

Client Alert
Presentation of a draft law on controlled immigration and asylum

7 August 2018

Summary: The Bill for a controlled immigration and an effective right of asylum was adopted on 1st August 2018 by the National Assembly. The decrees of application have not been published to date. Only the measures impacting professional immigration are presented here.

On 3 August 2018 a writ was filed for the constitutionality of the law to be confirmed by the Conseil Constitutionnel. The Court has one month to render its judgment. The law should therefore be enacted by mid September at the latest.

Provisions on professional immigration have not been significantly amended. The reforms introduced by law and described in our newsletter of March 1, 2018 are unchanged:

Extension of the "talent passport" to new categories

o The creation of the "talent passport - researcher mobility program"

This temporary residence permit may be issued to foreigners with a research or higher education mission admitted to the territory of another Member State under a reception agreement. The foreigner will be able to carry out some of his work in France.

o The extension of the "talent passport - innovative company"

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".

o The extension of the "talent passport - national or international renown"

The law provides for the extension of the system abroad, which is likely to participate in a significant and sustainable way in economic development, the development of regional planning or the influence of France.

o The extension of the "talent passport-family"

The notion of a family member has been extended to allow the couple's children and not just the children of the talented passport holder to benefit from an accompanying family procedure.

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

o Creation of a residence permit valid for one year bearing the mention "job search or business creation"

This temporary residence permit will replace the APS and will be issued to both end-of-course students and researchers.

o Creation of the VLS-TS (long-stay visa for one year) «student looking for a job or starting a business»

This visa will be reserved for former foreign students within a maximum of 4 years after graduation in France.

o Creation of a multi-year residence card marked "student - mobility program"

This residence permit shall be for a minimum period of two years, issued on first admission to foreign students coming under a program of the European Union, a multilateral program involving mobility measures in one or more Member States, or an agreement between at least two higher education institutions located in at least two Member States of the European Union.

o Creation of a temporary residence card marked "au pair"

This card is intended 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 childcare and small housework. This temporary residence permit of one year would be renewable once.

Reform of travel documents issued to minor foreigners

The two documents "TIR" (Republican Identity Title) and "DCEM" (Circulation Document for Minor Child) are merged. The conditions for issuing the document must be simplified. Finally, the period of validity of the DCEM will be modulated according to the duration of the residence permit held by the parent.

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

Simplification of the system of issuing work permits

The simplification will result from a system of corporate empowerment, in order to benefit from a simplified and secure process of issuing residence permits authorizing work. The number of documents required from the employer will be reduced and the time of the proceedings will be reduced.

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, increases from three to six months.

A waiting period of six months will be required between the end of an intragroup temporary transfer in France and a new application.

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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