



First Focussed Study 2013

**Attracting Highly Qualified and Qualified Third-Country Nationals
to France:
Good Practices and Lessons Learnt**

*French Contact Point of the European Migration Network
(EMN)*

July 2013

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**ATTRACTING HIGHLY QUALIFIED AND QUALIFIED
THIRD-COUNTRY NATIONALS TO FRANCE:
GOOD PRACTICES AND LESSONS LEARNT**

*Study conducted by the National Contact Point for France
of the European Migration Network (EMN)*

July 2013

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The European Migration Network was created by Council Decision No. 2008/381/EC of 14 May 2008 and is funded by the European Union and the General Secretariat for Immigration and Integration

LIST OF ACRONYMS

- *AGDREF* : *Application de gestion des dossiers des ressortissants étrangers en France*
The IT application for managing the files of third-country nationals in France
- *CAI* : *Contrat d'accueil et d'intégration*
Reception and Integration Contract
- *CESEDA* : *Code de l'entrée et du séjour des étrangers et du droit d'asile*
Code on Entry and Residence of Foreigners and Right of Asylum
- *CJC* : *Confédération des jeunes chercheurs*
Confederation of Young Researchers
- *CINDEX* : *Club inter-entreprises sur les stratégies et politiques de mobilité internationale*
Inter-Company Club for strategies and policies relative to international mobility
- *CITE* : *Classification internationale type de l'éducation*
International Standard Classification of Education (ISCED)
- *CITP* : *Classification internationale type des professions*
International Standard Classification of Occupation (ISCO)
- *DIRECCTE* : *Direction régionale de l'entreprise, de la concurrence, de la consommation, du travail et de l'emploi*
Regional Directorate for Enterprises, Competitiveness, Consumer Protection and Employment.
- *DGT* : *Direction générale du travail*
General Directorate of Labour
- *OFII* : *Office français de l'immigration et de l'intégration*
French Office for Immigration and Integration
- *SGII* : *Secrétariat général à l'immigration et à l'intégration*
Ministry of the Interior, General Secretariat for Immigration and Integration
- *SMIC* : *Salaires minimum interprofessionnel de croissance*
Statutory Minimum wage (index-linked)
- *VLS-TS* : *Visa de long séjour valant titre de séjour*
Long-stay visa equivalent to a residence permit (LSV-RP)

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EXECUTIVE SUMMARY

The EU Policy relative to the migration of highly qualified third-country nationals, as defined in the Europe 2020 Strategy, emphasises that Member States need to make the best use of the potential of migrants living lawfully in the EU. At the same time, it paves the way for new types of labour migration in sectors where a shortage of labour and skills is becoming manifest. Furthermore, the Strategy underlines that, in the context of international competition for skilled individuals, the EU needs to focus its efforts on attracting highly qualified third-country nationals.

From a legal point of view, a **third-country national** is an individual who is not an EU citizen under Article 20(1) of the Treaty on the Functioning of the European Union, nor is he/she entitled to the EU right to freedom of movement, as defined in Article 2(5) of the Schengen Borders Code¹. As a result, citizens of the EFTA member countries are not considered as third-country nationals in this context.

Although there is a lack of a common definition at an EU level for the expressions “**qualified**” or “**highly qualified**” workers, several criteria may be considered, such as the level of qualifications, profession or even salary threshold. Expressions used in the French policy for attracting these groups are “international talents”, “high potential” or “highly qualified” employees.

Attracting qualified and highly qualified third-country nationals is a strategic challenge for all EU Member States. The National Covenant for Growth, Competitiveness and Employment adopted by the French government on 6 November 2012 provides for “*developing a strategy aimed at attracting international skills and major investment projects in particular, as well as cultural and scientific projects*”. In the framework of the recent French Parliamentary debate on labour migration and student mobility, several guidelines were presented with a view to achieving this goal². The present study has therefore been conducted in **an important political and legislative context**, since the parliamentary debate should lead to the tabling of a bill in 2014.

The focus of the present study is to examine **policies and measures implemented in France to attract qualified and highly qualified third-country nationals**, whilst reviewing **their effectiveness and potential obstacles**.

In 2006, a new policy on labour immigration was implemented in France, focussing more on socio-economic requirements. It is based on the concept of “selective migration policy” introduced by the then Minister of the Interior. The regulations, pursuant to the law of 24 July 2006 relative to immigration and integration, facilitate the entry and stay in France of international employees whose qualifications and professional experience meet the requirements of French companies.

Several measures have come into force over the past years, with a view to promoting labour migration and attracting in particular high potential third-country nationals to France. Also, France is the first EU Member State to have transposed the EU Council

¹ Source: EMN Glossary 2.0: <http://emn.intrasoft-intl.com/Glossary/index.do>

² Refer to http://www.senat.fr/cra/s20130424/s20130424_9.html#par_275 and http://www.assemblee-nationale.fr/14/cr/2012-2013/20130269.asp#INTER_0 (in French)

Directive 2009/50/EC of 25 May 2009, also known as the “EU Blue Card” Directive into national legislation, through the law of 16 June 2011 relative to immigration, integration and nationality.

The figures show however that efforts need to be pursued. In 2012, labour migration in France accounted for only 9 % of the 193,000 residence permits issued for the first time. Despite efforts to promote the “skills and talents” residence permit, the goal was not met. On average, 200 residence permits in this category are issued each year. Several reasons may explain why the figure is so low, first and foremost the complexity of the system and constraining administrative procedures. There are currently **eleven different types of residence permits** for third-country national workers, each with different procedures.

Although some initiatives have been launched to make procedures easier, there are still many challenges that need to be taken up. Further to the analysis of recent political reports and interviews conducted with various stakeholders in the context of the present study³, current policy has been assessed and existing obstacles identified, while possible avenues for improvement are being considered. In the framework of the recent French Parliamentary debate on labour migration and student mobility, several guidelines were presented to enhance the attractiveness of France. The draft law due to be tabled in Parliament in 2014 provides for a generalisation of multi-annual residence permits and an improved reception for applicants at prefectures.

The present study is a continuation of the following studies previously conducted by the EMN: *“Immigration of international students to France”* (2012), *“Temporary and circular migration: empirical evidence, current policy practice and future options”* (2011) and *“Satisfying labour demand through migration”* (2010).

The **Synthesis Report** drafted on an EU scale based on the National Contact Points’ studies will take stock of the policies and measures implemented throughout the EU to attract qualified and highly qualified third-country nationals. It will in particular draw attention to good practices and identify the challenges that still need to be met in order to strengthen the attractiveness of the EU and efficiently meet the needs of the labour market in the relevant sectors.

³ These interviews were conducted in April 2013 with representatives of the Department of Immigration of the General Secretariat for Immigration and Integration (SGII); the French Office for Immigration and Integration (OFII); Migration Conseil Consultancy and international corporations L’Oréal and BNP Paribas.

Section 1. National Policies and Measures

This study aims to analyse policies and measures that are directly aimed at attracting qualified and highly qualified third-country nationals. Although other measures may have an influence on third-country nationals' decision to settle in a Member State, these will not be addressed here, unless the objective of the policy on attractiveness, and the direct link with the target groups are clearly identified.

1.1 Policies

Before examining the policies and measures implemented in France, an accurate definition of the two target groups needs to be provided. To make a relevant comparison between different EU Member States, several criteria such as the International Standard Classification of Education (ISCED), the International Standard Classification of Occupation (ISCO) and/or salary thresholds can be used to provide a definition of these two terms.

1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?

Further to the law of 24 July 2006 on immigration and integration and the law of 20 November 2007 pertaining to immigration control, integration and asylum, a new immigration policy has come into force that takes into account socio-economic requirements. The aim is to meet current recruitment needs in certain sectors, while protecting the interests of the country of origin.

a) National definition of qualified and highly qualified third-country nationals

➤ Definition based on several standard criteria

There is no definition of “qualified third-country nationals” or “highly qualified third-country nationals” shared by all EU Member States. This is due to the fact that definitions are often linked to national labour market requirements and other national criteria. These two expressions are often defined based on criteria linked to **education level, occupation and salary threshold**⁴. The International Standard Classification of Education (ISCED) of UNESCO and the International Standard Classification of Occupation (ISCO) of the International Labour Organisation offer a comparative analysis of qualification and occupation levels. The salary level, which is often checked against the average annual gross salary in the Member State concerned, cannot be used as a comparison tool at an EU level. As a result, this study, although based on national definitions, will refer to the ISCED and ISCO to ensure data comparability at an EU level.

The **ISCED**⁵ divides education into six levels. The higher French education system is divided into short and long cycles corresponding to **level 5 (Bachelor's Degree - *Licence* in French, and Master's Degree) and level 6 (Doctorate)**⁶.

⁴ Chaloff Jonathan and Lemaitre George, *Managing Highly-Skilled Labour Migration: A Comparative Analysis of Migration Policies and Challenges in OECD Countries*, OECD Working/Policy Paper: social, employment and migration issues n°79, 2009

http://www.oecd-ilibrary.org/social-issues-migration-health/managing-highly-skilled-labour-migration_225505346577

⁵ <http://www.uis.unesco.org/Library/Documents/isced97-en.pdf>

⁶ FR EMN NCP study, *Immigration of international students to France*, September 2012

The **International Standard Classification of Occupations (ISCO)** is organised around major groups and sub-major groups. « Highly qualified » and « qualified » occupations most often refer to jobs listed under **major groups 1 to 3 of ISCO-88 and ISCO-08**:

- Managers (ISCO-08) or legislators, senior officials and managers (ISCO-88);
- Professionals;
- Technicians and associate professionals.

However, some sub-major group, minor group or basic group occupations included in other major groups may be considered as qualified in a particular national context, for instance if these occupations are listed under shortage occupations in that country.

➤ **French definition of highly qualified third-country nationals**

There is no definition of highly qualified third-country nationals in France. From a legal point of view, the only definition of highly qualified third-country national workers can be found in the conditions of issuance of the **EU Blue Card**, in accordance with Article L. 313-10 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA)⁷.

The EU Blue Card aims at facilitating the entry, stay and employment in France of highly qualified third-country nationals. The EU Blue Card can be obtained subject to meeting the following conditions:

- Holding a **degree achieved after at least three years of higher education** at an institution recognised by the State of residence of the third-country national **or providing evidence of 5 years of professional experience at a comparable level**;
- Holding an **employment contract for a period of at least one year**, certified by the service in charge of third-country national workers;
- Earning **at least 1.5 times the benchmark average gross salary**, the amount of which is set every year by Order of the Minister responsible for immigration (€52,752 for 2013).

This definition of highly qualified third-country nationals relies therefore on the level of qualification, professional experience at a comparable level, salary and length of employment contract. According to the ISCED, any third-country national who holds a degree corresponding to at least **level 5** is considered as highly qualified in France. Based on ISCO, it corresponds to **major groups 1 and 2**, i.e. managers and professionals.

➤ **French definition of qualified third-country nationals**

As no provisions in France make clear reference to qualified third-country nationals, it seems difficult to provide an accurate definition of this target group. The "employee" residence permit can be issued to highly qualified third-country nationals, qualified third-country nationals or less qualified third-country nationals. There are no statistics held as to the level of

⁷ The circular DPM/DMI 2 n° 2004-143 of 26 March 2004 relative to issuing work permits and/or residence permits to high level third-country national executives and directors of French subsidiaries of international groups, as well as their family members, supplemented by the circular n° DPM/DMI2/2006/133 of 15 March 2006 relative to accompanying family members, were already referring to the expressions "high level executive or executive manager". They were repealed by the Circular NOR INTV1231400C of 3 August 2012 relative to the one-stop-shop procedure for some categories of third-country national workers of the French Office for Immigration and Integration.

qualification. For instance, in 2011, 13,456 “employee” residence permits were issued, without distinction⁸.

Nevertheless, the salary threshold is used as a benchmark. Employees on assignment in France should be remunerated **at least 1.5 times the minimum wage (SMIC)**. International students who wish to gain a first work experience in France should also earn **at least 1.5 times the minimum wage (SMIC)** and be qualified at Master’s degree or higher level, matching the **level 5 of ISCED**.

b) Policies aimed at highly qualified third-country nationals and qualified third-country nationals show little distinction

Whereas highly qualified third-country nationals benefit from several targeted measures, qualified third-country nationals are often part of broader provisions aimed at all third-country national employees.

c) The rationale for the distinction

Not applicable.

d) The objective of policies aimed at attracting qualified third-country nationals and highly qualified third-country nationals

Since recruitment now takes place at a global level **to meet the needs of certain economic sectors**, it has become necessary to reconsider labour migration procedures. To bolster the growth of the French economy, some measures were taken to facilitate the access of third-country nationals to selected professions. The "employee on assignment," "EU Blue Card" and "skills and talents" residence permits aim to meet the requirements of companies that can not find the skills they need on the French labour market, either due to a **shortage of job applicants** or to the **specific requirements of the job**.

It is worth mentioning that this policy is part of the broader strategy pertaining to cooperation with third countries illustrated by the specific provisions relative to the stay of international students and to concerted management agreements. In keeping with the goals of solidarity development, these agreements rely on the **circular migration** concept.

e) A system based on the needs of the employer (an employer-led system)

Depending on the State concerned, the system can be either points-based⁹, employer-led¹⁰ or hybrid, combining the two systems¹¹.

The French system is **employer-led**. Although companies can select the workers they need, they are however bound to consider the job market situation and show that they cannot find a matching skill in France that can fulfil the job requirements. Once the employment contract is

⁸ Source: AGDREF / DSED (French central database of third country nationals / Department of Statistics, Studies and Documentation)

⁹ A points-based system admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age.

¹⁰ In this system, employers are allowed to select the salaried workers they need, subject to government regulations.

¹¹ Papademetriou Demetrios, Sumption Madeleine, *Rethinking point systems and employers-selected immigration*, European University Institute and Migration Policy Institute, 2011 <http://www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf>

drafted, the dossier is to be examined by the relevant service in charge of third-country national employees, according to the geographical location of the job.

2. Other target groups

Target groups of the policies aimed at attracting (highly) qualified third-country nationals, and the measures applicable to them, each have their own specific characteristics.

➤ **Attracting (highly) qualified third-country nationals: “skills and talents” residence permit**

The “skills and talents” residence permit was introduced by the law dated 24 July 2006. It is issued to third-country nationals “*who are likely to contribute, through their skills and talents, in a significant and lasting manner to the economic growth, the territorial development and to the international outreach notably intellectual, scientific, cultural, humanitarian or sports of France and, directly or not, of their country of origin*” (Article L. 315-1 of CESEDA). This residence permit is valid for three years and is renewable. There are no eligibility requirements based on the labour market situation.

Applicants should meet the following criteria:

- Present a **project that contributes to the economic growth and the international outreach of France and their country of origin;**
- Be able to prove their **aptitude to accomplish the project.**

In keeping with Article R.315-1 of CESEDA, the project will be assessed taking into consideration its geographic location, the economic sector involved and number of potential jobs created. The aptitude of the applicant to succeed will be looked at based on their level of education, their professional experience and, if need be, the intended investment.

The circular of 1 February 2008 pertaining to the conditions of issuance of the “skills and talents” residence permit¹² clearly outlines the criteria to be met and the guidelines drafted by the National Committee for Skills and Talents, regarding in particular the salary and degree requirements. Despite a lack of specific indication as to the salary criterion, the circular points out that preference will be given to applicants on a **salary comparable with that of senior executives in the same geographical region**. In addition, when evaluating the salary level, the age of the applicant and the project itself may also be taken into account. As to the level of education, applicants are considered eligible if they at least hold a Bachelor's degree (*Licence* in French) and have a minimum of three years' work experience, or a Master's degree and a minimum of one year's work experience, or a PhD without any minimum work experience. **Artists** and **athletes** are not subject to any degree requirement.

Less than 300 “skills and talents” residence permits are issued each year.

➤ **Attracting employees on assignment**

The “employee on assignment” residence permit was introduced by the law of 24 July 2006 in order to simplify procedures for the employees of international groups who are seconded or transferred to carry out a temporary assignment at a branch of the group in France.

The employee concerned must have worked with the international group for at least three months and should:

- Carry out **an assignment for at least three months** in France,

¹² http://www.immigration-professionnelle.gouv.fr/sites/default/files/fckupload/NOR_IMIG0800017C_du_1-02-2008.pdf (in French)

- Earn a **gross salary equivalent to or higher than 1.5 times the minimum French wage** (SMIC),
 - Bring a **specific expertise** to the French company or **attend a training course** for the implementation of a project abroad.
- **Attracting foreign investors: residence permits issued on grounds of exceptional economic contribution**

This measure aims at encouraging investors to settle in France by easing the formalities required. Further to the law of 4 August 2008 on the modernisation of the French economy, Article L. 314-15 was incorporated into CESEDA. According to this article, a ten-year residence permit can be issued to “*third-country nationals who bring an exceptional economic contribution to France*”.

This type of residence permit can be issued to third-country nationals who either directly or through a company they run or of which they own at least 30 % of the capital, meet at least one of the two following conditions:

- Creating or saving, or committing to create or save **at least fifty jobs** in France;
- Investing, or committing to invest a **minimum of ten million euros** in tangible and intangible assets.

It is worth noting that this measure benefits a limited number of people. Only about 10 third-country nationals held this type of residence permit in 2012¹³.

➤ **Attracting international students¹⁴**

Third-country national graduates can gain a first work experience in France. They can benefit from a **temporary residence authorisation**, introduced by the immigration law of 24 July 2006, **valid for six months and non-renewable**, subject to meeting the following criteria:

- Having successfully completed studies in an institution for higher education certified by the State, and obtained at least a **Master’s degree** or equivalent; the list of the acceptable degrees and diplomas has been set by the Order dated 12 May 2011.
- Wishing, with a view to returning to their country of origin, to complete their education with a **first work experience** by taking part directly or indirectly in the economic growth of France and their country of citizenship.

At the end of the six-month period, a graduate who is employed or has had an offer of employment related to the qualification obtained and which is **remunerated at a full-time monthly rate of at least 1.5 times the minimum monthly wage (SMIC)**, is entitled to stay in France to work, and is exempt from eligibility requirements based on the employment situation in France¹⁵. All other work authorisation issuance conditions are still applicable. In particular, the remuneration offered to the applicant must be at least equivalent to that of a French employee doing the same job, the position on offer must be related to the qualification obtained and, where applicable, the skills of the applicant. The applicant may then obtain a temporary residence permit inscribed with “**employee**” or “**temporary employee**”.

If the employment contract offered to the student includes remuneration lower than 1.5 times the SMIC per month of full-time work, the application for a status transfer is adjudicated

¹³ Source : SGII, Department of Statistics, Studies and Documentation

¹⁴ FR EMN NCP Study, *Immigration of international students to France*, September 2012

¹⁵ In accordance with Article R.311-35 of CESEDA, the residence permit application must be lodged within 15 days after the signature of the employment contract.

under the conditions prevailing in ordinary law, and is subject to the labour market test.

In the framework of preliminary consultations to the debate without vote in Parliament, the issue of **reviewing the concept of first work experience and the length of the temporary residence authorisation**¹⁶ was raised. During the debates in both Senate and National Assembly, several ideas were discussed focussing on the need for reinforcing the policy of attracting international students and young qualified professionals. The Minister for Higher Education and Research suggested that transfer from student status to employee status be encouraged, the length of the temporary residence authorisation be extended and the concept of eligibility requirements based on the employment situation in France be modified.¹⁷

➤ **Attracting international researchers**

A temporary “scientist/researcher” residence permit was introduced in 1998 in France, subsequent to the law of 11 May 1998 pertaining to the entry and residence of foreigners in France and the right of asylum. This was part of the policy of attracting international researchers.

Since 2011, researchers can be offered a **“scientist/researcher” long stay visa equivalent to a residence permit (LSV-RP)**, subject to meeting the following criteria:

- The aim of their stay in France must be to conduct research and/or teach at university level;
- They must hold a degree which qualifies them for Doctorate studies, or a Master’s degree or an equivalent qualification (obtained in France or abroad);
- They must have signed a convention with an accredited French organisation that hosts international scientists/researchers.

The long-stay visa is valid for only 12 months. Should the scientist/researcher plan to stay for a longer period of time, a temporary “scientist/researcher” residence permit will be issued at the time of renewal, valid for between 1 to 4 years, the period of time matching the length of research work to be conducted.

The Circular dated 26 July 2010 relative to the conditions of delivery of “scientist/researcher” temporary residence permits¹⁸ provides for a swift process. The residence permit should be issued, in keeping with the Circular requirements, in the month following the application.

This residence permit is issued on average to 2,000 international scientists per year: those eligible are international PhD students who have a research contract and a hosting agreement from a higher-education institution. Unlike third-country nationals holding a “student” residence permit, researchers are not entitled to the temporary residence authorisation valid for 6 months that allows them to look for a first work experience in France.

¹⁶ SGII, *Les données de l’immigration professionnelle et étudiante* (Labour and student immigration data), Preparatory paper for the Parliamentary debate, April 2013 (in French)

¹⁷ Extract from the speech made by the Minister for Higher Education and Research at the National Assembly, 13 June 2013

¹⁸ Circular No. IMIM1000111C of 26 July 2010 relative to the conditions of issuance of “scientist” temporary residence permit

Circular dated 10 June 2013¹⁹: anticipating the measures expected in the framework of the future draft law on immigration

The recently published Circular provides for a **multi-annual residence permit for international researchers and students enrolled at a higher education institution at Master's degree level or higher²⁰**. This is a substantial step towards enhancing the attractiveness of France for (highly) qualified third-country nationals.

It is stated that *“in the framework of Government efforts to reinforce the attractiveness of our country for highly-qualified third-country nationals and with the triple goal of securing the migrant's career path, improving reception conditions at the prefecture and simplifying administrative formalities relating to their stay, the present Circular aims to facilitate the issuance of multi-annual residence permits for a certain category of international students and scientist-researchers”*.

3. Policies focussing on specific areas of occupations

To better meet the labour shortages on the job market, one of the major measures implemented in the framework of the labour migration policy was the introduction of a list of shortage occupations²¹.

Third-country nationals who are willing to take up a **job in a geographic zone facing labour shortages** in France **are not subject to the labour market test**. Occupations facing labour shortages are included in a national list of shortage occupations or negotiated in the framework of bilateral agreements. The number of shortage occupations may vary according to the migrant's country of origin.

By the Order of 18 January 2008²², **regional lists of shortage occupations** open to third-country nationals were introduced. There are thirty shortage occupations on the regional lists, six of them at national level:

- Auditing and accounting control executives,
- Information technology analysts
- Information technology experts,
- Technical project managers, construction industry
- Chief engineers, public buildings and works
- Foremen, public buildings and works

The main sectors affected are finance, information technology, construction, electricity and electronics. It is worth underlining that the lists comprise a variety of occupations: there are both qualified and less qualified jobs across a range of sectors. **The shortage occupations lists are thus not intended for (highly) qualified third-country nationals alone**. These lists

¹⁹ Circular No. INTV1314643C of 10 June 2013 relative to conditions of delivery of multi-annual residence permits.

²⁰ This Circular applies to international researchers who are already in possession of their LSV-RP and certain categories of international students who have been issued a first residence permit as « student » valid for one year.

²¹ FR EMN NCP Study, *La politique migratoire, un outil pour répondre aux besoins de main d'œuvre ?*, (Satisfying labour demand through migration) 2010

²² Order of 18 January 2008 relative to the issuance of work permits to third-country nationals (that is other than EU nationals, EEA nationals and Swiss citizens) without the need for undergoing labour market test <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000017937372&dateTexte=20080306&fastPos=2&fastReqId=782357839&oldAction=rechTexte> (in French)

are now outdated and it is time to review them making them simpler and better suited to current economic needs, namely to the particularities of each region²³.

Further to **bilateral agreements** with some third countries, special lists of occupations were drafted for some third-country nationals. France has signed several such agreements on concerted management of migratory flows, which provide for specific measures relative to migration for the purposes of taking up employment. These agreements establish the list of occupations for which the issuance of a residence permit is not subject to the labour market test. The occupations range from qualified jobs in the IT sector or finance for instance, to less qualified ones in catering or security. The bilateral agreements signed are the following:

- France-Senegal Agreement of 23 September 2006,
- France-Gabon Agreement of 5 July 2007,
- France-Congo Agreement of 25 October 2007,
- France-Benin Agreement of 28 November 2007,
- France-Tunisia Agreement of 28 April 2008,
- France- Mauritius Agreement of 23 September 2008,
- France-Cape Verde Agreement of 24 November 2008,
- France-Burkina Faso Agreement of 10 January 2009,
- France-Cameroon Agreement of 21 May 2009 (not yet ratified).

4. Transposition of EU Directives in French legislation

The transposition of “researcher” and “EU Blue Card” Directives has allowed for improvements for the third-country nationals concerned.

➤ **The “EU Blue Card” Directive**

France is the first EU Member State to have transposed into its domestic law of 16 June 2011 pertaining to immigration, integration and nationality, the Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, also known as the “EU Blue Card” Directive. The goal of the law is to facilitate the entry, residence and employment in France of highly qualified third-country nationals through the delivery of a temporary residence permit valid for a period ranging from 1 to 3 years, matching the length of the job contract. Plus, this residence permit is not subject to labour market test. The holders of an EU Blue Card are entitled to intra-EU mobility, after 18 months of legal residence in the country that issued the EU Blue Card to them.

➤ **The “researchers” Directive**

The issuance of “**scientist/researcher” long-stay visa - residence permit (LSV-RP)** is the transposition in domestic legislation of the Council Directive 2005/71/EC of 12 October 2005 on specific procedure for admitting third-country nationals for the purposes of scientific research, also known as the “researchers” Directive. This visa exempts them from going to the prefecture during their first year in France. The scientist-researcher is also entitled to move to other EU Member States.

The European Commission has proposed a recasting of the “researchers” Directive, in the framework of the Council Directive 2004/114/EC of 13 December 2004 on the conditions of

²³ General Secretariat for Immigration and Integration, *Les données de l’immigration professionnelle et étudiante* (Labour and student immigration data), Preparatory paper for the Parliamentary debate, April 2013

admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service. The aim is to facilitate entry and residence for periods exceeding three months, and thus increase the attractiveness of EU Member States for third-country national students, researchers and other groups. The new regulation will set clear time limits for processing applications, will offer the target group better and wider access to the labour market during their stay and will facilitate intra-EU mobility.

5. Brain drain: does the national policy address this aspect in the countries of origin?

Not applicable.

6. Brain drain: the national policy addresses this aspect with the countries of origin

The issue of brain drain is addressed with the countries of origin, in the framework of **bilateral agreements**. Whereas the matrix of bilateral agreements is identical, their content is subject to specific negotiation matching the needs and the migratory profile of each partner country. The agreements are based on the concept of circular migration.

7. Public debates on the national policies

Several debates have taken place in France over the policies relative to labour migration. The **“selective migration concept”** introduced by the Minister of the Interior in the law of 24 July 2006 on migration and integration gave rise to heated reactions, in particular from associations grouped together as “united against disposable migration” to criticise the draft law giving priority to “selective migration” to the detriment of “imposed migration”²⁴.

In 2011, significant debates took place on **the restrictive conditions applicable to international students relative to their entry into the labour market after completion of their studies**²⁵. In the context of recession and a high unemployment rate leading to reduced economic migration, a **Circular was issued on 31 May 2011**, known as Guéant Circular, named after the Minister of the Interior. In keeping with the Circular, Prefects were asked to “rigorously” investigate international students’ applications for work permits and “thoroughly scrutinise” status transfer requests filed by students. Publication of the Circular gave rise to a strong mobilisation of community-based organisations such as the *“Collectif du 31 mai”*, representatives from *“grandes écoles”* and universities, and from the private sector, to warn about the economic impact and the negative effect of the Circular on the attractiveness of France on an international scale²⁶. The media rapidly took hold of the debate, echoing the declarations of new international graduates, representatives of the higher education system and companies.

After the presidential election of 2012, the Circular of 31 May 2011 and its supplement text of 12 January 2012 were repealed and replaced by a new text dated 31 May 2012 which slightly relaxed the rules applicable to international students on their stay in France after their studies.

²⁴ 460 associations s’opposent à l’immigration « choisie », (460 associations against “selective” migration), le nouvel Observateur, 25 April 2006 <http://tempsreel.nouvelobs.com/politique/20060425.OBS5397/460-associations-s-opposent-a-l-immigration-choisie.html> (in French)

²⁵ FR EMN NCP Study, *Immigration of international students to France*, 2012

²⁶ Eychenne Alexia, *Diplômés étrangers, la France doit rester attractive*, (International graduates, France must still attract them), interview with Jean-Marc Mickeler, Deloitte Consultancy associate in charge of employer brand, L’Express, 10 November 2011 (in French)

For the first time in France, **a debate without vote took place in Parliament on labour migration and student mobility** between April and June 2013. With a view to preparing a **draft law** on the subject, the government wanted to discuss with Parliament the needs and requirements of France and the strategies needed to attract qualified and highly qualified third-country nationals. A preparatory document²⁷ was drawn up by the General Secretariat for Immigration and Integration. This document presents the regulations in force and the statistics of labour and student migration in France and in major EU Member States. The Report offers several guidelines for reinforcing the attractiveness of France. Many stakeholders that are concerned by the debate were consulted prior to the drafting of the Report, in particular professional organisations, universities and student bodies and community-based organisations.

The debate on labour and student immigration was held in the Senate on 24 April and in the National Assembly on 13 June this year. The Minister of the Interior, in his speech before the Senate, underlined the need to simplify labour immigration procedures. The aim is to make multi-annual residence permits more commonplace, improve the conditions of reception of third-country nationals, in prefectures in particular, and to review the range of residence permits to reduce the number of different types. While emphasising that the labour market should be protected, the Minister for the Interior stressed the need to address particular labour requirements in the regions.

An analysis of policies designed to attract (highly) qualified third-country nationals to France has identified various target groups and the criteria pertaining to each of them. These policies are accompanied by specific measures to facilitate the admission and stay of the target groups.

1.2 Measures

Various measures have been implemented to meet the goals of policies to attract (highly) qualified third-country nationals. There are also several incentives aimed at influencing the decision of a third-country national to settle in France.

8. Measures implemented to satisfy the policy goals

The measures implemented to attract (highly) qualified third-country nationals, meet specific goals, destined either for the entire target group or for certain specific groups.

a) Measures that contribute to the implementation of policy goals

Policies provide for a range of tangible measures to facilitate temporary admission and access to the labour market for qualified and highly qualified third-country nationals in France.

➤ *Free access to the labour market*

Several residence permits have been introduced since 2006 to help the target groups access the labour market. In accordance with CESEDA and the French Labour Code, most of these residence permits are not subject to the labour market test.

²⁷ SGII, *Les données de l'immigration professionnelle et étudiante* (Labour and student immigration data), Preparatory paper for the Parliamentary debate, April 2013 (In French)

➤ ***Fast-tracking of procedures: implementation of one-stop shops***²⁸

In France, **one-stop-shops** have been set up in many *départements* to receive applications and issue residence permits²⁹. They are coordinated by the OFII through its regional directorates. The one-stop-shops are aimed at labour migrants, who are not subject to labour market tests, i.e. third-country nationals who meet the criteria for “skills and talents”, or “employee on assignment” or “EU Blue Card”. They can also receive applications from young professionals and employees under the French-Russian Agreement.

The goal of one-stop shops is to make available a single contact person who acts as the interface between the employer who is intending to bring a qualified third-country national to France, and the different government agencies. The advantage is to reduce the number of trips to prefectures made by both the employer and the employee. Nevertheless, this system has several shortcomings that will be dealt with in the next Section.

➤ ***Provision of information, including information campaigns***

The website “**promoting labour migration**”³⁰ jointly managed by the SGII and OFII, aims to promote measures relative to labour migration and inform employers and third-country nationals about the procedures to follow according to their status and type of residence permit.

In addition, the website of the **Ministry for Foreign Affairs**³¹ provides information on the formalities that need to be completed for entry to France, and on the steps to be taken for studying in France. Lastly, through the **EU migration portal**³², access is made available to up-to-date data on French legislation and applicable rules and regulations.

Information relative to labour migration is also disseminated via the **OFII offices abroad**, pursuant to concerted management agreements. Some of these offices work with the following agencies: the National Agency for Promotion of Employment and Skills³³ in Morocco, and the National Agency for Employment and Self-employment³⁴ in Tunisia.

Campus France, the French Agency in charge of the promotion of higher education, reception and international mobility provides international students with information on higher education in France and on how to prepare for their stay in the country via its website³⁵ and many **leaflets and brochures** translated into several languages. Information campaigns such as international fairs, student recruitment missions in their home countries and training-themed missions are held each year with the help of *Espaces Campus France* and French Embassies overseas.³⁶

The **French Agency for International Investments** (AFII) is the national agency in charge of promoting, prospecting and facilitating international investment in France. It plays a decisive role in terms of the attractiveness of France and its business image overseas. The Agency has territorial, national and international networks and offers advice and information

²⁸ Extract from the interview conducted with a representative from OFII, April 2013

²⁹ Eight *départements* are currently concerned due to the high demand for residence permits: Haute-Garonne, Hauts-de-Seine, Isère, Nord, Paris, Puy-de-Dôme, Rhône and Yvelines.

³⁰ <http://www.immigration-professionnelle.gouv.fr/> (in French)

³¹ <http://www.diplomatie.gouv.fr/en/>

³² [http://ec.europa.eu/immigration/tabHome.do?language=9\\$en](http://ec.europa.eu/immigration/tabHome.do?language=9$en)

³³ ANAPEC, *Agence nationale de promotion de l'emploi et des compétences*

³⁴ ANETI, *Agence nationale pour l'emploi et le travail indépendant*

³⁵ <http://www.campusfrance.org/en>

³⁶ FR EMN NCP Study, *Immigration of international students in France*, 2012

to international investors via its experts who can be found in 22 different countries, on a dedicated website³⁷ and a guide to the business environment in France which targets the directors of third-country companies that wish to set up business in France³⁸.

b) Measures aimed at facilitating the integration of (highly) qualified third-country nationals

In France there are no existing measures aimed at facilitating the integration of qualified and highly qualified third-country nationals. In order to facilitate their administrative procedures however, they are exempt from signing the reception and integration contract (CAI)³⁹.

Moreover, it is often **the relocation services within large international groups** who are in charge of facilitating integration for their international employees and helping them with their administrative procedures.

These large groups make substantial efforts to integrate their international employees in the best possible manner and avoid any failure in the long run. An intercultural integration seminar is organised upon their arrival, and French courses are also available for the employee and his/her spouse⁴⁰. BNP Paribas hands out to their international employees a guide titled "*Welcome in France*" available in both French and English. The guide contains all the information necessary for organising their arrival, their stay and their departure.

9. Existing public policies that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals

Several public policies aim at positively influencing (highly) qualified third-country nationals to decide on migrating to France, by making it easier for their families to join them.

➤ *Family reunification rights*

The labour migration policy aims to simplify the administrative procedures as much for the employees as for their families, who benefit from the simplified procedure known as "**accompanying family**". They are therefore not subject to the conditions required for family reunification. The "skills and talents," "EU Blue Card," "employee on assignment" and "scientist-researcher" temporary residence permits provide full rights to a "**private and family life**" **permit** for family members accompanying a third-country national. This residence permit **automatically provides the right to work**, and exempts the holder from obtaining an authorisation to work in France. Nevertheless, there are some differences depending on the measures.

Spouses and children of the holders of "**skills and talents**" **residence permits** or of an **EU Blue Card**, have the right to a "private and family life" temporary residence permit, issued for the same duration as the "skills and talents" temporary residence permit or the EU Blue Card. Family members are exempt from signing the reception and integration contract.

³⁷ <http://www.invest-in-france.org/us>

³⁸ *Agence française pour les investissements internationaux* (Invest in France Agency), *Doing business in France*, 2013 (English translation in preparation)

³⁹ The reception and integration contract (CAI), signed with the French government, aims at fostering the integration of third-country nationals who are admitted to stay in France for the first time and who wish to settle in the country in the long-term. They commit to mandatory training sessions (French, civic and life in France).

⁴⁰ Extract from interviews conducted with representatives of L'Oréal and BNP Paribas who are also leaders of the CINDEK working group on "immigration", April 2013

If the family arrives in France all together, the procedures are carried out by the one-stop shop of the *départements* concerned.

Family members of an **employee on assignment** who arrive at the same time as the employee, have the right to a “private and family life” residence permit, as long as the work contract of the employee on assignment in France is to last longer than 6 months. This residence permit is renewable for the entire duration of the employee’s assignment. The procedures are carried out by the one-stop-shop of the *départements* concerned, if family members have arrived in France at the same time. In addition, family members are exempt from signing the CAI. But, if family members of an employee on assignment arrive later, they receive a “visitor” residence permit that does not allow them to work.

Family members of a **person holding a long-stay visa equivalent to a residence permit (LSV-RP) or a “scientist-researcher” temporary residence permit**, have the right to be issued with a “private and family life” temporary residence permit. This is valid for the same duration as that of the scientist/researcher. However, like the holders of the LSV-RP and the “scientist-researcher” temporary residence permit, the family members are required to sign the CAI if the duration of their stay is equal to or longer than 12 months. For stays of less than one year, they do not need to sign the CAI.

Family members of a holder of the **“exceptional economic contribution” residence permit** receive a residence permit in the framework of the “accompanying family” procedure. They are exempt from signing the CAI.

In contrast, family members of a holder of an **“employee” residence permit** are issued with a “family and private life” residence permit within the framework of the **classical family reunification procedure**. This card gives them authorisation to work, but they are required to sign the CAI.

➤ *Tax incentives*

The law of 4 August 2008 pertaining to the modernisation of the economy established a new, “inpatriates” taxation category, codified under Article **155 B of the General Tax Code**. This new category includes **employees and directors who are fiscally assimilated to employees**, having taken up their posts as of 1 January 2008⁴¹: a part of their income linked to their situation as an expatriate in France is **exempt from taxes** for a maximum duration of 5 years⁴². To benefit from this exemption, the remuneration subject to income tax must be at least equal to that of a similar employee in the same company, or, failing that, in similar companies in France.

This tax advantage constitutes an undeniable factor of attractiveness according to French companies recruiting qualified and highly qualified third-country nationals.⁴³

⁴¹ The tax regime previously laid down in Article 81b of the General Tax Code still applies to employees who took up their posts before 1 January 2008.

⁴² Article 155 B of the General Tax Code states that employees and directors who take up a post for a limited period in a company established in France are not subject to income tax on the elements of their remuneration directly linked to this status, or, optionally, and also for employees and persons other than those appointed by a company established in another State, at 30% of their remuneration.

⁴³ Extract from interview conducted with BNP Paribas and L’Oréal representatives, April 2013

➤ *Social security / other welfare benefits*

Access to social security and other welfare benefits can be a decisive factor for a third-country national and his/her family considering settling in France. It should be specified that it is not a question of advantages aimed specifically at qualified and highly qualified third-country nationals. According to Article L. 512-1 of the Social Security Code, all French nationals or lawfully residing non-French individuals with one or several dependent children residing in France, benefit from family welfare payments for their children. This does not apply to posted workers on temporary secondment in France for professional reasons, who are exempt from joining the French social security regime.

➤ *Other incentives*

Holders of the “skills and talents,” “employee on assignment” and “EU Blue Card” residence permits, as well as their family members admitted to stay in France within this framework, are **exempt from signing the reception and integration contract.**

Advantages offered by large groups in the framework of international mobility

In the framework of their expatriation policy, large groups offer numerous advantages to international employees coming to work in France. This essentially applies to employees on assignment and EU Blue Card holders.

By way of example, **BNP Paribas**⁴⁴ offers every employee on assignment a “package” that aims to facilitate all procedures upon entry to France. The group offers several advantages such as paying for a removals service, help with finding accommodation, and help with administrative procedures upon entry to France. If they need an authorisation to work or a visa, they get help from the company’s relocation service. Also, BNP Paribas has outsourced the service of accompanying them to the offices of various public services (the prefecture, social security services, etc.).

Family reunification, tax incentives and access to social security and welfare benefits are criteria that can have a favourable influence on the decision of a third-country national to settle in France. Various external initiatives can be added to this, such as the help offered by companies to international employees.

Policies aimed at attracting qualified and highly qualified third-country nationals are also based on an ensemble of bilateral agreements signed with different target countries.

1.3 Relations with third countries and labour migration agreements

The analysis of agreements signed pertaining to labour migration reveal the role they play in terms of attracting qualified and highly qualified third-country nationals to France.

⁴⁴ Extract from interview conducted with Odile Cochet, responsible for international mobility at BNP Paribas and leader for the CINDEKX working group on “immigration” April 2013

10. Policies focussing on specific third countries⁴⁵

The below-mentioned agreements are the outcome of particular negotiations, meeting the needs of the two signatory countries and the migratory profile of the partner country.

➤ *Bilateral agreements related to the concerted management of migratory flows*

- France-Senegal Agreement of 23 September 2006,
- France-Gabon Agreement of 5 July 2007,
- France-Congo Agreement of 25 October 2007,
- France-Benin Agreement of 28 November 2007,
- France-Tunisia Agreement of 28 April 2008,
- France-Mauritius Agreement of 23 September 2008,
- France-Cape Verde Agreement of 24 November 2008,
- France-Burkina Faso Agreement of 10 January 2009,
- France-Cameroon Agreement of 21 May 2009 (not yet ratified).

➤ *Bilateral agreements relating to labour migration and youth mobility*

A France-Russia agreement relating to labour migration was signed on 27 November 2009. Several bilateral agreements relating to youth mobility were signed: with Macedonia (1 December 2009), Montenegro (1 December 2009), Serbia (2 December 2009), and with Lebanon, on the mobility of young people and workers (26 June 2010).

Other negotiations on circulatory labour migration in the framework of a mobility partnership are under way with Georgia and India.

11. Labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory

Below is an analysis of labour migration agreements aiming specifically to attract qualified and highly qualified third-country nationals to France.

a) **What role do these labour migration agreements play in executing policies?**

Agreements relating to the concerted management of migratory flows are founded on the three axes of the migratory policy as follows: the organisation of legal migration, the fight against illegal migration and solidarity development. Whilst not aimed directly at qualified and highly qualified third-country nationals, these agreements include a section on legal migration, which addresses all issues relating to the circulation of people, to students and to labour migration. The latter is particularly important as it provides partner country nationals with a regime that goes beyond the ordinary law. Measures therefore make provision for opening up the French labour market, based on lists of professions established according to the needs expressed by the partner country, allowing employees to work across the French territory. Measures intending to facilitate the issuing of the "skills and talents" residence permit also exist, as well as clauses relating to young professional exchanges for those aged 18 to 35, for temporary stays of up to 18 months.

⁴⁵ Source: SGII, Directorate of Immigration.

b) List of agreements

The above-mentioned list of countries refers only to agreements containing measures specifically intended for qualified and highly qualified third-country nationals. It therefore does not address all measures relating to employees.

It should be specified that there are no existing statistics on third-country nationals who have benefitted from these agreements.

➤ *Measures relating to the "skills and competences" residence permit*

Provision has been made for measures relating to the "skills and talents" residence permit, specifying the annual quota, in the agreements on the concerted management of migratory flows. The two signatory countries of the agreement have made a commitment to issue this residence permit to the relevant nationals, so that their experience in France may be a profitable one for them upon their return home, in particular in the perspective of setting up a company. This type of agreement has been signed with Benin, Burkina Faso, Cameroon, Cape Verde, Gabon, Mauritius, the Republic of Congo, Senegal and Tunisia. These measures have also been added in the agreements on labour migration and/or youth mobility, signed with Lebanon, Macedonia and Montenegro.

➤ *Measures relating to the "employee on assignment" residence permit*

Provision has been made for measures relating to the "employee on assignment" residence permit in the agreement on the concerted management of migratory flows signed with Senegal and in the agreements on labour migration and/or the youth mobility, signed with Lebanon, Macedonia, Montenegro and Russia.

12. Legislation adopted facilitating labour migration from specific third countries ('country-specific legislation')

Measures facilitating the labour migration of qualified and highly qualified third-country nationals are only set forward in the framework of the above-mentioned agreements.

13. Entry into other more favourable agreements with non-EU/EEA countries and/or regions relating to attracting qualified and highly qualified third-country nationals to France

France has not signed any other favourable agreements with non-EU countries relating to attracting qualified and highly qualified third-country nationals.

Since 2006, several measures have been implemented in order to attract qualified and highly qualified third-country nationals to France. Although no legal definition exists for the terms of qualified and highly qualified workers, a certain number of criteria can be identified based on measures that target these groups directly. The analysis of policies and measures implemented using various methods of assessment, has led to their effectiveness being questioned.

Section 2. Evaluation and Effectiveness of Measures

Statistics reveal the scale and scope of the phenomenon in France and their analysis has allowed in particular, for the examination of the effectiveness of measures implemented. Policies and measures aimed at attracting qualified and highly qualified third-country nationals are also assessed in the light of interviews conducted with various stakeholders on their field experience. This evaluation has helped to draw attention to good practices and to identify challenges that remain to be overcome.

2.1 Evidence of effectiveness based on statistics

Figures below are the latest available⁴⁶. They have been provided by the SGII. In order to ensure EU comparability, figures are those of third-country nationals aged between 25 and 64 years old.

➤ **Statistics of first residence permits for employment purposes issued to qualified and highly qualified third-country nationals**

Figures of first residence permits for remunerated activities issued are those of the **IT application for managing the files of foreign nationals in France known as AGDREF** (*Application de gestion des dossiers des ressortissants étrangers en France*)⁴⁷.

Table 1: Overall trend of first permits issued to third-country nationals for remunerated activities⁴⁸

	2008	2009	2010	2011
Total number of first permits issued for remunerated activities	3,435	4,354	4,549	4,914

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

In 2011, altogether 4,914 residence permits for remunerated activities were issued for the first time to qualified and highly qualified third-country nationals. The figure has been rising steadily since 2008, with a 43 % increase between 2008 and 2011.

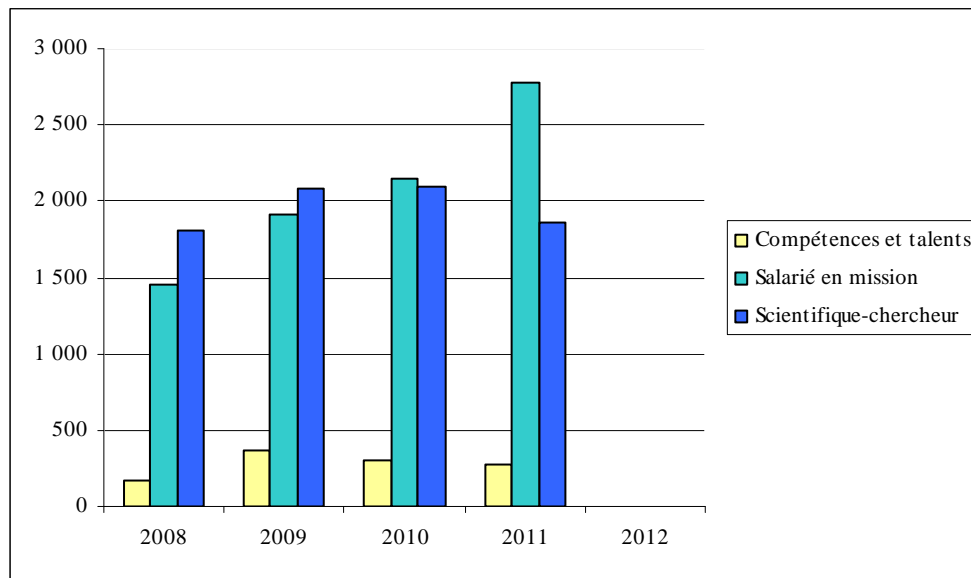
⁴⁶ 2012 data are not available yet.

⁴⁷ The IT application for managing the files of third-country nationals in France became operational in 1993 (Order of 29 March 1993). This tool enables users in prefectures and central administration, depending on their level of access, to manage and consult individual files in the shared databases.

The AGDREF application is, however, used above all for producing residence documents, than as a true tool for managing and monitoring the different processes relating to a third-country national's stay in France. In 2001 the application was updated and equipped with a derivative database designed to generate immigration statistics.

⁴⁸ Only third-country nationals aged between 25 and 64 are included.

Figure 1: First permits issued to third-country nationals for remunerated activities by reason⁴⁹



Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

The graph in Figure 1⁵⁰ shows that results vary from one category of residence permit to the other. Between 2008 and 2011, the most frequently issued residence permits were the “employee on assignment” and “scientist/researcher” categories. The former has been increasing steadily, from 1,458 in 2008 to 2,781 in 2011. It represents more than 56 % of all first residence permits issued for remunerated activities in 2011. In contrast, less than 300 “skills and talents” residence permits were delivered on average, per year. Not a single “exceptional economic contribution” residence permit has been issued over the study period, which can be explained by the fact that this measure is aimed at a very limited group of third-country nationals.

Table 2: First permits issued to third-country nationals for remunerated activities by sex and age group

Age group	2008			2009			2010			2011		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
25-29	708	289	997	916	391	1,307	963	408	1,371	1,053	470	1,523
30-34	737	275	1,012	937	329	1,266	947	338	1,285	1,038	389	1,427
35-39	384	127	511	498	178	676	584	181	765	563	195	758
40-44	281	88	369	327	107	434	347	104	451	385	109	494
45-49	188	41	229	240	53	293	225	76	301	254	67	321
50-54	141	48	189	150	48	198	158	43	201	144	45	189
55-59	72	12	84	85	35	120	87	27	114	108	23	131
60-64	37	7	44	10	50	60	48	13	61	57	14	71
Total	2,548	887	3,435	3,163	1,191	4,354	3,359	1,190	4,549	3,602	1,312	4,914

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

⁴⁹ Only third-country nationals aged between 25 and 64 are included.

⁵⁰ The EU Blue Card statistics are not available.

The statistical data aggregated by gender and age group show that the majority of first residence permits issued for remunerated activities were delivered to young males aged between 25 and 34. In 2011 the 25-29 age group represented about 30 % of the total first residence permits issued for remunerated activities. The 30-34 age group represented a roughly equivalent share. One can deduct therefore that first residence permits issued for remunerated activities concern young professionals in particular.

On average, men represent around 73 % of the total of new arrivals every year.

➤ **Statistics on the number of third-country nationals employed and self-employed by occupation**

The trend in the number of qualified and highly qualified third-country nationals employed or self-employed in France has been analysed here using the ISCO classification.

Employment statistics for third-country nationals were collated from the French **Labour Force Survey**⁵¹. It is worth mentioning that the Labour Force Survey uses a small sample, and no-answer rates may be high. Nevertheless, the statistics will help illustrating general trends. The statistics are aggregated by profession, according to the ISCO-88 classification.

Table 3: Employment of third-country nationals by professional status (ISCO-88) and occupation

Occupation according to ISCO classification	2008	2009	2010	2011
Major group 1. Managers	17,158	21,822	21,696	18,385
Major group 2. Professionals	45,162	50,868	49,879	47,291
Major group 3. Technicians and associate professionals	48,143	34,283	43,696	45,627

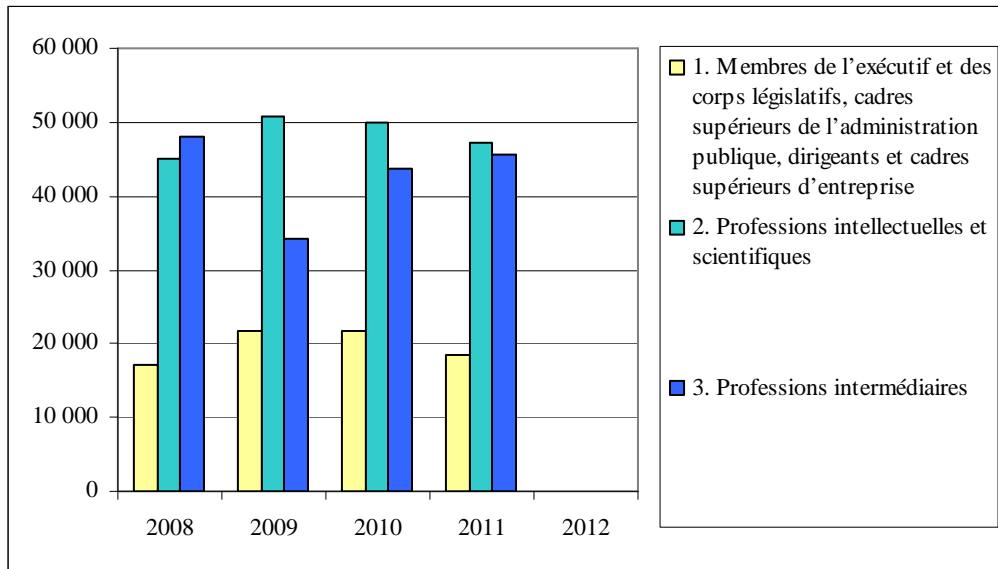
Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

According to statistics, between 2008 and 2011, the majority of **third-country nationals employed** in France had a major group 2 occupation, i.e. “professionals” (see above Table 3 and below Figure 2). The number of third-country nationals employed in major groups 1 and 2 dropped between 2010 and 2011.

Also, a significant decline in the number of third-country nationals with a major group 3 occupation is noticeable in 2009 compared to 2008.

⁵¹ *Enquête emploi* conducted by the French Institute for Statistics and Economic Studies (INSEE in its French initials), is the statistical source that gives a panorama of the labour market. This survey is part of a series of EU surveys known as Labour Force Surveys (EU LFS).

Figure 2: Employment of third-country nationals by professional status (ISCO-88) and occupation



Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

Table 4: Employment of third-country nationals by professional status of OC 1-2-3 (ISCO-88) by age and sex

Age group	2008			2009			2010			2011		
	M	F	Total	M	F	Total	M	F	Total	M	F	Total
25-34	27,922	26,762	54,683	25,518	24,487	50,005	32,471	20,535	53,006	32,538	24,735	57,273
35-44	25,722	ns	35,994	17,160	11,854	29,015	19,612	13,327	32,939	18,576	9,751	28,327
45-64	14,147	ns	19,785	17,615	10,339	27,954	23,924	ns	29,327	17,449	8,254	25,702
Total	67,791	26,762	110,463	60,293	46,680	106,974	76,007	33,862	115,271	68,563	42,740	111,303

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

Note: As the statistics for the 45-54 and 55-64 age groups were not significant, they have not been included in this table.

The statistics aggregated by gender and age group bring several points to light. First, it is clear that regardless of age group, **men are more highly represented than women**. In 2011, 61 % of third-country nationals employed in one of the three major groups were men.

Most third-country nationals employed in the major groups 1, 2 or 3 belong in the **25 to 34 age group**. In 2011 for instance, they represented 51 % of the total number. The majority of men (76 %) and 58 % of women employed in one of the three major ISCO groups, are in this age group.

In view of the tables and figures above, it can be said that the majority of qualified and highly qualified third-country nationals employed are young men.

Regarding **self-employed third-country nationals**, the data available is not significant enough to make a detailed analysis based on the three major groups.

The table below however, shows a steady increase in this group between 2008 and 2010 followed by a slight decrease in 2011, with a total number of 39,690 third-country nationals who are self-employed in France in an occupation which matches one of the three major ISCO groups.

Table 5 : Self-employment of third-country nationals by occupation (ISCO-88)

Occupation according to ISCO classification	2008	2009	2010	2011
Major groups 1, 2 and 3	32,400	36,854	40,438	39,690

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

Statistics aggregated by gender show that the majority of self-employed third-country nationals are men : they represent 69 % of the total in 2011.

➤ **Statistics on employed and self-employed third-country nationals aggregated by their level of education**

The trend in the number of third-country nationals employed or self-employed in France has been analysed here based on their level of education and aggregated by the relevant ISCED level of education. The remunerated-activities statistics for third-country nationals were collated from the **Employment Survey**. The statistics are aggregated by level of education as classified in ISCED 1997.

Table 6 : Employment of third-country nationals by highest level of education attained

Level of education according to ISCED classification	2008	2009	2010	2011
Levels 5 and 6	147,748	158,311	160,776	158,123

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

The number of **third-country nationals employed** with an education level matching the ISCED levels 5 and 6, continued to rise between 2008 and 2010. In 2011 however, the figure showed a slight decrease.

Analysis of statistics aggregated by gender shows that men were more highly represented than women from 2008 up to 2011. In 2011, 56 % of employed third-country nationals with an education level matching levels 5 and 6 of the ISCED were men. The gap between men and women tends to narrow at higher levels of education.

Table 7 : Self-employment of third-country nationals by highest level of education attained

Level of education according to ISCED classification	2008	2009	2010	2011
Levels 5 and 6	15,982	14,407	18,797	17,768

Source: Ministry of the Interior, General Secretariat for Immigration and Integration, Department of Statistics, Studies and Documentation

Statistics of self-employed third-country nationals are not sufficiently significant to make a detailed analysis possible. In 2011, the 17,768 self-employed third-country nationals' level of education was equivalent to ISCED levels 5 and 6.

14. Evidence of a link existing between the national measures and immigration of qualified and highly qualified third-country nationals

Several elements demonstrate the existence of a link between national measures and the immigration of qualified and highly qualified third-country nationals. However, statistical analysis and the conclusions reached following interviews with stakeholders, emphasize the varied results of these measures.

➤ ***Increase in the number of residence permits for remunerated activities of highly qualified third-country nationals since the implementation of the measures***

Labour migration only accounted for **9 % of the 193,000 first residence permits issued** in 2012. In 2006 the rate was 6 % and in 2008 it was around 12 %, the highest level ever. Since 2008, the number of residence permits for labour migration has declined continuously⁵².

From the introduction of the “skills and talents” residence permit, in 2006, up to 31 December 2012, it was issued to 1,364 third-country nationals, that is, around 200 residence permits per year⁵³. This figure is far from the forecast announced at the outset, which was 2,000 residence permits per year. Several hypotheses can be put forward to explain this failure, for instance the complexity of the procedure and the required criteria.

Student migration, the second biggest source of migration to France, dropped for the first time in 2012 by about 9 % compared to the previous year⁵⁴. The decline is due not only to the challenging economic climate, but also to the negative impact of the Circular of 31 May 2011, relative to the control of economic migration. Obstacles encountered by international students when transferring from student to employee status, were widely disseminated across social networks. As a result, the image of France in terms of attracting international students was tarnished⁵⁵. Still, given that the Circular was repealed in May 2012, it could be argued that the negative impact will not be lasting.

In contrast, the **“employee on assignment”** residence permit is one of the most frequently issued permits. This residence permit meets the expectations of international corporations that requested legal measures to facilitate the mobility of their international employees⁵⁶.

➤ ***Qualification and occupation match***

Generally speaking, qualifications required match the positions held. That can be explained by the specific criteria for issuance, for instance, of the EU Blue Card.

⁵² Source: SGII, Department of Statistics, Studies and Documentation

⁵³ SGII, *Les données de l'immigration professionnelle* (Labour and student immigration data), Preparatory paper for the Parliamentary debate, April 2013 (in French)

⁵⁴ Source: SGII, Department of Statistics, Studies and Documentation

⁵⁵ Extract of the interview with Alexandre George, Director of Migration Conseil, April 2013

⁵⁶ Extract of interviews with representatives from BNP Paribas and L'Oréal, also leaders of the CINDEIX working group on "migration," April 2013

15. Quotas for qualified and highly qualified third-country nationals in EU Member States

Not applicable.

16. Evidence of a link existing between the labour migration agreements and the immigration of qualified and highly qualified third-country nationals

Establishing a link between labour migration agreements and the migration of qualified and highly qualified third-country nationals seems difficult, given that no statistics are available as to the number of third-country nationals who have benefitted from these agreements.

Statistics of one-stop-shops show that the most highly represented countries (i.e. Canada, China, United States, India, Japan and Russia⁵⁷) are not those with which France has signed a concerted management agreement. Although the agreements do not seem to have had an impact on migration of highly qualified third-country nationals to France, they can however contribute to the migration of qualified third-country nationals, in particular young professionals⁵⁸.

2.2 National methods of evaluation

17. Primary research evaluating the national policies and measures implemented to attract qualified and highly qualified third-country nationals

There is no primary research evaluating national policies and measures implemented to attract qualified and highly qualified third-country nationals, but several reports have been drafted recently.

➤ *Preparatory document for the Parliamentary debate on labour and student migration*

The preparatory document for the Parliamentary debate recognises that “*labour migration is still limited in numbers. The leading policy over the past years, which aimed at striking a balance between labour migration and family migration, as well as developing the migration of qualified labour has ultimately had a very limited impact on migration flows*”⁵⁹.

A profile of labour migration to France can be drawn up from an analysis of statistics. This profile shows a “limited number of very diverse migrants”. As a result, the document underlines that the phenomenon of labour migration to France is **rather modest** in comparison with other OECD countries. Several observations are made. First of all, it appears that the French policy of giving priority to recruiting qualified workers has not seen any major shift. Secondly, migration seems to be circular rather than settlement oriented. One of the points that have been evoked is the **diversity of residence permits** for work purposes, which have resulted making the French policy on migration difficult to understand. The document thus advocates streamlining residence permits and standardising their validity period and conditions of issuance, **so that French policy gains in consistency abroad**. This should be

⁵⁷ France has signed a bilateral agreement with Russia, as opposed to a concerted management agreement.

⁵⁸ Extract from an interview with Fabrice Blanchard, Director of Migration at the OFII, April 2013

⁵⁹ General Secretariat for Immigration and Integration, *Les données de l'immigration professionnelle* (Labour and student immigration data), Preparatory paper for Parliament debate, April 2013 (in French)

combined with a simplification of administrative procedures, in particular work authorisations and labour market test.

Lastly, the document recommends that **shortage occupations lists**, which do not reflect current needs, **be revised** through consultation with the social partners and regional councils.

➤ *Fekl Report*⁶⁰: *Smoothing the path for third-country nationals in France*

This report, which was ordered by the Prime Minister, aims at smoothing the path for third-country nationals in France. Several avenues are suggested, including the introduction of a **multi-annual residence permit** and the **improvement of the reception and processing conditions for applications lodged by third-country nationals at the prefectures**. In keeping with the presidential campaign promise of the French President, the Fekl report advocates the generalisation of multi-annual residence permits. It recalls the negative impact of the current method, which requires third-country nationals to go to the prefecture in person many times. The system adversely affects the quality of receiving third-country nationals and impedes their integration. Repeated visits in person result, on the one hand, in bottlenecks at the prefecture reception offices and on the other hand inconvenience for third-country national employees. The Fekl report finds the reception conditions for third-country nationals and the waiting times at prefectures regrettable, and advocates several measures, in particular:

- More **transparent** procedures,
- **Standardisation of practices and processing methods** on a national scale, to ensure equal treatment at all prefectures,
- **Modernisation of the way in which residence permits are processed** enabling third-country nationals to have internet access to basic information relative to the progress of their application.

➤ *Report on welcoming qualified and highly qualified third-country nationals*⁶¹

The Ministers for Foreign Affairs, Finance, the Interior, Foreign Trade, Productive Recovery, and Innovation and the Digital Economy, asked four ministry audit offices to conduct an assignment on **how qualified and highly qualified third-country nationals are received**, with a view to making France more attractive. The resulting report draws up a list of assets and shortcomings in France, in terms of attractiveness for high potential individuals⁶². It recognises that **residence permits issued to these groups do not always match their needs in terms of length of stay or type of procedure**. The assignment team draws attention to the fact that the “skills and talents” residence permit has failed to achieve its goal, due to rigid criteria introduced that hindered the smooth running of the measure. France’s attractiveness for students and researchers has become weaker, namely due to the limitations imposed on access to the labour market. This report states that “[...] *the findings are, that France still remains attractive for qualified and highly qualified third-country nationals but its position on the international competitive market is threatened*”.

⁶⁰ Fekl Matthias, *Sécuriser les parcours des ressortissants étrangers en France*, (Smoothing the path for third-country nationals in France), Report to the Prime Minister, 14 May 2013

⁶¹ Bernard Hélène, Brassens Bertrand, Cagé Agathe, Fitoussi Bertrand, Le Vert Louis, *Rapport sur l'accueil des talents étrangers*, (Report on the conditions of reception for qualified and highly qualified third-country nationals), General Audit Offices of the Ministers for Foreign Affairs, Interior, Higher Education and Research and Economy and Finance), April 2013

⁶² The assignment team focussed on the following groups: students holding a Master’s degree (level 2), researchers, artists, high-level athletes, highly qualified employees, investors and entrepreneurs, and individuals with a particular project that can contribute to improve the outreach of France overseas.

The cross-government audit team thus emphasised the need for setting up a new reception model based on the following components:

- **Simplification of administrative formalities** for residence permits,
- **A strategy steered at inter-ministerial level,**
- Implementation of a **policy to accompany applicants proactively,**
- An **institutional communication policy** on France's economic attractiveness.

The team provided 26 recommendations pertaining to the above components, to develop an attractiveness strategy in France for the target groups. These recommendations consist in particular in: relaxing the criteria of issuance for the “employee on assignment” residence permit, adjusting the “business” residence permit to the specific needs of third-country entrepreneurs, introducing a single residence permit valid for three years and renewable once, called the “*Carte Blanche pour la France*” that would substitute several current residence permits, and lastly, relaxing travel visas for certain categories of third-country nationals.

Evaluation of public policies as carried out in these reports has allowed light to be shed on several avenues for improvement. These should focus in particular on ensuring more consistency between the policies and the stakeholders, a simplification of procedures combined with a streamlining of residence permits and standardising issuance conditions. Several concrete examples are given below based on the experience of stakeholders involved at various levels.

2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience.

The analysis of interviews carried out within the framework of this study and of reports focussing on specific themes, presents the experiences of different stakeholders, mainly representatives from the private sector, from the public sector and from the research community.

18. The national policy makers' or other stakeholders' experience and assessment regarding the effectiveness of measures

The various stakeholders' experiences and assessments regarding the effectiveness of measures have brought several elements to the fore.

- ***Residence permits that correspond to employers' needs but which are often linked to complex administrative procedures***

Representatives from the public sector as well as applicants and recruiters consider the diversity of existing measures and the resulting complexity as obstacles to the attractiveness of France. Stakeholders' opinions are shared between two positions. On the one hand, some consider that the **numerous residence permit categories** aimed at high potential third-country nationals can create a certain degree of confusion among applicants. They therefore go some way towards agreeing with the guidance formulated within the framework of the debate in Parliament. On the other hand, others emphasise that a change in regulations would render the situation more complex, mainly due to the necessary adaptation time for employees in the public sector. They therefore recommend simplifying existing procedures, emphasising

the fact that the problem stems mainly from the **complexity of procedures** rather than the variety of residence permits.

Without challenging the existing regulations and the variety of residence permits, which are considered adapted to the needs of companies, representatives of large companies⁶³ consider the principle issues to be the **complexity of procedures** and the **multiplicity of stakeholders**, which go hand in hand with relatively long waiting periods.

According to employers, the different categories of residence permits fulfil their needs, and the majority of them use the **EU Blue Card and the "employee on assignment" residence permit**.⁶⁴

Several stakeholders however issued a reminder that the **"employee"** residence permit covers a group of the public that is too wide. Qualified third-country nationals, for whom no precise criteria or definition exists, can thus also obtain this residence permit.

According to some, the fact that the objective for the **"skills and talents"** residence permit was not achieved can be explained by a lack of management and by relatively vague criteria⁶⁵ for granting it.

Performance indicators on the attractiveness of France specify that **international investors** request a simplification of the administrative rules and procedures. More specifically, they would like their situation to be taken into consideration, in particular through measures allowing them to set up and develop their companies more easily in France⁶⁶.

In the framework of preliminary consultations in the debate without vote in Parliament, the Confederation of Young Researchers (CJC)⁶⁷ considers that the **"scientist-researcher" residence permit** is a good measure, which could nevertheless be improved upon. In 2012, the CJC published the results of an enquiry presenting an overall view of the reception, working and living conditions for young, international researchers in France,⁶⁸ as well as several documents analysing the developments since the enquiry. Although much progress has been made, the CJC nevertheless made several recommendations. As well as criticisms relating to the waiting periods for administrative procedures, they particularly suggest implementing an online application procedure for "scientist-researcher" residence permits, which would allow the waiting periods and processing costs to be reduced.

⁶³ Extract from an interview with Étienne Gousson (L'Oréal) and Odile Cochet (BNP Paribas), leaders of the CINDEK working group on "immigration", April 2013

⁶⁴ SGII, *Les données de l'immigration professionnelle et étudiante*, (Labour and student immigration data), Preparatory paper for the Parliamentary debate, April 2013 (in French)

⁶⁵ Extract from interviews with Fabrice Blanchard, director for immigration at OFII and Alexandre George, Director of Migration Conseil, April 2013

⁶⁶ Ministry of Finance, the Inter-ministerial Delegation for Town and Country Planning (DATAR), the Centre for Strategic Analysis (CAS) and the French Agency for International Investments (AFII), *Tableau de bord de l'attractivité de la France* (Performance indicators for the attractiveness of France 2012 Edition) (in French)

⁶⁷ Confederation of Young Researchers, *Enjeux de l'amélioration de l'accueil des jeunes chercheurs étrangers pour l'attractivité scientifique et économique de la France, Éléments en vue du débat parlementaire consacré à l'immigration pour motif professionnel et à la mobilité étudiante* (Issues for improving the reception for young, third-country national researchers for the scientific and economic attractiveness of France, Elements with a view to the parliamentary debate on immigration for professional reasons and student mobility) (in French) <http://cjc.jeunes-chercheurs.org/expertise/etrangers/2013-04-element-debat-parlementaire.pdf>

⁶⁸ Confederation of Young Researchers, *Les jeunes chercheurs étrangers en France, Résultats de l'enquête réalisée par la CJC*, (Young international researchers in France, the results of an enquiry by the CJC), 2010 (in French)

➤ *The limits of the one-stop-shop despite the marked interest for this initiative*

Employers, in particular those within large groups, had originally requested the one-stop shop and emphasised the interest of such a measure. However, today some of the limits of this initiative have been revealed. Although the assessment in the *départements* is positive, there is still much room for improvement. The one-stop shop was implemented in parallel with the biometric residence permit⁶⁹, which thus complicated the first part of the experiment⁷⁰. Employers noted that this resulted in an increase in delivery times for residence permits.

One of the main criticisms voiced, also related to the fact that the project was not carried through to completion. OFII, for example, coordinates the project but has no decision-making role. The OFII representative thus emphasized the need for establishing real management, whilst stressing the need for a standardised service across the country.

In the same vein, several stakeholders⁷¹ recommend implementing a real platform allowing centralized dossier management, with the objective being not only greater efficiency and true savings of time, but also avoiding losing dossiers when elements are sent to the various public services concerned. Although the one-stop shop signalled a real advance, there are still major challenges to be met in this area.

➤ *Requests moving towards greater transparency and increased information*

When faced with the diversity of permits, recruiters from small and medium sized businesses do not always know who to turn to for information. Although several, particularly detailed official websites exist, notably the website "Promoting labour immigration"⁷² co-managed by the SGII and OFII, these recruiters encounter difficulties in identifying the best-adapted measures for their needs and capabilities. Owing to a lack of time and specific knowledge of the administrative and legal aspects relating to the different residence permits and employment conditions, the latter often call on external consultants to help them in the recruitment process. In contrast, large groups that have a relocation service dedicated to international mobility relate fewer difficulties with the procedures, in particular for employees on assignment.

In practice, one of the principle difficulties concerns the list of required documents. For example, a representative from a consultancy specializing in immigration law⁷³ explains that the list of documents required by DIRECCTE offices varies according to each *département*. Faced with this, he stressed the need to provide more specific lists, on the Internet for example, of the documents required for a dossier.

➤ *The need to establish improved coordination between the stakeholders and to standardize practices*

The need for improved coordination between stakeholders, in order to show a coherent policy of attractiveness for highly-qualified third-country nationals, often emerges from interviews. When questioned, some stakeholders emphasised the **lack of management** at a national level. Other points brought up during interviews are the different practices of different prefectures,

⁶⁹ At the beginning of the experiment, photos were often rejected as they did not conform to the new standards set by the biometric residence permit.

⁷⁰ Extract from an interview with Fabrice Blanchard, director for immigration at OFII, April 2013

⁷¹ Extracts from interviews with Odile Cochet and Étienne Gousson, group leaders for the CINDEK working group on "immigration" April 2013

⁷² <http://www.immigration-professionnelle.gouv.fr/>

⁷³ Extract from an interview with Alexandre George, Director of Migration Conseil, April 2013

the large number of documents requested, sometimes repeatedly, when putting together a dossier, and a lack of knowledge about permits and procedures on the part of some officials. In addition, the delivery times for residence permits differ from one prefecture to another.

The project to **generalise multi-annual residence permits** formulated in the framework of the debate in Parliament is particularly welcomed by recruiters and employees, who emphasize the need to standardize regulations aimed at accompanying families, obliged until now to renew their request for residence every year.

➤ *The need to improve reception conditions*

All the stakeholders emphasize the need to improve the reception conditions, both in the prefectures and at the consulates, with a view to transmitting a better image in terms of the attractiveness of the country for qualified and highly-qualified third-country nationals. Several stakeholders communicated in particular the experience of applicants at the prefecture and the constraints linked to the annual renewal of a residence permit. According to the L'Oréal representative⁷⁴, several elements need to be improved in each phase of the process, from the presentation of a request for visa dossier by an applicant at the consulate, to residence permit collection upon arrival in France. He specified that prefecture officials are not always trained to receive foreigners, as some of them do not speak English for example.

⁷⁴ Extract from an interview with Étienne Gousson, Head of senior executives administration at L'Oréal, former director of international mobility at L'Oréal and leader for the CINDEX working group on "immigration" April 2013

The list of shortage occupations: a pertinent tool that needs to be adapted to the current needs of the labour market

The list of occupations characterised by recruitment difficulties, set by the decree of 18 January 2008,⁷⁵ was established on 23 October 2007 following consultations with the social partners. It is the result of work undertaken by the permanent analysis group for labour needs, set up to this effect. It includes thirty occupations and is given by region. This list, which takes into account several indicators measuring the state of skills shortages in the labour market by group of occupations, was created using contributions from the National Employment Agency (ANPE), the Directorate for the Animation of Research, Studies and Statistics (DARES), the national inter-professional union for employment in industry and commerce (UNEDIC) and the National Institute for Statistical Studies (INSEE). It is also based on a report by the Strategic Analysis Council (CAS) and DARES⁷⁶, which allows the duration of the economic needs of occupational sectors to be determined.

According to several above-mentioned assessment reports and some of the stakeholders questioned in the framework of this study, this list, although considered as a pertinent tool, now seems to lack clarity and must be adapted to current labour market needs. The preliminary document for the Parliamentary debate suggests reviewing this list, in consultation with the social partners and regional councils, and in light of the study carried out jointly by the DARES and the CAS⁷⁷ on professions to make provisions for the year 2020.⁷⁸ The report also recommends updating the wider lists of professions facing skills shortages in the framework of concerted management agreements on migratory flows.

The analysis of statistical data related to the immigration of qualified and highly qualified third-country nationals and the evaluation of different stakeholders, have shown that despite the initiatives undertaken, much effort needs to be made in order to render the policies and measures more efficient in the area of attractiveness. Several challenges and obstacles can also influence the immigration of qualified and highly-qualified third-country nationals.

⁷⁵ Order of 18 January 2008 relating to the issuance, without eligibility requirements based on the labour market situation, of work permits to third-country nationals.

⁷⁶ Chardon Olivier, Estrade Marc-Antoine, *Les métiers en 2015* (Professions in 2015), Joint report by CAS and DARES, French documentation, 2007 (in French)

⁷⁷ Study by DARES and CAS, *Les métiers en 2020 : progression et féminisation des emplois les plus qualifiés ; dynamisme des métiers d'aide et de soins aux personnes*, (Professions in 2020: progression and feminisation of the most qualified professions; dynamism in aid and caregiving professions) DARES Analyses, n° 22, March 2012 (in French)

⁷⁸ General Secretariat for Immigration and Integration, *Les données de l'immigration professionnelle et étudiante*, (Labour and student immigration data) Preparatory paper for the Parliamentary debate, April 2013 (in French)

Section 3. Challenges and Barriers

Several challenges and obstacles that can influence the attractiveness of France for qualified and highly qualified third-country nationals have been identified, either on the basis of research and reports, or based on the experience of various stakeholders.

19. Challenges and barriers that can influence the attractiveness of France for qualified and highly qualified third-country nationals

Several reports have identified the principle factors that can influence the attractiveness of France for these groups.

➤ *Remuneration*

With regard to **international researchers and PhD students** in France, remuneration is far from being a factor of attractiveness, as emphasized by the results of the study carried out by the CJC in 2010⁷⁹. The CJC specifies that remuneration for international PhD research students is strongly dependent on it being formalized by contract, and varies greatly from one discipline to another. The highest remuneration is found in maths, the sciences, and information and communication technologies. In contrast, more than 60 % of PhD research students in literature, humanities, law, economics and management earned less than €1,000 per month in 2010 for their research work. It should be specified that at the time of this study, the reference salary for PhD researchers was €1,360 net per month or €1,661 net per month when combined with teaching or a partnership with a company.

➤ *Bureaucracy*

Bureaucracy is considered as one of the biggest obstacles to attractiveness. The preliminary document for the Parliamentary debate notes that for example, that the right to residence for international students in France is marked by numerous administrative procedures and limited possibilities for changing status⁸⁰.

➤ *Costs in monetary terms*

In its latest annual report on international migration perspectives,⁸¹ the OECD analyses the budgetary impact of immigration and puts forward its fiscal advantages. According to the organisation, immigration, rather than appearing as an expense for public spending, could represent more of an opportunity in budgetary terms for the economies of western countries suffering from the economic crisis. According to Jean-Christophe Dumont, head of the OECD migrations division, "*Immigrants, in general, contribute more in tax and social contributions than they receive in personal benefits.*"⁸² For the entire OECD, these contributions amount to €3,280 per immigrant per year. However, France is one of the counter-examples of this

⁷⁹ Confederation of Young Researchers, *Les jeunes chercheurs étrangers en France, Résultats de l'enquête réalisée par la CJC*, (Young international researchers in France, the results of an enquiry by the CJC), 2010 (in French)

⁸⁰ SGII, *Les données de l'immigration professionnelle et étudiante*, (Labour and student immigration data) Preparatory paper for the Parliamentary debate, April 2013 (in French)

⁸¹ OECD, *International Migration Outlook 2013*, 13 June 2013

⁸² Barroux Rémi, *L'OCDE met en avant les vertus fiscales de l'immigration*, (The OECD puts forward the fiscal advantages of immigration), Le Monde, 13 juin 2013 (in French)

analysis, with a negative immigrant contribution of roughly €1,450 per year on average from 2007 to 2009. It should however be specified that these results concern all immigrants. Different factors can explain this phenomenon, such as salaries that are often lower than average French salaries, combined with a lesser contribution in terms of taxes and social contributions.

Furthermore, the OECD emphasises that immigrants contribute as much to qualified professions as they do to less qualified ones. According to Jean-Christophe Dumont, "*Immigration fulfils quite varied needs, but governments would be well-advised to clarify their objectives and better define their policies.*"⁸³

20. Experiences and assessments of the stakeholders concerned

The experiences and assessments of the various stakeholders concerned have revealed several challenges and obstacles that can have an influence on the attractiveness of France.

➤ *Economic crisis*

The economic crisis does not seem to have had an impact in terms of the recruitment of qualified and highly qualified third-country national in large companies⁸⁴.

➤ *Public services' lack of consideration for high potential third-country nationals*

The lack of consideration towards these groups of people is often brought up in interviews, whether in regard to the reception at the prefecture or to certain legal aspects.

Although the obstacles encountered by international students changing from student to employee status have mostly been removed since the repeal of the 31 May 2011 circular, several challenges still need to be taken up. Even though procedures relating to employees on assignment are very efficient, they only concern large companies, and not international students or high-added-value nationals from third countries. The same applies for the European Blue Card which, owing to the level of remuneration required, automatically excludes young graduates or those with little experience. These people thus opt for the "employee" residence permit or move into non-salaried professions, by becoming consultants or self-employed for example. The representative from a consulting firm specialized in immigration law thus noted a large increase in requests for a change of status from "student" to "business" or "self-employed professional". It should be added that the status of "*auto-entrepreneur*", not codified by CESEDA, remains vague, in particular concerning the required documents and criteria. The processing of requests may therefore give rise to sensitive situations⁸⁵.

The Confederation of Young Researchers explains moreover, that the duration of the "scientist-researcher" residence permit is equal to that of the research mission as specified in the hosting agreement. The absence of a period of time that would allow the permit holder to look for a job is thus an important obstacle that can influence the attractiveness of France⁸⁶.

⁸³ Barroux Rémi, *L'OCDE met en avant les vertus fiscales de l'immigration*, (The OECD puts forward the fiscal advantages of immigration), Le Monde, 13 juin 2013 (in French)

⁸⁴ Extracts from interviews with representatives from BNP-Paribas and L'Oréal

⁸⁵ Extract from an interview with Alexandre George, Director of Migration Conseil, April 2013

⁸⁶ Confederation of Young Researchers *Propositions d'amendements pour l'amélioration de l'accueil des chercheurs étrangers en France, Évolutions du CESEDA et du Code du Travail* (Proposals for amendments to improve the reception of young third-country national researchers in France, CESEDA and labour code developments). (In French)

➤ **Public debate**

Faced with numerous requests from young, international graduates following the publication of the 31 May 2011 circular, the representative from a consulting firm specialized in immigration law⁸⁷ emphasises that the debate surrounding the Guéant circular, widely diffused on social networks, had a real impact on the international scene. Although the situation has since improved, a temporary decrease in the number of international students enrolled in French establishments of higher education was observed in 2012.

➤ **Bureaucracy**

Bureaucracy is one of the principle obstacles brought up by the various stakeholders in terms of the attractiveness of France for qualified and highly qualified third-country nationals. Both applicants and companies choose countries that have simpler administrative procedures. Interviews have shown that in some cases, an employer or applicant has decided to stop the procedure owing to delivery times that are too long, and procedures that are too complex. Regarding the recruitment of young workers, L'Oréal's representative⁸⁸ reminds us that in the context of strong competition with other international groups, this public has a natural tendency to turn to countries offering fast, simple procedures. If the waiting period is too long, the group might lose its applicants.

The request for a work permit is another laborious and complex procedure which can dissuade companies from recruiting third-country nationals.

The **large quantity of documents** requested when putting together a dossier can appear to be a large obstacle. The BNP Paribas representative⁸⁹ explains for example, that a manager recruited by their group cannot always understand why the formalities are so time consuming and tedious, with them having to repeatedly supply the same documents to different public services.

The **lack of knowledge about permits and procedures** on the part of some employees within the prefectures and consulates is a problem that was also brought up by several stakeholders, and this translates into longer processing times, different people dealing with the dossier, and the risk of losing dossiers, or even a lower issuing rate for some permits.⁹⁰

In addition to procedures related to obtaining a residence permit, the broader range of the other **administrative procedures linked to arrival in France**, such as signing up for social security and obtaining the *carte vitale* health insurance card, can appear as obstacles. Although large companies generally offer a service to help their employees with their various procedures, most qualified and highly qualified third-country workers have to carry out these procedures themselves upon arrival in France. Moreover, this raises other concrete problems linked to the reception conditions and to waiting times, in particular at the prefecture.

<http://cjc.jeunes-chercheurs.org/expertise/etrangers/2013-04-amendements-jeunes-chercheurs-etrangers.pdf>

⁸⁷ Extract from an interview with Alexandre George, Director of Migration Conseil, April 2013

⁸⁸ Extract from an interview with Étienne Gousson, Head of senior executives administration at L'Oréal, former director of international mobility at L'Oréal and leader for the CINDEX working group on "immigration" April 2013

⁸⁹ Extract from the interview with Odile Cochet, responsible for international mobility at BNP Paribas and leader for the CINDEX working group on "immigration" April 2013

⁹⁰ Extracts from interviews with Alexandre George, Director of Migration Conseil and Odile Cochet, responsible for international mobility at BNP Paribas, April 2013

With regard to the **family members of an employee on assignment**, the "family and private life" residence permit, which should be issued and renewable for the same duration as that of the employee concerned, is currently only issued for one year, renewable for the same period, for IT reasons. Following a recent meeting with representatives from CINDEK, the Secretary general for immigration and integration sent a directive to the prefectures to solve this problem⁹¹.

➤ *Costs in monetary and non-monetary terms (costs in terms of time)*

The OFII medical visit is often brought up by employers, who consider this formality as a constraint, as recruited applicants have to undergo a medical exam within the company when they arrive. The statutory price paid to OFII represents a cost for the employers, who would like, moreover, to be better informed about its scope and purpose.

➤ *Lack of information*

The lack of information is an obstacle often brought up during interviews. It may not only be a lack of information about procedures and the list of documents required, but also a lack of information about newly implemented procedures.

➤ *Waiting times and processing periods*

The representative of a large company⁹² describes certain practices that can seem paradoxical within the framework of intra-group mobility, which is nevertheless considered as a fundamental aspect of the attractiveness of France. In order to bring over high-level management recruited for six months, the group uses the "employee on assignment" residence permit. Their aim is often to train people in the group culture in France, before sending them on an international posting. Faced with the difficulties encountered within the framework of the one-stop shop, which tends to increase the delivery times of this permit, the group has resorted to using the EU Blue Card more often, because the delivery times are faster.

The decision-making process can sometimes be very obscure, for example it can take up to a year and a half for a business permit request. Faced with waiting times and processing times for requests, some people end up abandoning the process. In addition to the loss of high potential applicants, the representative from the consulting firm also warned of the resulting negative impact, as applicants can disseminate a rather unattractive image of the country among their network⁹³.

⁹¹ Extract from the interview with Odile Cochet, responsible for international mobility at BNP Paribas and leader for the CINDEK working group on "immigration" April 2013

⁹² Extract from the interview with Étienne Gousson, Director of senior executives administration at L'Oréal, former director of international mobility at L'Oréal and leader for the CINDEK working group on "immigration" April 2013

⁹³ Extract from the interview with Alexandre George, Director of Migration Conseil, April 2013

Section 4. Conclusions

By analysing the policies and measures aimed at attracting qualified and highly-qualified third-country nationals to France, the present study has revealed several elements. First of all, numerous measures have been implemented since 2006 to encourage immigration from various targeted groups. The policies and measures implemented in France are aimed at **several specific groups**, such as students, scientist-researchers and investors. More generally they are aimed at international talents or high potential workers, based on criteria of remuneration, level of studies, qualifications and experience. Although a large number of existing measures in France directly target high potential third-country nationals, the definition criteria sometimes remain vague, in particular for qualified workers.

Analysis of the statistical data shows that labour immigration has a low profile in France. In 2012 it represented only **9 % of the 193,000 first residence permits issued**. Between 2008 and 2011, the most frequently issued first residence permits for remunerated activities were for employees on assignment and scientist-researchers. Employees on assignment represented 56 % of first residence permits issued for remunerated activities in 2011. In contrast, less than 300 “skills and talents” residence permits were issued on average each year. Several factors can explain the varying degrees of success achieved by these measures.

In addition to the limited effects revealed by the statistics, several recent reports have evaluated attractiveness policies for international talents and have formulated several guidelines, in particular, **simplifying procedures, rationalising residence permits and standardising issuing conditions**. The assessment of policies and measures emphasises, moreover, the need to continue efforts to implement an attractiveness policy that is more coherent for (highly) qualified third-country nationals, based on improved coordination between the stakeholders concerned.

The analysis of interviews carried out within the framework of this study means that it is based on several concrete examples. Despite marked interest in the one-stop shop initiative, this project still needs to be improved in several areas in order to be efficient. The different residence permits are often considered as adapted to the needs of the employers, who nevertheless deplore the complexity of administrative procedures. They emphasize the need for improving reception conditions in public sector offices as well as access to information.

Although several efforts have already been undertaken to this end, there are still significant challenges to overcome the obstacles identified by different stakeholders. Even though fiscal incentives and access to social security benefits can constitute a factor of attractiveness, several obstacles can have a strong influence of the attractiveness of France in terms of recruiting international talents. The complexity of administrative procedures, waiting times and the lack of information are other points raised by the stakeholders interviewed within the framework of the study.

It is important to specify that this study is part of a **particular political and legislative context**. In addition to the publication of several recent reports, the Parliamentary debates on labour immigration and student mobility emphasise the interest in this subject and the desire to strengthen the attractiveness policy of France for international talents. The bill expected in 2014 makes provision for, in particular, a generalisation of multi-annual residence permits and improvement of reception conditions in the prefectures. Although the framework for labour immigration and student mobility has been clarified, it remains to be seen how the bill develops, and what its real impact on the targeted publics are from now on.

APPENDICES

APPENDIX 1: LIST OF INTERVIEWS CARRIED OUT

1. French Ministry of the Interior, General Secretariat for Immigration and Integration

Department of Immigration, residency and work division:

- Marot Nadia, Head of office for community law and special regimes
- De Bouttemont Monique, Head of office for labour immigration
- Carré Véronique, Deputy head of office for labour immigration

2. French Office for Immigration and Integration (OFII)

- Blanchard Fabrice, Director of Immigration

3. BNP Paribas

- Cochet Odile, responsible for international mobility and leader of the CINDEK working group on "immigration"⁹⁴

4. L'ORÉAL

- Gousson Étienne, Head of senior executives administration at L'Oréal and leader of the CINDEK working group on "immigration"

5. Migration Conseil, Experts on immigration law in France

- George Alexandre, Director of Migration Conseil

⁹⁴ CINDEK Inter-Company Club for strategies and policies relative to international mobility

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<http://www.immigration.interieur.gouv.fr/Europe-International/Le-reseau-europeen-des-migrations-REM/Les-publications-du-REM/Les-etudes/L-immigration-des-etudiants-etrangers-en-France>
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- **Codes**

- Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA)

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- General Tax Code

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-Code of Social Security

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006073189>

- Labour Code

<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072050&dateTexte=20120810>

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