or break in training with the preservation of certain rights of the applicant for higher education, as well as to resume training in accordance with the procedure established by the central executive authority in the field of education and science;

21) participation in the formation of an individual curriculum;

22) moral and / or material incentives for academic success, research and social work, artistic and sports achievements, etc.;

23) protection from all forms of exploitation, physical and mental violence;

24) free internship at enterprises, institutions, institutions and organizations, as well as to pay for labor in the performance of production functions in accordance with the legislation;

25) vacation leave lasting at least eight calendar weeks per academic year;

26) obtaining targeted concessional state loans for higher education in accordance with the procedure established by the Cabinet of Ministers of Ukraine;

27) appeal against actions of management bodies of higher education institutions and their officials, teachers and research and teaching staff;

28) special educational and rehabilitation support and free access to the infrastructure of a higher education institution in accordance with medical and social indications in the presence of life restrictions due to the state of health.

Students and cadets of higher educational institutions have the right to receive a student ID card, the sample of which is approved by the central executive authority in the field of education and science.

Persons studying in higher education institutions **are obliged to:**

1) comply with the requirements of the legislation, charter and internal regulations of the institution of Higher Education;

2) comply with the requirements for labor protection, safety, industrial sanitation, fire safety provided for by the relevant rules and instructions;

3) comply with the requirements of the Educational (Scientific) Program (individual curriculum (if any), observing academic integrity, and achieve certain learning results for the corresponding level of Higher Education.