

Client Alert

Presentation of a draft law on controlled immigration and asylum

1 March 2018

Summary: The Bill for a controlled immigration and an effective right of asylum was presented on 21 February 2018 in Council of Ministers, and registered at the Presidency of the National Assembly the same day. The government has committed to this bill the accelerated procedure provided for in article 45, paragraph 2, of the Constitution. It is the measures impacting professional immigration that are presented here.

Extension of the "talent passport" to new categories

The talent passport, created by the immigration law of 7 March 2016 concerns 10 categories and aims to promote the stay of international talent in France. Among these 10 categories, the first is aimed at qualified employees holding a Bac + 5 degree obtained in France or recruited by a young innovative company, defined in Article 44e-0 A of the General Tax Code.

The law provides for the extension of the scheme to innovative companies recognized by a public body, even if they do not have the tax status of "young innovative companies".

The law also provides for the ability to issue the talent passport abroad, which can participate in a significant and sustainable way in economic development, the development of regional planning or the influence of France.

Finally, it is proposed to extend the concept of family member, to allow the children of the couple and not only the children of the holder of the talent passport, to benefit from an accompanying family procedure.

Transposition of the (EU) 2016/801 Student / Researcher Directive, adopted on 11 May 2016

In order to transpose this directive into national law, the following measures are proposed:

- Creation of a residence permit valid for one year bearing the mention "job search or business creation" (article 25 of the directive), which would replace the APS and which would be issued to students at the end of the course only to the researchers.

- Creation of the VLS-TS (long-stay visa for one year) "student looking for a job or business creation" for former foreign students within a maximum of 4 years after graduation in France. The latter would thus benefit from the same rights and obligations provided for by the temporary residence permit referred to above as "student looking for a job or setting up a business".

- Creation of a multi-year residence permit bearing the mention "student - mobility program" of a minimum duration of two years, delivered on first admission.

- Creation of a temporary residence card bearing the title "au pair" for anyone aged 18 to 30, coming to France to improve their language skills and their knowledge of France, hosted by a family in exchange for the childcare and small housework. This temporary residence permit of one year would be renewable once.

Reform of travel documents issued to minor aliens

The provisions of the draft law provide for the merging of the two documents "TIR" (Republican Identity Title) and "DCEM" (Travel Document for Minor Children), as well as the simplification of the conditions of issue and the modulation of the duration of the validity of the DCEM according to the duration of the residence permit held by the parent.

Merger of temporary residence cards bearing the words "employee" and "temporary worker"

This proposal is made in order to overcome the difficulties encountered for the holders of a fixed-term contract who are placed under "temporary worker" status, and who, contrary to the holders of the "employee" status, are not entitled to an extension of their right. to stay in case of involuntary loss of employment.

Simplification of the system of issuing work permits

The objective pursued here is to adapt the procedure to the economic realities of companies which, by their activity, must regularly call on international mobility or the hiring of third country employees because of the lack of resources available on the national labor market.

In order to simplify the procedure, it is proposed a system of authorization of the company, to benefit from a simplified and secure process of issuing residence permits authorizing to work. The number of documents required from the employer will be reduced and the time of the proceedings will be reduced.

A project to reform the information system relating to professional immigration made pursuant to Decree No. 2015- 1423 of 5 November 2015 must be tested in April 2018 in order to organize the sharing of information between the ministerial services concerned.

Measures concerning trainees or seconded employees ICT (intra-group mobility)

The professional seniority of the employee within the group of companies, prior to temporary transfer to France, should be increased from three to six months.

It is proposed to require the respect of a period of six months between the end of an intragroup temporary transfer in France and a new request.

Finally, it is proposed to extend the concept of family member, to allow the children of the couple and not only the children of the holder of the title "ICT" to benefit from an accompanying family procedure.

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