

Changes to policy governing decisions on mitigating circumstances for international students

This policy was adopted on 15-12-2025

Rationale

On 16 July 2025, [the Administrative Jurisdiction Division of the Council of State](#) issued an opinion on the application of the study progress requirement, as laid down in Articles 6.5 and 6.6 of the Code of Conduct. The opinion entails consequences for the policy governing decisions on mitigating circumstances for international (non-EU) students who do not meet the study progress norm.

The Council of State has found that, when taking a decision to notify IND regarding deregistration of students required to hold residence permits due to insufficient study progress, *all* the relevant circumstances must be taken into consideration and the proportionality principle must be duly observed. The proportionality principle should preclude that a student's ongoing personal circumstances extending into the next academic year are omitted from decision-making. This opinion is at odds with the current formulation of Article 6.6 of the Code of Conduct, which states that identical personal circumstances may only be used once in each reference period for exemption from notification of IND.

Changes to policy

The National Code of Conduct Commission, following consultation with the umbrella organisations and the Ministry of Asylum and Migration, has issued an urgent request that the policy regarding decisions on mitigating circumstance be brought into line with the opinion of the Council of State as quickly as possible. In concrete terms, this means that if a student does not meet the study progress requirement, it must be assessed each time whether personal circumstances, as referred to in Article 6.5 of the Code of Conduct, apply. The limitation laid down in the Code of Conduct regarding the number of times that identical personal circumstances may be invoked must be set aside.

Further action

The text of the Code of Conduct will be re-evaluated in the period 2026-2027. In that context, Article 6.6 of the Code of Conduct will be modified so that this limitation is formally withdrawn from the Code of Conduct, in line with the opinion of the Council of State.