

Client Alert
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The main points in legal news concerning immigration and international mobility
Promulgation of the New French Immigration law

In our last client alert, further to the adoption on 19 December 2023 of the new Immigration law, we had announced that modifications for some of its provisions could be expected before the promulgation of the Law. The Constitutional Council has indeed considered certain measures as unconstitutional. The law in its final version has been published in the Official Journal on 26 January 2024. We here take stock of the measures that directly impact professional immigration as well as the measures repealed by the Constitutional Council.

Talent Passport residence permits

- "Talent Passport" residence permits change their name to "Talent" residence permits, in a simplification effort.
- The following three Talent Passport residence permits: Talent - Passport Qualified employee, Talent Passport employee of a innovative company, and Talent Passport intra-company all merge to a single "Talent - Qualified employee" residence permit. This simplification does not modify the initial conditions required for each status, but the minimum salary thresholds could change since the article refers to *"a salary threshold set by decree in the Council of State"*, which has not yet been published.
- The following three Talent Passport residence permits: Talent Passport - Business Creation, Talent Passport innovative economic project and Talent Passport economic investment will all merge into a single "Talent - Project Bearer" residence permit.
- The Law creates a "Talent - medical and pharmacy professions" residence permit, that will concern doctors, midwives, dental surgeons and pharmacists.

Regularization of undocumented workers in short-staffed professions

The law gives prefects discretion to regularize undocumented workers, who have lived in France for at least three years and who have worked at least 12 months, consecutive or not, over the last 24 months, who have a job in short-staffed professions in a specific area. This will lead to the issuance of a residence permit bearing the title "temporary worker" or "employee" for a period of 1 year. The workers will be able to apply without their employer's approval.

The Constitutional Council has deemed the following measures unconstitutional:

Migration quotas

The law planned the establishment of "quotas" to cap for the next three years the number of foreigners admitted to the country. This measure has been considered as unconstitutional by the Constitutional Council. Quotas will accordingly not be implemented.

Family reunification

The conditions for family reunification will remain the same. The extension of the duration of residence in France for more than 24 months has been deemed unconstitutional as well as the other new measures regarding family reunification.

With regard to aspects relating more about private life, the following measures deemed unconstitutional have been excluded:

- Tightening of the conditions to be met by foreigners married to a French national to be issued with a temporary residence permit bearing the title "private and family life" for a period of one year,
- Tightening of the conditions for issuing a residence permit for reasons of study,
- Full right issuance of a long-stay visa to British nationals who own a secondary home in France

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