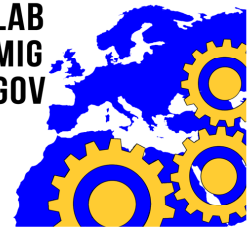


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“Which labour migration governance for a more dynamic and inclusive Europe?”

**Labour migration governance in
contemporary Europe.
The case of France**

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April 2012

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Acronyms

ANPE	National Employment Agency (until 2008)
CAS	Strategic Analysis Centre in Prime Minister's Office
CICI	Inter-Ministerial Committee on Immigration Control
CFDT	French Democratic Labour Confederation
CGT	General Confederation of Labour
CGPME	General Confederation for Small and Medium Sized Enterprises
DDTEFP	Departmental Direction of Work, Employment and Vocational Training
EEA	European Economic Area
FN	National Front
ICT	Intra-Company Transfer
MEDEF	French Enterprise Movement
OFII	French Office for Immigration and Integration
OLI	Office for Labour Immigration
PS	Socialist Party
RLMT	Resident Labour Market Test
SMIC	National Minimum Wage
UMP	Union for a Popular Movement

Table of contents

INTRODUCTION: labour immigration and the French labour immigration system	5
1. THE FRENCH DEBATE ON LABOUR IMMIGRATION	7
1.1. The main actors and their positions in the labour immigration policy process	7
1.2. Evolution of the debate with a focus on the past decade	10
2. LABOUR IMMIGRATION SYSTEM	17
2.1 Qualitative selectivity, permits and procedures.....	19
2.1.1. <i>Residence permits for economic motives</i>	20
2.1.2. <i>Setting qualitative criteria</i>	28
2.2. Quantitative limits	31
2.3. Quantitative and qualitative outcomes of labour immigration policy	32
3. FUNCTIONAL EQUIVALENTS AND ALTERNATIVES TO FOREIGN MIGRANT LABOUR ADMISSION	36
3.1 Functional Equivalents	36
3.1.1 <i>A8 & A2 workers</i>	36
3.1.2. <i>Family migrants</i>	37
3.1.3. <i>Foreign students</i>	39
3.1.4. <i>Undocumented foreign labour</i>	40
3.2. Functional Alternatives	42
4. SUMMARY AND ASSESSMENT.....	44
4.1. Brief summary of the French regime and debate on labour immigration	44
4.2. Assessing the French labour immigration system	46
ANNEX: List of interviews with policymakers, stakeholders and researchers (February-April 2012)	52
REFERENCES.....	53

This report on the French labour immigration system is principally based on analysis of official documents and interviews with policymakers, stakeholders and researchers carried out between February and May 2012 (see annex 1 for a list of interviews).

Introduction: labour immigration and the French labour immigration system

One of the first things that strikes one when researching labour immigration in Western Europe is that France, one of the largest economies, receives very few labour immigrants compared to its Western European neighbours. In 2006, for example, prior to the international economic crisis, 26,000 individuals were issued with temporary permits for employment purposes in France, compared to 362,000 in Germany and 266,000 in the UK (OECD 2011). This appears particularly counterintuitive when one considers that France has a history of colonialism as well as the longest tradition of recruiting foreign workers in Western Europe. However, as I discuss below, France receives significant numbers of 'indirect' labour migrants - i.e. migrants who enter France via non-labour immigration channels but who participate in the labour market - each year and as such is an important case in cautioning us against taking a limited approach to labour immigration.

In terms of labour immigration governance, over the past half century, the role of the French state has chiefly been one of regularising new or existing employment relationships rather than organising the movement of workers between their country of origin and the workplace in France. This could also be seen as surprising given the French tradition of economic planning and state intervention in the economy (Schmidt 2003).

France imported labour immigrants in the 19th century in the context of industrialisation and labour shortages resulting from a fall in the birth rate. This occurred at a time when other Western European states had higher birth rates and were experiencing labour emigration. Population decline was exasperated by the wars of 1870-1 and 1914-18 and in response labour recruitment agreements were signed with Italy (1904, 1906 and 1919), Belgium (1906), Poland (1906) and Czechoslovakia (1920). By the early 1930s, France had the largest stocks of immigrants in the world (6.6% of the total population) after the United States.

Foreign workers were once again called upon to support the post-war reconstruction and subsequent economic growth in the 1950s and 1960s. Moreover, in the immediate post-war period, France was the only country in Europe to encourage permanent immigration (Guiraudon 2002). The economic plans of the General Planning Commission (CGP) and demographic concerns had much influence over immigration policy at this time. The aim was to bring in migrant workers to aid economic reconstruction and increase the French population and it was considered that the French Republican tradition was particularly well suited to integrating foreigners. Mainly male workers were recruited from other European countries and North Africa; immigration inflows for work purposes increased from 325,200 between 1944-55 to more than a million between 1956-67 (Kofman, Rogoz and Lévy 2010).

In response to the economic crisis of the early 1970s, the French government stopped all recruitment programmes for foreign workers in 1974. Inflows of foreign workers (not including seasonal workers) fell from just over 800,000 between 1968 and 1973 to 192,900 between 1974 and 1980 and under 60,000 between 1993 and 1995.¹ While seasonal labour migration was not halted and remained significant, at least until the early 1990s (664,200 entering between 1981 and 1987), family

¹ These figures relate to total inflows during these years as opposed to annual inflows. Kofman, E., M. Rogoz & F. Lévy. 2010. Family Migration Policies in France. Vienna: ICMPD.

members of migrants resident in France became an increasingly important proportion of new migrants to France, becoming the largest category from the early 1990s. Indeed, these migrants' rights of entry and stay are guaranteed by constitutional norms and international agreements. The highest administrative court, the Conseil d'Etat, has been a key player in defending the rights of these groups since the late 1970s (Kofman et al. 2010, Guiraudon 2002).

There are approximately 3.5 million people of foreign nationality residing in France out of a total population of 61.5 million people. Since the late 1990s, the level of immigration has risen significantly. Between 1990 and 1999, the country received about 50,000 people per year. In 2005, over a 160,000 people were issued with their first resident permits, this number rising to just under 200,000 in 2009. That same year, direct labour migrants only represented 10% of new inflows - 20,000 people.

The ten most numerous national groups residing in France account for a little less than three quarters of non-EEA residents: Algerians, Moroccans, Turks, Tunisians, Chinese, Malian, Senegalese, Congolese, Serbian-Montenegrins and Cameroonians. More than 59% of foreigners in France come from the Maghreb, though currently, the two fastest growing national groups are the Chinese and Malians. Foreign workers are concentrated in manual and low-skilled occupations (CAS 2006, CICI 2011).

Labour immigration systems are categorised as demand-led, supply-led or hybrid. In demand-led systems, employers select migrant workers to fill specific vacancies, while in supply-led systems migrants gain access to the labour market (rather than a specific job) based on criteria set by government. The French system is a demand-led one though recently a small, experimental supply-side scheme was introduced: the Skills and Talents Permit (*Carte Compétences et Talents*). The majority of migrant workers using official labour immigration channels are employed in medium to high skilled occupations.

It is important to emphasise the fact that a large proportion of migrants who enter France via family reunification and other non-labour channels participate in the labour market and are thus, *indirect* labour migrants. France has, in this sense, never stopped being a country of labour immigration. Indeed, if we were to limit our analysis to the regulation of labour immigration in France, we could quickly conclude that France receives about 20,000 labour migrants a year and that they are largely employed in medium to high skilled occupations. The reality of labour immigration in France is much larger and very different. As noted above, the vast majority of immigrants participating in the French labour market are employed in low-skilled work. Furthermore, the vast majority of immigrants using the official labour immigration channels were already resident in France prior to being issued with a permit for employment purposes, many of them being foreign graduates of French universities. In this sense, labour immigration to France remains largely unregulated and the small segment, which is regulated, does not emanate from international recruitment and as such cannot really be called 'managed migration'.

Between the late 1990s and 2012, under centre-left and particularly centre right governments, the labour immigration system has been the object of constant reform. Changes to labour immigration policy have been in the form of legislation and ministerial decrees. There have been three main phases of reform: phase 1 (late 1990s) involved facilitating the immigration of the highly skilled and students; phase 2 (2002-2011) saw the introduction of new channels for labour immigration and the further facilitation of highly skilled migrant inflows; and phase 3 (2011-) has seen qualitative adjustments to entry criteria with the aim of reducing the number of labour

immigrants registered each year.

1. The French debate on labour immigration

1.1. The main actors and their positions in the labour immigration policy process

Immigration policy stakeholder forums are less formalised and less consistently used in France than they are in the UK. While some reforms to the immigration regime have been based on publicised consultations with stakeholder groups, other reforms, particularly those which are more restrictive in nature, have not involved public consultations and some stakeholders (in particular the trade unions and NGOs) maintain that they have been excluded from the process.

The most influential actor is the political party/parties in government. The three largest political forces in France are the centre right Union for a Popular Movement (UMP), the Socialist Party (PS) and the extreme right, anti-immigration party, the National Front (FN). However, despite electoral successes, the FN's representation in public office has been limited due to the French majoritarian electoral system.

While centre right and centre left wing divergences on immigration policy have traditionally been significant, there appears to be tacit agreement on the current system of labour immigration; largely unregulated indirect labour immigration (family, humanitarian, students), annual regularisations of about 30,000 irregular migrant workers and more or less similar levels (about 20,000 a year) of official medium to highly skilled labour immigration. The broad lines of the policy are shared while differences relate to procedural questions such as duration of residence permits and criteria for regularisation. A certain bipartisan consensus was demonstrated by the fact that the PS originally endorsed a report by Malek Boutih, a Socialist party member and the former president of the Anti-Racist Movement in France, entitled 'New Immigration Policy' in 2005. This report recommended an end to systematising family reunification and of mass regularisations of asylum seekers and the establishment of a quota system, among other proposals. Support for the report was withdrawn by the party following criticisms that it echoed the FN party platform.

On the left and right extremes, we find proposals for complete liberalisation of immigration and significant reductions in numbers entering each year. The electoral successes of the FN since the 1980s, as well as high levels of unemployment, has made it very difficult for either the centre left or right to significantly liberalise the labour immigration system. The centre-right has also attempted to siphon votes from FN supporters by appearing tough on immigration. Indeed, in 2006 Nicholas Sarkozy, then Interior Minister of a centre right government, actually declared that he aimed to 'seduce' the FN electorate (Chou and Baygert 2007).

The Interior Ministry (*Ministère de l'Intérieur*)² is responsible for immigration policy with the Office for Labour Immigration (*Bureau de l'immigration professionnelle*) (OLI)³ in charge of labour immigration and student immigration. The

² In late 2007, early 2008 a new Ministry of Immigration, Integration, National Identity and Co-Development was established, regrouping services from the Ministries of Labour, Foreign Affairs, Justice and Interior. In November 2010, this Ministry was subsumed into the Ministry of Interior as the General Secretary of Immigration and Integration.

³ OLI is in the Department for Residence and Work, which also includes two other offices dealing with

Interior Ministry is generally argued to have a restrictive control focused approach to immigration, though the OLI is keen on appearing to be open for business in terms of highly skilled immigration. Another important institution is the French Office for Immigration and Integration (*L'Office Français de l'Immigration et de l'Intégration* (OFII))⁴, which is charged with implementing immigration and integration policies. OFII manages procedures for economic and family immigration and contributes to the contrasting of undocumented immigration. The other main Ministries involved in the policy arena are the Ministry of Labour (*Ministère du Travail, de l'Emploi, de la Formation professionnelle et du Dialogue social*) and the Ministry for Foreign Affairs (*Ministère des Affaires étrangères*). The Ministry of Labour has shifted from a liberal approach to labour immigration during the period of relatively good economic growth between the late 1990s and 2009 to one, which is more restrictive (Interviews Medef). The Ministry for Education and Research (*Ministère de l'Enseignement supérieur et de la Recherche*) is involved in policymaking on foreign scientists and students. Finally, a decree of the 26th of May 2005 created the Inter-Ministerial Committee on Immigration Control (*Comité Interministériel de Contrôle de l'Immigration* (CICI)), responsible for drafting an annual report on the pluriannual trends of immigration policy to be put before Parliament (provided for by the law of the 26th of November 2003 on the management of immigration, residence of foreigners in France and nationality).

According to Virginie Guiraudon, France had no organised interest groups lobbying for greater levels of immigration in the first years of the new millennium (2002). However, business associations have asked the government to facilitate a certain level of, mainly highly skilled, labour immigration. These requests are occasional or consistent, depending on the economy. Indeed, the most influential private actors in the labour immigration policy arena are employer associations, which have both formal and informal stakeholder meetings with the OLI and also lobby members of Parliament.⁵ Associations representing international businesses are the government's main source of information regarding the business point of view, due to the fact that the labour immigration system is geared towards the needs of large internationalised firms. For example, Cercle Magellan, a 'circle of reflection' representing 200 multinational companies, was influential in stimulating the government to introduce the Intra-Company Transfer permit in 2006 (see below). The major employers associations, Medef (*Mouvement des Entreprises de France*) and the CGPME (*Confédération générale du patronat des petites et moyennes entreprises*), are also consulted by government. Medef, which represents large enterprises, has discretely supported a more liberal labour immigration policy over the past decade. They tend to ask for a liberalisation of labour immigration procedures as part of a catalogue of requests. However, according to a representative of the CGPME, "They do not request as much as they should do and they don't make strong demands" (Interview CGPME). This is explained by three main factors. First, Medef representatives feel they cannot lobby for labour

family and EU law and particular regimes. The office does not have an internal research unit of staff specialised in labour immigration; it sometimes commissions research (Interview OLI).

⁴ OFII, created in 2009, is the descendent of the National Immigration Office (ONI), established after World War II.

⁵ However, a representative of the CFDT maintains that employers have very little influence on policy. He maintains that their lack of influence is demonstrated by the fact that despite the fact that they did not support the introduction of shortage occupation lists, the government introduced them (Interview CFDT).

immigration in the context of consistently high unemployment in France and apparent problems integrating resident migrant workers. Second, French employers do not have a huge appetite for foreign workers (“We don’t have a clear position as we don’t have an extraordinary need for migrants”, interview Medef). Third, members are divided on the issue. For example, the agriculture and construction sectors were against opening up the labour market to workers from the A8 in 2006, due to concerns about competition from small operators. Other sectors, such as pharmaceuticals, technology and finance are pro liberalisation but they represent a minority of Medef members (Interview Medef).⁶ In the current context of an economic downturn, Medef has publicly criticised new restrictions on labour immigration, in particular the recent attempt to make it harder for foreign graduates of French universities to change their status to that of labour immigrants. On the other hand, the CGPME generally do not make declarations regarding immigration policy. Employers of small and medium sized firms are interested in having quick access to the skills they need and are often cautious about hiring foreigners, in particular coloured people (“they don’t want a coloured salesman”, interview CGPME). It has also been argued that small firms make use of irregular labour migrants and are thus not interested in legal labour immigration channels (Interview CFDT). The third major employers association, the UPA (*Union Professionnelle Artisanale*), which represents artisans, is comparatively candid in lobbying for liberalisation and an end to discrimination against foreigners (Interview CFDT). Sectoral employer associations, such as the French Construction Federation (*Fédération française du bâtiment - FFB*), are also generally consulted by government.

The trade unions and various non-governmental organisations (NGOs), including CIMADE (*Comité Inter-Mouvements Auprès Des Evacués*) and GISTI (*Groupe d’information et de soutien des immigrés*) – the ‘migrant rights lobby’ - are also consulted and lobby the government and Parliament, though they are generally considered to be far less influential than employers. They are most visible in campaigning for the regularisation of *sans papiers* and are in general more concerned with the situation and treatment of migrants present in France than the management of channels of entry. According to a representative of CFDT trade union (*Confédération française démocratique du travail*), “Managed migration is a myth. It is not the trade unions’ vocation to deal with inflows of people. We deal with work. We are interested in discrimination. We are interested when people do not have papers. We are not interested in inflows.” (Interview CFDT). Similarly, a representative of CGT (*Confédération générale du travail*) maintained in February 2012, “We don’t deal with migrant ‘inflows’. As long as there are such huge differences between the North and the South there will be migration. We are trying to deal with what is going on now, those who are here now. We don’t want people working for 3 euro”. Unlike the UK trade union movement, the French unions have not shifted their discourse to a less positive take on immigrants during the economic downturn.

The European Migration Network (*Réseau Européen des Migrations -REM*), an EU promoted network, provides a formal context for discussions of immigration policy involving various stakeholders. Most other meetings are informal ones on particular issues (Interview CFDT).

Outside of the formal policy process, public opinion wields significant influence over labour immigration policy outputs, though the direction of influence between

⁶ In the end, Medef decided to support a restricted opening of the labour market, partly because the trade unions supported it and the employers association did not want to appear more restrictive than the trade unions (Interview Medef).

public opinion and political parties is unclear. During regularisation campaigns, media coverage of the stories of individual hard-working *sans papiers* (irregular immigrants), is argued to have an important impact on public opinion and consequently policy (Interview CFDT, CIMADE). French public opinion is, however, generally viewed as being hostile to immigration as evidenced by the fact that the FN has received relatively significant levels of support over the past 30 years and by various surveys of public opinion, which are often referred to by politicians. As discussed below, immigration, particularly of Muslims is seen as an identity and security threat by part of the French electorate. French public opinion has also been relatively hostile to immigration from the new members states of the EU, symbolised by the cost competitive “Polish Plumber”. Indeed, debates on the impact of a liberalisation of services within the EU provided for by the Directive on services in the internal market (commonly referred to as the Bolkestein Directive) of 2004 led to the negative outcome of the referendum on the EU Constitutional Treaty in May 2005.

1.2. Evolution of the debate with a focus on the past decade

Over the past decade, the French debate on labour immigration has been fed by concerns over the integration of resident migrant workers and second and third generation descendants of immigrants, as well as the objective of ensuring economic competitiveness in a globalised world. Apparent difficulties incorporating immigrants and their offspring, demonstrated, for example, by the urban riots involving migrant descendants of late 2005, have been an important motive behind trying to reduce levels of family reunification and humanitarian immigration and gearing labour immigration towards the highly skilled. The basic idea, which is currently influential across Western Europe, is that the more highly skilled the immigrants are and the more their skills respond to the needs of the labour market, the better they can be integrated. The other part of the rationale is that, increasingly, advanced economies require highly skilled workers in order to compete in the global economy. As such, it is argued to make sense to facilitate the entry of highly skilled migrants to the French labour market. However, while this basic aim has become progressively stabilised, beginning in the 1990s with a small opening to skilled labour migrants and consolidated in 2003-8 with the further facilitation of skilled labour immigration and restrictions on family migration, there was a shift back to a more restrictive labour immigration policy in 2011 in response to the international economic downturn.

Arguably, the fact that official labour immigration has remained insignificant over the past two decades is because the broad thrusts of policy reflect a cross-party consensus based on shared perceptions of the complexity of integrating foreigners, relatively stable high unemployment and a significant segment of public opinion hostile to immigration. It appears that both the centre right and centre left political groupings see the political benefit of ‘invisible’ labour immigration, made up of family members, students, refugees, and irregular migrants and migrants without authorisation to work. However, the political benefit of ‘invisible’ labour immigration alone would not be sufficient to support the current *status quo*. Indeed, there appears to be consonance between the economy’s appetite for largely low-skilled foreign workers and the kinds of skills and expectations of non-labour immigrants participating in the labour market. There has been little serious discussion of opening up to significant labour immigration and much of the political conflict in terms of entry and stay has been surrounding the treatment of irregular migrants (e.g. regularisation

and expulsion) and restrictions on non-labour inflows, in particular categories of family migration. The progressive opening to inflows of skilled foreign workers between the late 1990s and 2006-8 - most notably within the framework of Nicholas Sarkozy's 'Immigration Choisie' policy (see below) - involved both the centre left and centre right. The return to a more restrictive stance since 2011 is shared by the moderate parties (and the extreme Right, evidently) as a necessary response to the international economic downturn, however, there are points of contention, for example, the centre left criticised the recent attempt to restrict changes of status from student to labour migrant on graduation from a French third level institution.

This basic consensus on the labour immigration regime, broadly defined, is hidden behind extremely charged political conflict on other aspects of the immigration regime, in particular, rights to family reunification, the treatment of irregular migrants and integration and settlement policy. Despite or perhaps as result of the French Republican 'colour blind' approach to ethnic and cultural diversity, immigration became a major political issue in the early 1980s with the FN and the emergence of new identity politics. Prior to the early 1980s, immigration had been regulated by decrees; however, henceforth Parliament would have a more important role. Immigration and integration became highly ideologically charged questions and the focus was on North African migrants, in particular Algerians, and Islam, even though Portuguese migrants made up the largest national group in France until the 2000s. Examples of French identity politics in recent years include the banning of religious signs in public schools with the law of the 15th of March 2004, ostensibly to defend French *laïcité*, and the launching of a representative Council of Black Organisations, calling for recognition of 'black' people's racial specificity and the importance of slavery in French history (Bertossi 2008).

France's majoritarian electoral system (as opposed to proportional representation systems) has stimulated the left and right to exaggerate partisan differences. Furthermore, as macroeconomic and industrial policy became less divisive political issues from the early 1980s, immigration and other new societal issues rose on the agenda (Guiraudon 2002). Legislative change concerning immigration has been at record levels as each new government attempts to undo previous reforms. Over the past thirty years, immigration has been the subject of thirty reforms. Indeed, over the past eight years, six laws were passed; reflecting the politicisation of the question and its constant evolution. Pro and anti migrant groups have been extremely vocal. Indeed, France is the only country to have experienced large-scale migrant social movements over the past four decades: rent strikes in the 1970s, the second-generation movement in the 1980s, and mainly *sans papiers* movements in the 1990s and 2000s.

The FN party's electoral success led politicians across the political spectrum to declare themselves in favour of reducing immigration. In the early 1990s, the conservative Minister of the Interior, Charles Pasqua, (*Rassemblement Pour la République*) introduced a zero immigration policy (immigration zéro). The 'Pasqua laws' increased the waiting period for family reunification, attempted to reduce levels of settlement and naturalisation and foreign graduates from French universities were forbidden to take up employment in France. These laws were argued to lead to an increase in irregular immigration and were met with considerable protest, which reached its zenith in 1996 with the occupation of a Church in Paris by African and Chinese *sans papiers*, supported by thousands of people (Kofman et al. 2010). It is notable that no provisions regarding quotas were introduced, due to the Republican tradition of equal treatment for all citizens of developing countries (Hollifield 2004)

During the centre-left government of Prime Minister Lionel Jospin (PS), which came into office in 1997, a more liberal approach to immigration and integration developed. Indeed, during this period, the discourse on immigration began to change across Western Europe in the context of concerns regarding demographic decline and labour shortages. Demographic considerations have always ranked high in French policy. The UN population division published a report at the beginning of 2000⁷, which argued that due to demographic decline in Europe, mass immigration would be needed to ensure a balance between active and inactive populations. This report stimulated debates on a looming pension crisis and the costs and benefits of opening up to immigration. The centre-right politician Alain Juppé, who three years previously in his role of Prime Minister had taken a hard line against the *sans papiers* movement, argued that due to population decline, France would soon have to import foreign labour. Employer associations also began to break their long-held reserve on the subject.

Jospin asked political scientist Patrick Weil to write a report '*l'immigration et la nationalité*', which was the basis for the 1998 Chevènement law. In terms of direct labour immigration, the law contained the first elements of a selective immigration policy. Weil had argued that the 1993 Pasqua law discouraged students and young professionals from settling in France, thereby depriving France of important human capital, which could contribute to economic competitiveness in a global economy. Inspired by the US visa provisions for highly skilled immigrants, a special immigration status was created for scientists and scholars. Furthermore, the centre-left used Ministerial decrees in order to facilitate labour immigration, perhaps to avoid engaging in public debate on such a sensitive issue. In July 1998, in response to demands from the IT Professional Organisation that foreign experts were needed to prepare for the New Millennium and the Euro, a decree allowed French firms to recruit foreign IT experts earning over 180,000 FF per year using a simplified procedure and without the requirement of a Resident Labour Market Test (RLMT).⁸ Another decree of January 2002 aimed to facilitate access to the labour market of students graduating from third level education and to qualified foreigners with a job offer which would contribute to the development of his/her country of origin (co-development) (Weil 2006).

With the change of government to the centre right under Jean-Pierre Raffarin (UMP) in 2002, a more restrictive approach to non-labour immigration was re-activated. However, for the first time in forty years, managed labour immigration was explicitly placed on the government agenda. Indeed this is reminiscent of the way in which labour immigration grew (in terms of numbers of work permits issued) in the UK from 1994 under Conservative governments but was only explicitly placed on the agenda and promoted by the Labour government in the late 1990s, early 2000s. Between 2002 and 2012, seven laws on immigration have been passed in France.

An influential report, entitled "Labour shortages and migration policy" produced by the Strategic Analysis Centre (*Centre d'Analyse Stratégique* - CAS) within the Prime Minister's office in May 2006 sets out the concerns which were propelling the debate on opening up to labour immigration and the government's favoured strategy. The report, produced by a working group associated with the main ministries, as well as employers associations, aimed to explore in what measure and under what conditions immigration could be an answer to recruitment difficulties in France. This

⁷ UN "Replacement Migration: Is it a Solution to Declining and Ageing Population?" Population Division, Department of Economics and Social Affairs, New York, 2000.

⁸ With a RLMT, employers have to show that the vacancy could not be filled by a resident worker.

work fed into the inter-ministerial reflection on the economic aspects of the bill on immigration and integration (law of 2006, see below), which was being undertaken within the CICI. The authors refer to recent work carried out by the CGP and the Ministry of Labour on occupations, skills and labour shortages,⁹ which highlighted labour shortages, which were going to develop in certain sectors over the next few years.

Due to France's comparatively favourable demographics¹⁰, at least until 2015, opening up to large-scale labour immigration was seen as unnecessary. The authors prescribed a dual tack: a selective opening to labour immigration in sectors with recurring recruitment difficulties which were holding back their development, while continuing to try to improve the attractiveness of these occupations to the resident labour force and attempting to retain employees (CAS 2006).

The new approach to immigration, introduced by then Minister of the Interior, Nicolas Sarkozy (UMP) in 2003 is called 'selected immigration' ('immigration choisie'). Sarkozy maintained that at that time legal immigration consisted only of 'immigration subie,' family and asylum inflows, which France was forced to accept, as opposed to 'immigration choisie', which was one selected to respond to the economy's needs and integration capacity (Lochak 2006).

The Law on immigration management, residence of foreigners in France and nationality (Loi relative à la maîtrise de l'immigration, au séjour des étrangers en France et à la nationalité) of the 26th of November 2003, focused on contrasting irregular immigration and was argued by the government to be the *sine qua non* for the launching of the 'real immigration project' (Assemblée nationale Compte rendu analytique officiel 2006). The 24th July 2006 Immigration and Integration Law (loi relative à l'immigration et à l'intégration) reforms French immigration and integration policies, aiming to fight irregular immigration more effectively, restrict family immigration and facilitate the access to the labour market of skilled foreign workers and students. It is notable that for the first time since 1974, two separate laws concerning migration were proposed and adopted within a single parliamentary term.

In terms of direct labour immigration, the law provides for shortage occupation lists. For occupations on the lists, employers can recruit foreign workers without the need of a RLMT. The law also introduced a "Skills and Talents" permit for highly skilled people who are deemed to be able to contribute to the economic, intellectual and cultural development of both France and their country of origin. In order to ease concerns that this card could lead to brain drain, the government will only issue the visa to qualified immigrants if the sending country has signed a co-development agreement with France or if the immigrants agree to return to their country of origin within six years. The Skills and Talents card was to be delivered to people who could contribute to France and who were not of vital importance to their country of origin: for instance, the case of Indian IT experts but not doctors from Benin. This law also allows students graduating with a Masters or higher degree to pursue a 'first professional experience' that contributes to the economic development of France and their country of origin, by means of a six month renewable visa to look for and take up work in France. A rather innovative aspect of the policy was the (at least rhetorical) inclusion of the interests of sending countries in defining French immigration policy. Indeed, Sarkozy maintained that every measure was to be based

⁹ See for example, "Les métiers en 2015: l'impact du départ des générations du baby-boom" Premières Synthèses, December 2005, no. 50.1 (DARES-CGP)

¹⁰ While the fertility rate in Europe was 1.5 child per woman, it was 1.92 in France in 2004.

on a balance between the interests of France and sending countries and that bilateral agreements with emigration countries would be an important element in managing migration.

In January 2005, Sarkozy had controversially floated the idea of introducing quotas on the basis of profession or country of origin. However, then Minister of Interior, Dominique de Villepin, maintained that ethnic quotas went against the French Republican tradition. A few months later, while eschewing the word quota, the two men agreed on the need to set, each year, category by category, the number of immigrants authorised to enter France. In July 2005, Sarkozy, again Minister of the Interior, maintained that the immigration choice policy will involve setting the number of migrants to be allowed in each year and he also floated the idea of a points system, in which prospective migrants would be given points based on their age, qualifications, linguistic knowledge and professional experience. However, in the presentation of the immigration bill in April 2006, quotas and points are not discussed. It is simply asserted that the report which the government must submit to Parliament each year on immigration policy will indicate 'provisionally' the number, type and the different categories of visas and permits which will be delivered over the next three years, distinguishing between work, study and family (Lochak 2006).

There appear to have been two main motivations for reform. First, an electoral strategy aiming to appease an apparently anti-immigrant public opinion and second, a concern with economic competitiveness, partly stimulated by the fact that other European states had been opening up to labour immigration over the past five or six years.

A significant level of public hostility to foreigners in France was unequivocally demonstrated when Jean Marie Le Pen acceded to the Second Round of the 2002 Presidential election. In his speech to the National Assembly on the 2nd of May 2006, Sarkozy asserted that according to a survey published in *Le Monde* in December 2005, 63% of French people thought there were too many immigrants in France. Furthermore, he maintained that thirty years of non-managed immigration had led to the ghettoisation of migrants and their families, as well as urban violence. The case for reducing 'imposed' immigration was considerably strengthened by the October-November 2005 riots in the 'banlieues'. These urban riots, the most widespread ever seen in France, triggered by the deaths of two teenagers of North African descent and involving mainly young people of Maghrebi and African origins, were taken as the ultimate symbol of the failure of the French immigration and integration system (Bertossi 2008). The timing of these riots could not have been better for Sarkozy. Indeed, he referred to them in his presentation of the bill and argued that 'not taking into account this reality, is accepting that the extreme right is in our country at a level unheard of in any other democratic country for the past 25 years.' The rapid adoption of the two laws in 2003 and 2006, during one Parliamentary term, suggests that there was a sense of urgency. Sarkozy's ambition to win the 2007 Presidential election is also argued to have been a strong motivation for taking a tough approach to immigration (Chou and Baygert 2007).

In terms of concerns regarding economic competitiveness, Sarkozy referred to the fact that the 'socialist' government of Tony Blair had introduced four reforms of asylum and immigration policy over recent years and that Spanish and German governments had been actively reforming their systems. He questioned the 'logic' of the French system, which refused entry to people who could find work in France and let people in who, according to him, would find neither work nor accommodation. Family migration had in fact been increasing over recent years following the creation

of a new permit in 1998 based on personal and family life; a response to both Article 8 of the European Convention on Human Rights (ECHR) and an increase in the number of mixed marriages between French citizens, many of whom of migrant origin, and non-French citizens. In 2005, only 7% of total immigration consisted of direct labour immigration. Sarkozy's idea was that France should move away from the extremes of mass immigration and zero immigration and should have a policy of managed immigration, based on its capacity to integrate immigrants. He maintained that "for the past thirty years, under the pretext of protecting national employment, we have sealed off the entry of foreigners with a job offer. At the same time, against all logic, we accept a growing inflow of family migrants, who create strong unbalances in the labour market, as most of them are very low skilled"(Assemblée nationale Compte rendu analytique officiel 2006).

The law was severely criticised by the opposition and pro-migrant lobby, as well as African leaders and many French citizens. The Socialist, Communist and Republican parties were critical of the law, in particular the toughening of conditions for the regularisation of irregular migrants and restrictions on family migration. They also criticised the new channels for labour immigration as they were seen as discriminatory and conducive to brain drain. The Skills and Talents permit, which was based on the Canadian points system, was criticised by Patrick Weil who argued that the Canadian system had resulted in highly skilled people coming to Canada and working in low-skilled jobs. Weil also argued that it would be better to improve the working conditions of hospitality and construction sector occupations in order to attract resident students, the unemployed and underemployed rather than bringing in migrant workers via shortage occupation lists. Analysis of migratory inflows, in particular by nationality, was also argued by the political opposition to nourish racism. In the 2nd of May 2006 session in which Sarkozy discussed the reform, a Communist party member (Jean-Pierre Brard) accused Sarkozy of attempting to gain votes in the Presidential elections the next year. Sarkozy accused the Socialists of generally having no policy proposals, with the exception of a few of them in particular M. Malek Boutih, who had proposed the quantitative regulation of immigration. The bill underwent over 300 amendments in the National Assembly and Senate before being passed (Assemblée nationale Compte rendu analytique officiel 2006). Several opposition parties brought a legal action against the law, in particular concerning aspects relating to family migration, however, the Constitutional Court (Conseil Constitutionnel) dismissed the action on the 20th July 2006. The concept of 'immigration choisie' was described as 'immigration jetable' ('disposable immigration') by nearly 300 civil society organisations (Interview CIMADE). Indeed, Sarkozy's approach was viewed as utilitarian, as it aimed to select migrants based on how they would serve the economy and send them away when they were no longer of use.

In the presidential elections of 2007, Jean Marie Le pen amassed 10,4% of votes in the first round and 65% of his electors supported Sarkozy in the second round. After Sarkozy's election in May 2007, a new Ministry of Immigration, Integration, National Identity and Co-Development was established. This controversial title reflected the government's view of a relationship between immigration and national identity (Bertossi 2008). Sarkozy sent a mission letter to the new Minister, Brice Hortefeux, on the 9th of July in which he ordered the Minister to aim to make economic immigration 50% of total migrant inflows. In September 2007, the President proposed that each year a general cap on immigration would be set as well as sub-quotas by category of immigration (family work etc), profession and geographic region of origin. According to a survey published in Le Figaro that month

74% of French people were favourable to the idea of introducing quotas.

Due to the fact that geographical/nationality based immigration quotas might contradict the French Constitution, a commission, chaired by Pierre Mazeaud (ex-President of the Constitutional Council and ex -Minister), was set up in February 2008 in order to, if necessary, make proposals for constitutional reform. The Commission, made up of professors, officials and jurists, concluded that immigration quotas would be impossible to implement and useless. It was argued that it would not be possible to put numerical limits on non-discretionary inflows such as family reunification and the use of quotas in managing labour immigration would be a case of a 'spectacular but illusory remedy'. The Commission also argued that in order to reach the President's target of 50% labour immigration and 50% non-labour immigration, it would be necessary to increase labour immigration, as it would not be possible to reduce non-discretionary inflows significantly.

Following the launching of a debate on national identity by the Minister of the Interior Eric Besson in October 2009, a governmental seminar on national identity was organised on the 8th of February 2010. This seminar was not attended by many French intellectuals who had criticised the government's linking of immigration and national identity. Some of the conclusions of this seminar, as well as those of the Mazeaud Commission, were asserted to have been taken into account in drafting the so-called Besson Law on Immigration, Integration and Nationality of the 16th of June 2011 (*Loi relative à l'immigration, l'intégration et la nationalité*). Among other reforms and provisions, the law introduced a new entry channel for highly skilled migrant workers: the European blue card.¹¹ Transposing the European blue card directive 2009/50 of the 25th of May 2009; highly skilled foreigners will gain facilitated access to the labour market (see below).

However, the approach of the government to labour immigration changed markedly from 2011. Referring to the economic crisis and rise in unemployment (from 7.7% at the end of 2007 to nearly 10%), in particular of non-European residents, 23% of which were jobless, the government decided to reduce inflows of labour immigrants. In late May 2011, Claude Guéant, Minister for the Interior, declared that total immigration inflows were to be reduced by 20,000 and labour immigration by 50%. He maintained that "Contrary to myth, France does not need skilled foreign workers. Last year, 730 foreign masons entered the territory; yet when Pôle Emploi (public employment agency) advertises 20 mason jobs, 100 jobseekers in France apply". A decree of the 31st of May 2011 from the Ministers of Interior and Labour aimed to reduce the numbers of permits issued (Ministère de l'Intérieur 2011b). The prefects were instructed to be particularly restrictive regarding those with job offers, which were not particularly skilled, as well as students applying for a temporary residence card in order to search for a job or changing status from student to labour migrant. The focus on students was due to an understanding that a large proportion of work permits were issued to foreigners graduating from French universities. However, due to protests from students and universities (the 'Collectif du 31 mai' movement), a new decree from the Ministries of Interior, Labour and Higher Education and Research of the 12th of January 2012 eased these restrictions on applications from students, making reference to the need to ensure the attractiveness of the higher education system and competitiveness of French firms (Ministère de

¹¹ The bill was presented as a transposition of three European directives, however, only 20 articles out of a hundred dealt with the transposition of EU law; see Labayle, H. (2011) La loi relative à l'immigration, l'intégration et la nationalité du 16 juin 2011 réformant le droit des étrangers: le fruit de l'arbre empoisonné. *Revue française de droit administratif*, 934.

l'Intérieur 2012).

The shortage occupation list for non-EEA nationals was also reduced from 30 occupations, defined on a regional basis, to 14 occupations for the entire country, by means of a decree from the Interior Ministry (11th of August 2011). It is probable that there were also political motives behind the new restrictions imposed on labour immigration. The policy was possibly an attempt to siphon some of Marine Le Pen's electorate. Opinion polls showed Marine Le Pen as a serious contender for the 2012 Presidential elections, with a few polls even suggesting that she could win the first round of the election.

During the Presidential elections campaigns, the three main contenders took rather different stances on immigration. The Socialist contender, François Hollande, made the strategic decision not to emphasise the question of immigration. Immigration was the last of his 'Essential questions' on the campaign website. He declared "I will give the right to vote in local elections to foreigners legally resident in France for five years. I will drive a strong fight against illegal immigration and networks of illegal work. I will reduce the precariousness of legal immigrants. Regularisations will be carried out on a case by case basis on the basis of precise criteria." Marine Le Pen's success in the first ballot (receiving 17.9% of the vote – the highest percentage ever won by the FN) placed immigration at the heart of the election campaign and Hollande was obliged to make more detailed propositions. As regards labour immigration, he asserted, rather vaguely, "I support the immigration of students. The foreign students who come here contribute, so I will not reduce the number. Economic immigration: every year there will be a Parliamentary debate and it's true that when unemployment is high, it is difficult to solicit it." He called for the abrogation of the 31st of May decree.

On the other hand, Sarkozy used the 'foreigner card' throughout his campaign. As regards labour immigration, he called for the halving of immigration inflows from 180,000 to 90,000 per year. He also threatened to withdraw France from the Schengen Area unless stricter border controls were introduced and wanted to introduce a residency condition for accessing the minimum social income benefit (RSA) of ten years, as well as a condition of at least five years work. Sarkozy's move to the right, in particular in the run-up to the second ballot drew criticism from prominent figures from his own party such as former Prime Ministers Dominique de Villepin and Jean-Pierre Raffarin. Marine La Pen, who held third place in opinion polls for much of the campaign, while far behind Hollande and Sarkozy, advocated "national preference" for French citizens in accessing jobs and social services. She has also proposed reducing legal immigration by 95% and abolishing the right to family reunification.

The official campaign began on 20 March 2012. François Hollande topped the opinion polls throughout the campaign and the first round ended on the 22 April 2012 with the selection of Nicolas Sarkozy and François Hollande as second round participants, neither of them having received a majority of votes in the first round. On the 6th of May Hollande won the runoff with a vote of 51.63% to Sarkozy's 48.37%.

2. Labour Immigration System

As noted above, a large majority of migrants employed in the French labour market have not used the direct labour immigration channels. However, in this

section, we focus exclusively on the latter channels (see table 1, 'Economic').

The Ordinance no. 45-2658 of the 2nd of November 1945 on the entry and residence of foreigners in France laid down the regulatory framework for labour immigration and was the first legal act by which the state regulated immigration into French territory (Weil 2004). Following the halt to foreign labour recruitment programmes in 1974, external and internal controls were introduced; visas and residence permits respectively. Furthermore, the issuing of work authorisations (*autorisations de travail*) was made conditional on the employment situation (as set down in the *Code de Travail* in 1975) (Hollifield 2004, Vie Publique 2011, Kofman et al. 2010, Labayle 2011).

The general immigration regime for non-EEA migrants is defined in the Code for entry and residence of foreigners and asylum law (CESEDA), in force since March 2005¹² and applies to all foreigners, including those from the Maghreb and the 12 countries of Francophone subsaharan Africa, which signed bilateral agreements with France during decolonisation. These agreements are largely in line with the general regime. On the other hand, Algerian migration (entry, residence and work) to France is completely regulated and Tunisian migration partly regulated by bilateral agreements. The agreements were the subject of amendments in 2001 and 2000 respectively (which both came into force in 2003). Finally, 14 agreements have been concluded since 2007 between France and countries in Africa and Eastern Europe. These bilateral agreements ease the requirements of the general regime, notably concerning the conditions for obtaining a residence permit (CICI 2011).

¹² CESEDA brings together all the legislative and regulatory provisions on the rights of foreigners. The code was created in 2004 on the initiative of then Minister of the Interior Dominique de Villepin and PM Jean-Pierre Raffarin.

Table 1: Resident permits by motive, 2012

Economic	Skills and talents
	Self-employed
	Scientist
	Artist
	Employee
	Seasonal or temporary
	Blue card
Family	Family of French national
	Family reunification
	Personal and family links
Students	Student and stagiaire
Other categories	Visitor
	Minor
	Workplace accident
	Ex-combatant
	Retiree or pensioner
	Diverse motives
Humanitarian	Refugee or stateless person
	Subsidiary protection
	Sick foreigner
	Trafficking victim

Source: CICI, 2011

2.1 Qualitative selectivity, permits and procedures

The labour migration system is based on qualitative rather than quantitative selectivity; both the wage of the job and the skill of the migrant being criteria for issuing permits to foreign workers. The system contains a skill bias, the rationale of which is explained by an official from the OLI in February 2012, “For unskilled jobs, the idea is that there is 10% unemployment in France, so there are nearly always people to do these jobs. The more the job is skilled, the harder it is to find someone.” (Interview OLI).

However, there has been less of a skill bias than in the UK work permit (now Tier 2 of the points-based) system, which has required a minimum level of qualifications for all work permit holders. The French system is more individualised; the worker must have the skills required for a particular job but that does not mean that it has to be a highly skilled job.

Furthermore, as noted above, since 1975, the issuing of work permits has been conditional on proving that there was no suitable resident worker available to take up the job; i.e. a RLMT.

According to article R. 341-1 of the Labour Code, the prefect is responsible for issuing work authorisations. However, in practice, as a general rule, employers request permits for foreign workers at the Departmental Direction of Work, Employment and Vocational Training (DDTEFP). Article R. 341-4 of the Code requires the prefect to consider the following elements in deciding whether or not to issue a work permit:

- The current and future employment situation in the occupation concerned

- and in the geographic area where the foreigner would work;
- The employer's respect for labour regulations;
- The employment conditions and salary offered to the foreign worker, which should be identical to those of French workers. The administration is to examine the 'going rate', not simply the national minimum wage (*Salaire minimum interprofessionnel de croissance* - SMIC) or wage rates set in collective agreements;
- The provisions made by the employer to ensure accommodation for the foreign worker;
- The match between the occupation and skills of the foreigner.

However, in the context of occasional labour shortages and by means of ministerial decrees, the government can ask the DDTEFP to examine requests for work permits for particular professions (IT, nurses etc.) benevolently. For example, a decree of the 21st of December 1984 asked them to take a favourable view of requests for highly skilled foreigners with a proposed salary over 1.3 times the minimum wage (Sénat 2006).

A decree from the Ministry of Interior and Ministry of Labour of the 31st of May 2011, aiming to reduce levels of labour immigration, sets out clear instructions for Prefects for the examination of requests for work permits. The examination must focus on the employer, the occupation concerned and the prospective migrant worker. As regards the occupation, Prefects are to refuse requests for work permits if the shortage indicator for that occupation is not high enough or if it would be possible to train local workers quickly. The RLMT requirement is as follows. The employer must show that after advertising a job with *Pôle Emploi* (public employment services) for two months or advertising the job elsewhere for two or three months, no suitable candidates were found on the resident labour market. Furthermore, the prospective migrant worker's qualifications must match the job profile, his/her knowledge of French must be verified. Moreover, the wage must be the going rate in that occupation (Ministère de l'Intérieur 2011b).

In terms of 'rights and duties', since 2007, labour immigrants whose 'employee' residence permit is based on a contract of indefinite duration must sign a 'contract of reception and integration' (*Contrat d'accueil et d'intégration* - CAI) on arrival, which commits them to respecting French laws and values and learning the French language and facilitates their access to rights. Those gaining entry for short-term work, for example, intra-company transfers, and some highly skilled categories, do not have to sign a CAI. After five years of residence, a labour immigrant can be issued with a long-term resident card (*Carte de résident de longue durée* - CE), valid for ten years and s/he can then request a permanent resident card (*Carte de résident permanent*), which is of indefinite duration or French nationality (Interview OLI).

2.1.1. Residence permits for economic motives

Prior to the law of the 24th of July 2006, there were a number of schemes, which granted non-EEA workers temporary permits for employment in France. Decree no. 46-1574 of the 30th of June 1946, modified by decree no. 99-352 of the 5th of May 1999, distinguished between three types of temporary residence permits for employment; 'employee', 'temporary worker' and 'seasonal worker'. The largest scheme was the 'employee' permit.

The 2006 law modified the regulatory provisions dealing with economic migration, introducing new permits and simplified procedures. Certain procedures remained the same in particular those relating to scientists, artistic and cultural professions and posted workers (excluding intra-company transfers (ICTs)). The general provisions applying to employees were also maintained. Since 2006, further simplifications have been made and another permit created, the European Blue Card, in 2011.

Classic procedures:

Temporary workers and employees

Prior to the 2006 reform, the temporary worker permit was valid for nine months and was renewable. The 2006 law gave a specific legislative basis to the temporary worker permit. Initially the law provided for an employee permit for contracts of indefinite duration and a temporary worker permit in cases of contracts of fixed duration. However, the bill was amended in order to ease the conditions for issuing the employee permit. The temporary worker permit allows for the recruitment of a non-EEA, an A2¹³ or an Algerian national¹⁴ for a period of less than 12 months. The employee permit allows for the recruitment of one of these nationalities for a period of 12 months or more.

These permits are generally issued on the basis of a RLMT. The firm must provide proof of an unsuccessful search for a candidate in France, for example by means of a declaration by the public employment agency, Pôle Emploi. However, if the occupation is on one of the shortage occupation lists (see below), there is no need for a RLMT. The temporary worker permit does not provide rights to family reunification, while the employee permit does allow for applications for family reunification (partner and minor children) after at least 18 months in France. Family members of those with either permit may apply for a visa for visitors while those in managerial/professional occupations can under certain conditions benefit from the 'accompanying family' provision for managing directors or top executives.

Posted workers (excluding intra-company transfers)

This mechanism is for non-EEA and Algerian employees of a foreign firm without a presence in France, who work temporarily for a firm in France, for and under the authority of his/her firm. The issuing of this permit requires a RLMT. The salary must be equivalent to that of a French employee in the same occupation. Family members can apply for visitor visas and those in managerial/professional occupations can under certain conditions benefit from the 'accompanying family' provision for managing directors or top executives.

Scientists-researchers

Non-EEA, A2 and Algerian scientists-researchers can come to work in France

¹³ Romanian and Bulgarian nationals.

¹⁴ Regulated by the Franco-Algerian agreement of the 27th of December 1968.

as researchers or university lecturers with this permit. They must have third level qualifications, at least equivalent to a Masters and they must have been invited to research or teach by a recognized French public or private institution. Foreign scientists admitted to carry out research in another EU member state can conduct research in France on the basis of 'reception conventions' (*conventions d'accueil*). This permit is not based on a RLMT. The French institution must ensure that the scientist has sufficient resources to cover his/her stay in France and the return home. This permit does not allow other economic activities apart from that of research/teaching for which the individual has gained entry. The partner of an individual with this permit can come to France under the private and family life channel. The family can also benefit, under certain conditions, from the 'accompanying family' provision.

A decree from the Foreign Affairs and Immigration Ministries of February 2008 instructed French Consulates in African countries to deliver 'Circulation visas' for these professions (as well as artistic and cultural professions - see below), with multiple entries, allowing stays of no more than three months.

Artistic and cultural professions

This permit is for non-EEA, A2 and Algerian artists, interpreters and authors of literary or artistic works who have a contract of more than three months with a firm in France, the main activity of which involves the creation or development of a work of art, as well as performance technicians. The issuing of this permit to technicians requires a RLMT. The permit holder's family can apply for a visitor visa, without any guarantee of acceptance. The permit holder can also apply for family reunification after at least 18 months in France.

New mechanisms

The law of the 24th of July 2006 aimed to facilitate the entry of foreign workers with qualifications and work experience, which respond to the needs of French firms. Furthermore, the law of the 16th of June 2011 transposed the European Directive 2009/50/EC of the 25th of May 2009 on conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

On the OFII 'Labour Immigration' website, created in April 2010 in order to make the French labour immigration procedures more accessible, OFII introduces the new procedures under 7 titles: procedural simplification; responding to specific needs in certain sectors; attracting the highly skilled; facilitating intra-company transfers; young professionals and students; co-management of migratory flows; taking into account vocational training.

1. Procedural simplification

The law of the 24th of July 2006 aimed to simplify and accelerate procedures, in particular those for the highly skilled. For example, the RLMT is not required for various permits, in particular those for the highly skilled, with a high minimum salary, intra-company transfers and young professionals. Furthermore, access to work was simplified for foreign students. Moreover, the medical visit can now be undertaken up

to three months after an employee arrives in France.

The “long term residence visa dispensing with residence permit” (*Visa de long séjour dispensant de titre de séjour - VLS-TS*), introduced in June 2009, discharges holders from the requirement of applying for a temporary residence card on arrival in France and for a period of up to a year. Temporary workers, employees, students, scientist-researchers, stagiaires can all apply for this visa.

Finally, a one-stop-shop (*guichet unique*) is available to employers for procedures relating to the recruitment of managing directors and top executives.

2. Responding to specific needs in certain sectors

The official ‘Labour Immigration’ website asserts that foreign workers can be indispensable in those sectors where activity levels fluctuate or where there is a chronic shortage of labour. The two mechanisms, which are to respond to these needs are the shortage occupation lists and the seasonal work permit.

Shortage occupation lists:

In December 2007, a decree from the Ministry of Immigration and the Ministry of the Economy established a list of 150 occupations open to A2 nationals without the requirement of a RLMT. The occupations open to A2 nationals include some professional/managerial roles, such as IT expert and bank credit advisor but the majority are technical and manual occupations. For example, the occupations of cook, waiter, domestic worker and care worker are on the list. The decree also published 30 occupations open to non-EEA nationals, defined per region, again without the need of a RLMT.¹⁵ These occupations were mainly technical jobs in industry (e.g. mechanical/electronic/wood/metal/IT) and construction.

Applying the principle of community preference, the list of occupations open to non-EEA nationals is more restricted than that open to EU nationals. Six of the jobs on the list are open across all the regions; an accountancy professional, two IT occupations, and three construction occupations (Le Ministre de l’Immigration and et du Codéveloppement et Le Ministre de l’Économie 2007).

With the aim of restricting labour immigration in the context of the current economic downturn, a recent circular of the 11th of August 2011 established a reduced list of 14 shortage occupations for non-EEA nationals for which there is no need for a RLMT. The occupations were no longer delineated by region. The occupations on the list (see below) are largely technical jobs in industry. The construction sector is now largely absent from the list (Ministère de l’Intérieur 2011a) (see section 2.1.2 for shortage list selection criteria).

¹⁵ There was considerable debate in the National Assembly regarding whether the list should be done on a regional or national basis. Sénat. 2006. *Projet de loi relatif à l’immigration et à l’intégration : (rapport) Article 10 (art. L. 313-10 du code de l’entrée et du séjour des étrangers et du droit d’asile) Carte de séjour autorisant l’exercice d’une activité professionnelle salariée*. Paris: Sénat.

Table 2: Shortage Occupation List for Non-EEA nationals, 11th August 2011

Audit and accountancy executive
Equipment management for the fabrication of furniture and wood
Mechanical product design
Compliance inspection
Building design
Retail
Production and information systems engineer
Equipment management for glass transformation
Telecommunications and telesales
Piloting elementary units of mechanical production
Electrical and electronic product design
Skills in methods and techniques of industrialisation
Equipment management for chemical and pharmaceutical production
Technical operations in furniture and wood

Source: Ministère de l'Intérieur, 2011

Apart from the 14 occupations on the national list, agreements for co-management of migratory flows concluded between France and different countries of origin include longer shortage occupation lists. Benin has 16 occupations on its list; Burkina Faso has 64; the Congo 15; Gabon 9; Mauritius 61; Senegal 108 and Tunisia 77. The particularly large list for Senegal mainly consists of technical and manual occupations.

Applications for permits based on the shortage occupations lists benefit from having a single public interlocutor (OFII).

Seasonal workers:

Prior to the 2006 reform, article R. 341-7-2 of the Labour Code provided for a contract for a seasonal worker, which could last six months or exceptionally eight months for certain agricultural activities defined by interministerial decree. The seasonal worker could only work for a particular employer.

The 2006 law gave a new legislative basis to the seasonal worker contract. It allows non-EEA and A2 nationals to carry out seasonal work, agricultural or otherwise, in France, as long as the habitual residence of the individual is outside of France. The contract has to be for more than three months. This permit requires a RLMT. This permit provides no rights to family reunification of any sort. The holder can come to France every year for three years for a maximum of six months of 12 consecutive months. There is no longer the possibility to stay for eight months. The permit is renewable.

Seasonal workers, 97% of which work in agriculture, mainly come from two countries: Poland and Morocco. Indeed, France has signed seasonal labour agreements with these countries, which allows for simplified procedures.

3. Attracting the highly-skilled

The law of the 24th of July 2006 established procedures for the entry of foreign employees of multi-national companies or people of 'high potential' involved in international projects.

Managing directors or top executives:

This permit, first introduced with a circular on the 26th of March 2004, aimed to facilitate the entry of non-EEA managing directors or top executives receiving a salary of at least 5000 euros, recruited by a French firm or moving within an international group. Applicants benefit from having one administrative interlocutor, OFII, and the fast processing of applications. A RLMT is not required. This permit allows family members to apply for visitor visas and they can also benefit from the 'accompanying family' procedure.¹⁶

Skills and Talents Permit:

This is a permit for non-EEA nationals who present a project, which contributes to the economic development of France and their country or to their intellectual, scientific, cultural, humanitarian or sporting notoriety. Individuals from certain countries, particularly exposed to brain drain ("Priority Solidarity Zone"¹⁷) must agree to return to their country of origin after six years, with the exception of nationals of Benin, Congo, Gabon, Mali and Senegal; countries with which France has co-development partnerships. A RLMT is not required. Applicants must simply present a valid project to a single public interlocutor (OFII) and prove that they have the capacity to successfully carry it out. As the permit is based on the skills and talents of the migrant, rather than a job offer, it is a supply-based instrument, somewhat similar to the UK Tier 1 (currently entitled the "exceptional talent" route). However, while there are 15 criteria for issuing a permit set by a National Commission for Skills and Talents, it is not a points-based system of entry (Interview OLI). Family members receive a visa for private and family life and can benefit from a simplified procedure of 'accompanying family', which allows for the arrival of the permit holder and family at the same time. The Skills and Talents permit is valid for three years and is renewable.

European Blue Card:

This permit aims to facilitate the entry, residence and work in France of non-EU nationals employed in highly skilled work. France was the first EU member state to transpose the European Directive 2009/50/EC of the 25th of May 2009 on conditions of entry and residence of third-country nationals for the purposes of highly qualified employment with the law of the 16th of June 2011.

The RLMT is not required. The highly skilled worker should have: a degree based on at least three years of study in a recognised third level establishment or five years work experience of a comparable level; a work contract of at least a year; a monthly salary equal to at least 1.5 times the average gross salary of reference, set annually by ministerial decree (51,444 Euro gross in 2012). Family members benefit from a simplified procedure of 'accompanying family'. The permit is valid from 1 to three years depending on the length of the work contract and is renewable. After two years, the holder can access other high skilled work than that for which s/he was

¹⁶ This procedure is argued to have been made obsolete by the introduction of the ICT permit (interview Cercle Magellen).

¹⁷ This zone includes almost all African countries, Lebanon, Palestinian territories, Yemen, Cambodia, Laos, Vietnam, Cuba, Haiti, Dominican Republic, Suriname and Vanuatu.

issued a permit.

4. Facilitating intra-company transfers (ICTs)

This permit aims to facilitate intra-company transfers of non-EEA and A2 national employees of firms within the same group. A RLMT is not required. It concerns employees of a firm based abroad and posted temporarily in France in another establishment of the same firm or in another firm of the same international group. The permit holder is paid by his employer abroad and will not have a contract with the French firm. This permit also concerns foreigners with a work contract with a firm established in France when the introduction of the worker was via an establishment of the same firm or between firms of the same group. In order to apply, an individual must have been working for at least three months in the firm in 'a real and serious activity' abroad. The ICT must: carry out a mission of at least three months in France; receive a gross salary at least 1.5 times the minimum wage (SMIC); provide particular expertise to the French firm or train in order to carry out a project abroad. The ICT permit is for three years and is renewable. ICTs benefit from a simplified procedure of 'accompanying family' and have a single public interlocutor (OFII).

5. Young professionals and students

Young professionals:

Within the framework of bilateral agreements, young professionals (between 18 and 35 years of age (40 years of age for Benin) are permitted to come to France in order to gain work experience, which will be useful on return to their country. These permits are not conditional on a RLMT. Applicants require: sufficient knowledge of the French language; a degree corresponding to the required professional qualification or equivalent professional experience; and an initial employment contract of a duration of at least three months and less than 12 months, renewable with a limit of 18 months. The permit holder will engage to return to his/her country of origin at the end of the authorised period of employment. Young professionals from Benin are however only allowed to come to France for six months, while those from Tunisia can stay for up to 24 months if they have a plan for return (to Tunisia). Young professionals cannot request family reunification though family members can possibly visit them (on request). Young professional applications benefit from having a single public interlocutor (OFII).

Students:

Students graduating with at least a Masters degree in France (list of eligible degrees established by a circular) can apply for a temporary residence authorisation (APS) of six months, non-renewable, in order to complete their training with a first professional experience before returning to their country of origin. Students with an APS can work as employees for a period of 964 hours annually (60% of a full-time job). If they are offered a full time job with a salary at least 1.5 times the SMIC, they can apply for a change of status at the prefecture 15 days after signing the

employment contract and they do not have to pass a RLMT.

There are different rules according to bilateral agreements; for example, students from Benin, Mauritius and Tunisia are issued with a six-month authorisation, which is renewable once, while those from Gabon are issued with a 9-month authorisation, renewable once.

6. Co-management of migratory flows

France negotiates agreements with various countries of origin with the declared aim of managing regular migration and favouring sustainable development. The agreements define the rights and duties of both states and they frame and facilitate the admission of migrants to France for employment.

The co-management of labour immigration with the main sending countries is emphasised in the agreements. The agreements mainly aim to facilitate the issuing of residence permits for employees and temporary workers, setting out a number of occupations for each country, access to which is not dependent on passing the RLMT (see Shortage Occupation lists above).

Furthermore, the agreements set out the number of Skills and Talents cards which can be issued to nationals from those countries; with quotas of between 100 and 1500 per year.

Moreover, they aim to facilitate the mobility of young professionals, as noted above, and the agreements integrate (apart from Benin) already existing agreements or introduce specific procedures for this category.

Since 2006, fourteen agreements for the co-management of migratory flows or the management of labour migration have been signed by France and the following countries: Benin, Burkina-Faso, Cape Verde, Congo, Gabon, Mauritius, Russia, Senegal, Tunisia, Cameroon, Lebanon, Macedonia, Montenegro and Serbia. The first nine have been ratified. Some of these agreements contain a section facilitating the mobility of young professionals.

Seven countries have signed agreements solely on young professional exchanges: Argentina, Bulgaria, Canada, United States, Morocco, New Zealand and Romania. Some of the latter agreements date to the 1980s, while others have been signed since 2003.

In addition, the APS, which allows foreign students to have a first professional experience in France following graduation from a Masters or higher level degree, is extended from six to nine months for nationals from Congo, Gabon, Cameroon and Cape Verde and to 12 months within agreements with Macedonia, Montenegro and Serbia.

Finally, the agreement with Mauritius entitled "Agreement on residence and circular migration of professionals" creates a special "migration and development" visa valid for 15 months.

7. Taking into account vocational training

Non-EU nationals can come to France for a stage in a firm or public health establishment. This permit is not conditioned by an RLMT. A tripartite stage convention must be concluded by the stagiaire, the training establishment or employer abroad and the training organization or firm in France and certified by the departmental prefecture. The stages last between 6 months and 18 months. The

stagiaire must demonstrate that s/he has sufficient resources. This permit does not provide rights to family reunification though visits can be permitted.

2.1.2. Setting qualitative criteria

Identifying needs

The above-mentioned CAS report of May 2006 identified the main existing and future labour shortages, which would need to be partly responded to by labour immigration. This report fed into the law reform of 2006, which set out the criteria for issuing various permits for employment or economic activity in France.

It was maintained that over the previous few years, despite high unemployment, there had been recruitment difficulties in the construction, mechanical industry, hospitality and health sectors. The main labour shortages were in medium skilled occupations such as qualified manual workers, supervisors, nurses, midwives, cooks, technicians, butchers and bakers. These shortages were partly explained by the fact that resident workers were not attracted to the jobs, due to low wages and the laboriousness of the tasks. At the same time, in the longer-term, from about 2015, shortages were forecast, partly due to the retirement of the post-war generation. Indeed, it was estimated that 80% of job offers would be as a result of retirement. These labour shortages were expected to be in both low-skilled services occupations such as care workers and high skilled industry and services occupations for example IT experts and commercial executives. The four sectors which were forecast to experience shortages in the report were agriculture, construction, hospitality and care services.

In the construction sector, while nearly three quarters of employers declared that they had difficulty filling vacancies, efforts to adapt training to needs and improve working conditions have enabled them, in the main, to get by. The French Construction Federation (FFB) has been working with National Employment Agency (ANPE¹⁸) and national adult vocational training association (Association Nationale pour La Formation Professionnelle des Adultes (AFPA)) since 1998 to better match labour demand and supply and make the training offered by the latter more relevant to employers' needs. The federation has prioritised improving employee retention by increasing remuneration and revalorising the image of the sector. However, working conditions remain problematic and explain high levels of turnover and shortages are expected in certain areas of the country. While some firms have demanded immediate access to foreign labour, the FFB does not call for a serious change in immigration policy, maintaining that to do so would compromise the efforts made to attract and retain the resident workforce developed over the past ten years.

In hotels and restaurants, labour shortages were identified; in particular, cooks, waiters and general restaurant staff. These shortages are explained by the fact that an important source of labour, young people with lower secondary school education, has dried up due to rising education levels. Furthermore, there is a high rate of departure from jobs like cook, which require long hours and very little free time. The sector has tried to retain staff by developing skills certification and defined career paths, however, the seasonality of the sector and small size of firms represent on-

¹⁸ In 2008, ANPE fused with Assedic (*Association pour l'emploi dans l'industrie et le commerce*) to create the public employment services Pôle emploi.

going obstacles to recruitment and retention. The use of foreign workers is not seen as the best response due to the lack of qualified candidates who speak good French. For example, an attempt was made to bring Polish workers to work in the sector in Brittany but the language obstacle was not overcome.

The CAS report recommended that the first sources of labour to be activated were the unemployed, in particular unemployed workers of migrant origin whose unemployment rate was two times that of those born in France, and family migrants, large numbers of whom enter the labour market each year. The authors also maintained that opening up the labour market to workers from the new EU member states, by 2009 at the latest, would respond to part of the needs, notably in sectors facing structural shortages of labour. At the same time, a small and selective opening to non-EEA labour immigration was recommended for sectors with structural recruitment difficulties. The report also favoured privileging highly skilled labour migrants, in particular allowing foreign students to access the labour market after their studies, and facilitating international intra-company mobility.

However, the report maintains that the measurement of labour shortages is done in an imperfect manner in France. Labour shortages are identified on the basis of ANPE monthly statistics on job offers and job seekers, in terms of flows and stock. However, only 40% of job offers go through ANPE and this proportion varies across occupations and sectors. Moreover, the indicators represent private sector employees and do not take into account non-employee occupations or the public sector. Furthermore, managerial/executive occupations are not advertised by ANPE or APEC (Association for the employment of executives/managers (Association pour l'emploi des cadres)), so recruitment difficulties are underestimated for these occupations as well. In addition, it is maintained that the shortening of contracts has led to an increase in the rate of job offers at any particular time. The authors recommend complementing these statistics with other data, for example data on the age of the workforce (and numbers of those over 55 years old) in a particular sector (CAS 2006).

Setting criteria for issuing permits

The criteria for issuing permits are established by the Ministry of Interior based on mainly informal consultation processes. For example, the ICT permit, was defined by the OLI following consultation with the new permit's end users; multi-national companies. In particular, the Cercle Magellan association has been cited as influential in stimulating the introduction of the permit as well as its criteria. An official from OLI describes the process as follows: "The ICT permit was asked for by Cercle Magellan and other groups representing MNCs. The Minister said OK. Then the process became technocratic; the administration set the criteria. The wage has to be 1.5 times the SMIC and the individual has to have worked for 3 months in the firm abroad. For the ICT permit, the firms told us what the situation was and we based the procedure on that" (Interview OLI).

Defining the Shortage Occupation Lists

The shortage occupation lists published in December 2007 were based on analysis of public employment agency data on labour market needs as well as formal consultation with trade unions and employers. On the 7th of November 2007, the CICI approved the two lists of shortage occupations. Before being adopted by the CICI,

the lists were submitted to the social partners on the 23rd of October 2007 during a meeting presided by the Secretary General of the CICI. The decree setting out the occupations on the two lists includes the methodology used in an annex (1) (Le Ministre de l'Immigration and et du Codéveloppement et Le Ministre de l'Économie 2007).

A working group, charged with making proposals for the shortage occupation lists met three times. The working group brought together the following offices and institutions:

- DPM (Population and Migrations Department of Ministry of Labour; *Direction de la population et des migrations*);
- CICI;
- DGEFP (General Delegation for Employment and Vocational Training of the Ministry of Labour; *Délégation générale à l'emploi et à la formation professionnelle*),
- DGTPE (General Department of the Treasury; *Direction générale du Trésor*),
- DARES (Department for Research and Statistics of the Ministry of Labour; *Direction de l'animation de la recherche, des études et des statistiques*),
 - ANPE,
 - DRTEFP Ile de France,
- ANAEM (*Agence nationale de l'accueil des étrangers et des migrations*)¹⁹,
- CAS,
- Ministry for Foreign Affairs.

The method adopted for constituting the list was based on the shortage indicators (the relationship between job offers and job seekers) registered by ANPE but also on the analysis of economic needs in different sectors identified in the above mentioned CAS report and in the report on occupations and skills²⁰ carried out by ANPE.

The list of 150 occupations open to EU nationals was constituted by 61 occupations already open since 2006, of which the average shortage rate is of 1.4 and which represents 25% of job offers registered by ANPE in 2006, 54 occupations with an average shortage rate of 0.9 and about which consultations were carried out the previous April, notably within the Committee for International and European Social Dialogue (*Comité de dialogue social international et européen - CDSEI*), and 35 occupations demanded by employers associations. This list represents 40 of job offers registered at ANPE in 2006.

Based on the list of 150 occupations open to workers from the new member states and the work of ANPE and CAS, the working group established a list of 30 occupations for non-EEA nationals. A first selection was made of occupations with a skill level requiring higher education qualifications and experiencing a shortage indicator of more than 0.9 (21 occupations). Occupations with a skill level V and IV (various vocational qualifications) and which were suffering the highest shortage values (between 3.55 and 1.33) were then added to the list. This list represents 152,760 job offers registered by ANPE in 2006, that is 4% of the total job offers, covering 11 sectors. The list is then delineated by region and occupations experiencing a shortage rate of more than 0.8 are kept on the lists. The statistical

¹⁹ In 2009, ANAEM became OFII.

²⁰ 'Prospective des métiers et des qualifications, les métiers à l'horizon de 2015'

analyses were complemented by analyses carried out by employer associations and the regional prefects.

The new shorter list of 14 occupations open to non-EEA workers established in August 2011 (Ministère de l'Intérieur 2011a), which is no longer delineated on a regional basis, is seen by OLI officials as a simpler approach, which also takes into account and incentivises internal mobility. Some occupations on the 2008 list were retained, others were removed and others added. As an OLI official maintained in February 2012:

We realized that workers are mobile so it's not easy for services to know if there is a labour shortage in one region and not in another one. For the new list we have shortage occupations for the whole of France. It's easier. Things move fast, there could be a shortage in an occupation in one region in 2008 and not in 2009 but in another region. We used *Pôle Emploi's* 2011 survey of labour market needs²¹, we look at the demand and supply of job offers and workers, then we look at whether workers can be trained in France because *Pôle Emploi* provides many different courses for job seekers, for example in IT."

The new list of 14 occupations was apparently set without consulting the trade unions, which were simply informed of the list. A representative from CGT asserted in February 2012:

There is no consultation on legal channels for labour immigration in France. We go when there is one. We were consulted in October 2007 on the shortage occupation lists. There was a big meeting with government and the social partners, we said we don't need lists, the firms wanted a bigger list. Last summer, on the 11th of August 2011, they put out a list and there was no consultation at all. We attacked the list in the *Conseil d'Etat* and we have to wait 4 or 5 months for a result.

Trade union representatives also argue that this list does not match the labour market analysis carried out by *Pôle Emploi*, as many of the occupations experiencing recruitment difficulties highlighted by the latter were not on the list, for example care worker and nurse.

2.2. Quantitative limits

Despite Sarkozy's favouring of the introduction of quotas into the French immigration system, no overall cap was introduced on labour immigration during his years as Minister of the Interior and President of the Republic.

The proposal was generally unpopular. For example, the CAS report of 2006 asserts that the main problem with a quota system is its rigidity. The situation on the labour market can have changed by the time a quota is applied. The authors also took on board reservations expressed by representatives of international organisations, the IOM and OECD, and the scepticism of the European Commission regarding this instrument.

However, some quantitative elements were introduced. As noted above, agreements on the co-management of labour migration set out the number of Skills and Talents permits which can be issued to nationals from those countries; with

²¹ Pôle Emploi 'L'enquête Besoins en Main-d'Oeuvre' 2011

quotas of between 100 and 1500 per year.

Moreover, while not setting the number of immigrants allowed to enter, the shortage occupation lists do define the number of occupations which are considered to be in shortage and for which an RLMT is not required. The rather neat numbers - 150, 30 and 14 - are seen by some as being arbitrarily set.

Furthermore, there is an informal quota of irregular migrants legalised each year: about 30,000. As this is well known, it has become something of an institution (see section 3.1.4).

2.3. Quantitative and qualitative outcomes of labour immigration policy

There are no pre-defined performance indicators for the French labour immigration system. In terms of realising the vision of economically useful immigration, most emphatically promoted by Sarkozy, we can say that effectively, there has been a rise in labour immigration (Cangiano 2012). Furthermore, the majority of labour migrants are skilled and the proportion of students is increasingly significant. Of course, it is hard to determine the relative influence of labour migration policy reform and comparatively strong economic growth levels up to 2009.

In terms of the outcome of the centre-left attempt to facilitate the immigration of IT experts in the late 1990s-early 2000s, in response to the decree dispensing IT workers from the RLMT requirement (1998),²² about 10,000 IT workers came to France with both temporary and permanent residence permits. This was, however, far less than the 35,000 workers that the Syntec Informatique professional organisation estimated would be needed (Bertossi 2008).

Patrick Weil argued in 2006 that, despite its rhetorical emphasis on liberalisation, the centre-right government did not mobilise the services to issue more work permits. He argues that firms and research laboratories were unable to recruit foreign students resident in France during the first few years of centre-right government and that ironically, between 2001 and 2004, while total immigration grew (from 103,000 to 134,000), labour immigration fell from 8800 to 6700 (Weil 2006).

Indeed, the number of permits issued for professional motives fell from 28% of the total in 1997 to 7% in 2005 (see table 3 below). However, labour immigration did grow between 2006 and 2008, indeed, it doubled in size, as we will see below.

²² On the 12th of January 2004, the instruction regarding foreign IT experts was abrogated by the centre-right government; a move which Patrick Weil argued contradicted their policy of 'ouverture'. Weil, P. 2006. Lettre de Patrick Weil à Nicolas Sarkozy sur la réforme, 24 février 2006. Paris.

Table 3: Number of first residence permits issued according to motive for entry to French territory

	1997		2005	
	No.	%	No.	%
Economic motives	33,521	28.2	11,437	7.0
Family motives	37,636	31.7	81,285	49.5
Visitors	12,542	10.6	5,478	3.3
Refugees	3,954	3.3	11,803	7.2
Students	24,596	20.7	40,083	24.4
Sick foreigners	2	0.0	6,307	3.8
Others	6,499	5.8	7,841	4.8
Total	118,750	100	164,234	100

Source: CAS 2006

As noted above, the CICI provides annual data on immigration, as well as the government slant on the relationship between policy and inflows. The number of first resident permits rose by nearly 7% between 2007 and 2008, reversing the decline observed since 2005. Newly issued permits stabilised in 2010 at 188, 387 permits; an increase of 0.5% since 2009.²³ In general, the CICI affirms that the evolution in labour immigration “concretely demonstrates the government’s will, declared in 2010 and the measures taken to make France more attractive for workers whose skills correspond to the needs of the economy”(CICI 2011 p.43).

Between 2006 and 2008, economic immigration rose from a total of 11,678 to 21,352 per year. The number of permits issued to third country nationals for economic motives in 2010 represented more than 11% of all permits issued, as opposed to 6.3% in 2006. This growth was however, unlikely to have been the result of the 2006 law, which introduced new categories of labour immigrants and new procedures (i.e. the shortage occupation list). The decree establishing the shortage occupation list for non-EEA workers was published in 2007 and all of the new permits and categories represent small numbers. Four years after its introduction, only 317 foreign nationals were issued with Skills and Talents permits in 2010. The small number issued is explained by competition from other permits aimed at the highly skilled, such as the Scientist and Researcher permit and the fact that the permit was not created on the basis of a clear demand (CICI 2011, Interview OLI). As an official from OLI maintained in February 2012 “it was difficult to establish criteria without knowing the end users and that explains why this permit does not work well or not well enough”(Interview OLI).

Unfortunately, the statistics on permits issued for occupations on the shortage occupation lists are not published. However, it appears they are numerically insignificant; about 3,000 permits are issued annually to non-EEA nationals for employment in one of the 30 occupations on the shortage occupation list for non-EEA nationals (Interview OLI). Similarly, a breakdown including data on numbers of ICTs entering is not provided in the CICI reports. According to the OLI, about 2,000-3,000 enter each year: again an insignificant number.

In fact, the ‘classical’ permits, ‘employee’, ‘seasonal worker’ and ‘scientist’ rose

²³ Three quarters of non-EEA national permit holders in France have residence permits with a duration of more than 12 months (1,759,058 out of 2,376,692 in 2010) CICI. 2011. Rapport au Parlement - Les Orientations de la Politique de l'Immigration et de l'Intégration. Paris: CICI.

most significantly, which according to the CICI was demonstration of the government's will to encourage these flows at that time. Perhaps this points to an informal easing of the RLMT, which is required for these permits, however, unfortunately there are no (at least publicly available) studies of RLMT refusal rates (Interviews OECD, OLI).

The increase in inflows of seasonal workers in 2008 followed by an apparent decrease in 2009 and 2010 are explained by the introduction of the three-year work permit for seasonal workers.

There was, however, a general decline in inflows from 2008, with 17,819 permits for economic migrants issued in 2010. This was still many more than the number issued in 2006. As such, it appears that the economic crisis has not led to a drastic reduction in economic migrant inflows.

In terms of skill levels of non-EEA and A2 nationals entering²⁴ France as employees (of indefinite duration) between 2005 and 2010, the largest number are 'technicians, supervisors, executives/managers and engineers' and the second largest group are 'skilled manual workers'. For example, in 2010, there were 9,591 'technicians, supervisors, executives/managers and engineers', 7,062 skilled manual workers, 3,150 unskilled manual workers and 759 top executives. Thus, it seems that the majority of direct labour migrants in France are medium-high skilled.

As regards sectors, the services sector is the main employer of (direct) migrant workers. In 2010, 14,645 migrant workers entered the services sector as employees (with contracts of indefinite duration), while 2,838 were employed in the construction sector, 2,191 in industry and just 270 in fishery and agriculture. The grand majority of 'incoming' migrant workers find work in the Ile-de-France region, about 10 times the number in the second most important regions of PACA and Rhone-Alpes.

In terms of recruitment and more specifically modes of entry in France, a large majority of migrants issued with permits for employment are already in France and change their status to migrant worker; 16,575 out of 20,562 in 2010 (OFII 2011). On average, those issued with work permits have been in France for eight years, "working one way or another" (Interview CGT). While some of those issued with permits for employment who are already in France (in-country applications) are irregular migrants, the majority are students. Normally, foreign graduates find employment in high skilled occupations in IT, auditing and management. They are mainly issued with permits for employees (more than 12 months residence) (Interview OLI).

The *Immigration Choisie* policy appears to have failed in significantly reducing non-labour immigration. This is undoubtedly due to the innate difficulties in stemming rights-based immigration. In 2010, 82,235 permits were issued to third country nationals for family motives, which represents 44% of all permits issued. However, the decline in family permits issued between 2006 and 2008 (-12% in 2007 and -4% in 2008) is argued by the CICI to be related to the restrictions introduced on family migration.

²⁴ As noted below, the majority of these 'inflows' are already present in France.

Table 4: Residence permits for third country nationals

		2006	2007	2008	2009	2010 (p)
Economic	Skills and talents		5	183	368	317
	Self-employed	435	360	225	98	131
	Scientist	1310	1531	1926	2242	2269
	Artist	195	263	286	183	180
	Employee	5504	5879	11718	13310	13381
	Seasonal or temporary	4234	3713	7014	3050	1541
Total economic		11678	11751	21352	19251	17819
Family	Family of French national	54490	49767	48833	52960	49132
	Family reunification	19419	18950	17304	15166	15589
	Personal and family links	24737	18820	17328	17360	17514
Total family		98646	87537	83465	85486	82235
Students		44943	46663	52163	53160	59779
Other categories		11329	10511	9667	10946	11033
Humanitarian		16665	15445	17246	18538	17521
Total		183261	171907	183893	187381	188387

Source: CICI 2011

In terms of countries of origin, Africa represents about 60% of total entries. Algerians and Moroccans still represent the most significant inflows from 2007 to 2010, each of which represent about 25,000 inflows per year. However, the student and work inflows are relatively diverse and are not in the main from ex-colonies in Africa. The Chinese are the most numerous among students, about 10,000 a year.

Romanians are the largest group among those with permits for economic motives with about 4,000 entries in 2010. Moroccan economic immigration quintupled between 2007 and 2008 in parallel with the departure of Polish seasonal workers from the statistics. The apparent fall in numbers of Moroccan economic immigrants between 2009 and 2010 is due to the fact that the seasonal work permit now lasts for three years. Seasonal workers, essentially Moroccans and Poles, are concentrated in the Bouches-du-Rhone region (CAS 2006).

Table 5: Permits issued for economic motives 2007-2010: main countries of origin

2007		2008		2009		2010	
Romania	2782	Morocco	5031	Romania	3384	Romania	3947
Poland	2390	Romania	4191	Morocco	2360	USA	2136
USA	2057	USA	2088	Mali	2124	Morocco	1597
Morocco	941	Mali	1434	Tunisia	1739	Mali	1588
Japan	754	Poland	1251	USA	1644	Tunisia	1371
India	736	India	1039	China	1136	China	1146
China	668	China	1020	India	903	India	963
Canada	643	Tunisia	937	Algeria	838	Bulgaria	701
Bulgaria	567	Bulgaria	924	Bulgaria	736	Algeria	701

Source: CICI 2011

As regards processing times, ICTs and Skills and Talents permit requests appear to be facilitated. According to Cercle Magellan, ICT permits take more or less five weeks to process and the Skills and Talents permits take one month if the application is made at the Consulate (they take four months if it is made at the Prefecture). Posted workers permits take about three months to process. It is asserted that there is a great disparity among departments as regards changing status from student to worker on graduation, but it normally takes between 1.5 and 3 months (Interview Cercle Magellan).

3. Functional equivalents and alternatives to foreign migrant labour admission

3.1 Functional Equivalents

3.1.1 A8 & A2 workers

A8 and A2 workers have been a substitute for or 'functional equivalent' to non-EEA low-skilled labour migrants; however, they have been numerically insignificant, at least those working regularly.

The UK, Ireland and Sweden were the only EU member states to grant immediate labour market access to nationals of the A8 on their accession to the EU on 1 May 2004. The policy of filling low-skilled labour shortages with A8 workers was introduced in France in 2006, however, it was never as explicit or as central a policy as it was in the UK and Ireland in 2003/4.

The French government progressively lifted restrictions on A8 workers between 2006 and 2008, when it became clear that inflows from the A8 would not be a threat to the French labour market (Interview OLI).

On the 1st of May 2004 a list of 61 shortage occupations was established for A8 workers, without the requirement of a RLMT. The seven sectors concerned were construction, hospitality, agriculture, mechanical and metal work, processing industries, commerce and sales and real estate and many of the occupations were low-skilled. On the accession of Romania and Bulgaria on the 1st of January 2007, nationals from these states were permitted access to these occupations as well.

The list was then enlarged by decree in December 2007 to 150 occupations, which corresponded to 40% of the total of job openings registered by the national employment agency (ANPE) in 2006, i.e. 1,371,931 job offers and covers almost all sectors (17 out of 22).

Most of the jobs on the shortage occupation lists open to workers from the new member states were medium-low skilled, unlike those on the list for non-EU nationals, which were mainly medium-high skilled. There appears to have been less unease about opening up low-skilled jobs to EU nationals than to non-EEA nationals and this difference reflects UK and Irish policy of 2003, which explicitly sought to restrict non-EEA labour immigration to high skilled occupations, while relying on the A8 to fill low-skilled jobs.

Following the 2004 enlargement UK and Ireland received a disproportionate number of A8 migrants. This is partly due to their flexible labour markets and proliferation of low-paid, low-skilled employment (Tamas and Münz 2006, Devitt

2010). The French trade union movement expressed concerns that due to the imposition of transitional arrangements on A8 workers, many were working illegally in France. However, while difficult to quantify, they were undoubtedly far fewer than those who went to the UK and Ireland where they could work legally.

Labour immigration from the A8 grew strongly between 2006 and 2007 (+128%). Data on the entry of nationals from the A8 and the A2 are merged between 2007 and 2008 (due to the accession of Romania and Bulgaria in 2007). Between 2008 and 2009, there was a fall of 30% in total recorded inflows, which is due to the end of transitional agreements applied to the A8 on the 1st of July 2008; i.e. the opening of the French labour market to workers from the A8 from that date.

In 2010, economic immigration from Romania and Bulgaria consisted of over 5,000 permits, which represents an increase of 11% from 2009. Furthermore, half of the permits are for 'employees'.

The CICI maintain that economic immigration from the new member states of the EU is the result of a series of governmental measures, notably the list of 150 shortage occupations (CICI 2011).

Table 6: Permits issued to the ten EU member states subject to transitional arrangements

		2006	2007	2008	2009	2010 (p)
Economic	Self-employed	369	740	755	538	717
	Scientist	94	63	30	18	8
	Artist	46	22	8	20	1
	Employee	1975	5331	4960	2544	2660
	Seasonal or temporary	308	212	984	1388	1621
Total economic		2792	6368	6737	4508	5007
Total		7879	9569	9566	6711	7358

Source: CICI 2011

The fact that (direct) economic migration from the new EU member states has not reached 7,000 a year between 2006 and 2010 is surprising, even taking into account the imposition of transitional arrangements on the A8 until 2008 and the on-going restrictions on A2 workers. However, due to these restrictions, we cannot maintain that the low levels of inflows from these states represent a policy failure. There is hardly any debate on whether or not to open the labour market to workers from the A2 (Interview de Wenden).

3.1.2. Family migrants

Family migrants are the object of contradictory policy signals. On the one hand, centre-right governments have been intent on reducing levels of family migration, on the basis that it is not beneficial to the French economy or society, and on the other, it is recognised by most stakeholders that family migrants represent an important source of labour for French firms.

There have been numerous attempts to stem family migration over the past decade, for example, the 2007 law introduced a minimum level of French language to be tested when the candidate applies for a visa to France, as well as the

demonstration that s/he endorses the main French constitutional principles.

Slightly paradoxically, Sarkozy asserted that family migration was not selected and thus less beneficial to the French economy than labour immigration, while also recognising that family migrants were employed in the French labour market. The problem, according to Sarkozy, was that they were mainly low-skilled and were thus adding to the low-skilled labour force, which was seen as having a negative unbalancing effect on the labour market.²⁵

Since the introduction of single permits permitting both residence and work (Law no. 84-622 of 17th of July 1984), it is not possible to determine the number of foreigners who enter the French labour market each year in an exhaustive manner. However, since 1996, the DPM of the Ministry of Labour has provided an estimation of the annual flow of foreigners (permanent immigration) into the labour market.

The estimation distinguishes between three types of entries into the labour market:

- Direct entries: foreigners who come to France to carry out a professional activity, based on precise data from the Interior Ministry and its implementing agency OFII.
- Indirect entries: foreigners who come to France for motives other than professional activities, who enter the labour market the same year they arrive in France. The estimation is based on the annual employment survey carried out by INSEE.
- Deferred entries: foreigners, present in France on the 1st of January of that year, who have never entered the French labour market and who become active during that same year. This estimation is also based on the INSEE annual employment survey.
- Other entries can be added to these three from time to time. For example, in 1997 and 1998, the beneficiaries of a regularisation considerably increased the annual inflow of foreigners active on the labour market.

These estimations, which do not take into account temporary migration (seasonal migration or scientists) or students, reveal the importance of indirect entries. Between 1990 and 1997, there was a regular decline in new entries to the labour market, falling by 30% in seven years. However, from 1997, there has been an increase, first as a result of the regularisation of 1997 and from 1999 as a result of an increase in family migrations.

Indirect entries more than doubled since 1998, becoming the most important flow into the labour market since 2000; representing over fifty per cent of new active foreigners in 2003. Indeed, the side effect of attempts to restrict family reunification was a constant increase of the category of family immigration of undocumented foreigners who ask for regularisation on the basis of their allegedly strong 'family and personal links' with legally resident foreigners. This category grew from just over 5,000 permits in 2000 to 22,000 in 2006, composed mainly of failed asylum seekers. The 2006 regularisation also increased this group (Bertossi). Due to the importance of non-economic migrants in terms of labour market activity in France, the CAS

²⁵ The centre-right government has taken steps to improve the employability of family migrants. At the beginning of 2008, the Ministry of Immigration announced the creation of a 'passeport' with an assessment of French language skills, which migrants resident in France could present to future employers. Moreover, the CAI provides migrants with a degree from the National Education Ministry, which is supposed to aid their employability (Bertossi 2008).

argued in 2006 that “we cannot restrict the concept of economic immigration to ‘direct entries’”(CAS 2006 p.65).

Indeed, when we take this broader approach to foreign workers in France, it is revealed that between 2001 and 2003, more than 100,000 foreigners entered the French labour market each year and foreigners represented about 15% of the total of entries into the labour market in 2003. These migrants are young, mainly from outside of the EEA and males are overrepresented; six out of ten new migrant workers in 2003 were male.

It is hardly surprising that the family migration routes are more used than the labour migration ones. Family migration is easier than labour migration in terms of procedures, for example, there is no RLMT (Interview de Wenden).

Notably, while repeated attempts have been made by centre-right governments to reduce levels of family immigration, the idea of restricting family migrants’ access to the labour market has not been examined by government (as it has been in the UK). However, the CGT trade union maintain that family migrants should have to be registered if they want to work just as direct labour migrants are required to do:

“It’s not normal that family migrants work. We are trying to understand what to do. We have to invent something. Everybody should have a dossier: ‘If I want to access the labour market, here is my contract’. But, (paradoxically,) the government is trying to reduce the number of direct labour migrants, the only ones with contracts.”

An official from the OLI also maintains that there should be better controls of the work carried out by family migrants to ensure that they are being paid and treated adequately (Interview OLI).²⁶

3.1.3. Foreign students

Foreign students also provide labour and skills during their studies in France and on graduation. French legislation and decrees have facilitated this source of labour, however, in the current economic downturn, an attempt was made to stem it.

The number of students registered in third level institutions outside their country of birth doubled between 1980 and 2002. This global trend can be seen in France as well. Indeed, five OECD countries receive nearly 75% of foreign students: USA, UK, Germany, Australia and France (CAS 2006).

Student immigration has been the second most significant after family immigration since 2006: nearly a third of inflows in 2010. Indeed, over 5 years this type of immigration has grown by 33%. Between 2009 and 2010, the growth rate was particularly high (+12%). Since 1998, the number of foreign students has increased by 74.4% with an overall stock of 265,000 in 2005, equally distributed at the different levels of higher education. They are more represented at Master’s degree level than are French nationals. More than half of foreign students in French universities are from Africa. A little less than a quarter are European, with only 16% from other EU

²⁶ Note that another functional equivalent of non-EEA labour migrants are certain categories of asylum seekers. Since 1991, asylum seekers are not generally allowed to work in France. However, if an asylum seeker’s application is still being processed after 12 months they can access the labour market and if the first application is rejected and they are waiting for a second examination they can work (Interview OLI).

member states. Less than 20% are from Asia and 6.5% from Latin America (CAS 2006). The Centre-Right governments have aimed to diversify the origins of students beyond ex-colonies. Indeed, China has emerged as the first nationality in terms of new inflows.

Bertossi maintains that the policy of training foreign elites in order to exert influence on their countries of origin, dominant in the 1990s, has shifted to a new policy, which aims to retain foreign students in order to ensure the competitiveness of the French economy (Bertossi 2008).

After 1998, student's access to the labour market was facilitated by lower financial requirements compared to the general regime. A decree of 15th January 2002 allowed students to work part-time on an annual basis with the possibility to work full-time during three months. This went beyond the minimal obligations of the European Directive of the 13th of December 2004. The decree also asked prefects to examine favourably applications for changes of status from student to employee for university graduates with skills needed on the labour market.

The law of 2006 established that students can work during their studies with an annual limit of 964 hours (60% of a full-time job, compared to 50% previously), except for Algerians who are limited to 50% of the annual duration of work and have to apply for additional authorisation. Also, as noted above, students graduating from a French university with a Masters degree can reside in France for six months in order to search for a job.

The number of authorisations to work issued to students increased significantly since the late 1990s, in tandem with the general rise in numbers of foreign students (11,000 to 40,000 between 1998 and 2003).

As discussed above, a decree of the 31st of May 2011 from the Ministers of Interior and Labour instructed prefects to be particularly restrictive towards students applying for jobs on graduation. However, due to protests from students and universities (the 'Collectif du 31 mai' movement), a new decree of the 12th of January 2012 eased these restrictions.

3.1.4. Undocumented foreign labour

Another functional equivalent to legal non-EEA labour immigrants are undocumented non-EEA labour immigrants. Unlike the other functional equivalents discussed above, this one is of course unlikely to be discussed as such by French policymakers. Indeed, the policy rhetoric and policy action gives the appearance of decisive action to contrast the phenomenon. That said, a significant number of undocumented migrants are provided with legal status each year, making it an alternative route into the French labour market.

It is estimated that about 80,000 people enter France illegally each year and that there are between 500,000 and 600,000 irregular migrants in France, including visa overstayers and rejected asylum seekers. Some irregular migrants are holders of false documents or illegally acquired legal documents. According to the CAS, 80% of irregular migrants work illegally, however, CGT argues that large numbers of irregular migrants are regularly employed (CAS 2006, CICI 2011, Interview CGT).

Centre-right governments in office between 2002 and 2012 made the fight against irregular migration one of their key objectives in the immigration policy arena. Border control, the fight against trafficking networks and expulsion targets have been

central to the policy. Regarding the latter, between 2006 and 2010, there were between 23,831 and 28,026 expulsions per year. A target of 25,000 expulsions was set for 2007 and when the target was clearly not going to be reached (23,000 expulsions were carried out), the Director of the General Police in Paris was dismissed by a decree from the President of the Republic in January 2008. On the 22nd of September 2009, the government dismantled the “jungle” camp in Calais, which was occupied by about 700 migrants, mainly from Afghanistan (Bertossi 2008, CICI 2011).

Attempts to create disincentives for hiring undocumented workers have also been introduced. The law of 26th November 2003 introduced a charge for employers of irregular migrants in order to cover the cost of the migrant’s return to their country of origin. Employer sanctions for illegal employment of undocumented foreign workers were made tougher with the 2006 law. Furthermore, since the 1st of July 2007, employers are responsible for checking whether their new employee is legally resident and have to submit documentation regarding the new recruit to the prefecture.²⁷ Finally, the European Directive on “sanctions” of the 18th of June 2009, fixing minimum common standards concerning the obligations and sanctions imposed on employers hiring undocumented migrant workers, was transposed into French legislation with the law of 2011.

In 2010, 2,603 people were accused of employing an undocumented migrant worker, over twice the number of 2006. Half of the employers were foreign nationals. The stepping up of government actions to contrast illegal work in general from 2005 was also stimulated by concerns regarding undocumented immigration. However, foreigners are a minority of those engaging in illegal work: 32% of those identified in 2010 (CICI 2011). Furthermore, the CFDT maintains that only 15% of those engaging in illegal work are *sans papiers* (Interview CFDT).

The mass regularisation of irregular migrants is not supported by either the Centre-Right or Centre-Left. However, about 30,000 regularisations are carried out per year on a case-by-case basis. In 2009, 31,755 foreigners were regularised and 30,300 were in 2008. Most of them are provided with ‘employee’ permits. This number of regularisations has become something of an institution, interviewees mentioning it as a regular yearly procedure, and one could argue that it functions almost like a quota. As noted above, the new centre-left government favours carrying out case-by-case regularisations on the basis of precise criteria and discussed this with the trade unions and NGOs, while in opposition.

Based on the 2007 law, a decree from the Ministry of Immigration of the 7th of January 2008 allowed for the complete regularisation of migrants who could prove they had been working in France for at least a year or would shortly be hired for one of the 30 shortage occupations. Based on this decree, a group of trade unions and NGOs – the group of 11 (“le groupe des 11”) organised a campaign for the regularisation of large numbers of undocumented migrant workers, employed in France. With the slogan “We work here! We live here! We are staying here! Regularisation”, the group organised strikes and demonstrations and called for the establishment of better, simplified, national criteria for regularisation, set down by law or regulation. Such national criteria would, according to CGT, reduce the arbitrariness of decisions made by prefects. The government agreed to new criteria in June 2010, including a list of occupations eligible for regularisation, but the CGT maintain that they are having difficulty getting the prefects to apply them (Interview CGT).

²⁷ In two and a half years, the prefectures identified 23, 188 false documents.

Trade union support for regularisation is based on the aim of reducing competition among workers; the basic idea is that equal treatment will safeguard the resident labour force's wages and working conditions. The trade unions have the same principles, but different strategies. In particular, unlike the most radical trade union, the CGT, the CFDT does not organise *sans papiers* strikes and prefers to assist migrants on an individual case-by-case basis. Furthermore, the CGT accepted the criterion of five years' residence in order to be eligible for regularisation, while the CFDT did not support this as it was considered arbitrary; according to them, regularisation should simply be based on employment.

The campaign gained much media attention, particularly due to sensationalist stories, such as that of *sans papiers* employed in the National Assembly. It has been relatively successful; according to CGT, 5000 migrants were regularised since 2008 (Interview CGT). As the economic crisis has gathered pace, the regularisation campaign has gone underground. The trade unions and NGOs involved were waiting for a change in government in order to re-open talks.

3.2. Functional Alternatives

Direct labour migration to France is, as we have seen above, extremely limited. As such, over the past decade, there has been very little debate on how to reduce it. Indeed, the policy of reducing demand for migrant workers by means of upgrading and revalorising jobs refuted by domestic workers or providing domestic workers with the skills required by employers has been dormant in France since the 1970s. As Catherine de Wenden asserted in April 2012:

We don't have a policy to re-nationalise migrant jobs. That idea was launched by Lionel Stoleru, Secretary of State for manual labour and immigration, in 1977. He wanted to reverse tendencies and revalorise manual work but he didn't succeed. Politicians don't propose that as they can't expect French people to do those jobs. The jobs that migrants do are above all unskilled so upskilling the French is irrelevant. (Interview De Wenden).

The debate between the late 1990s and 2011 has rather been on how much and what type of labour immigration should be facilitated in France in order to respond to labour shortages in the context of relatively high levels of unemployment. While in all OECD countries apart from the US, the unemployment rate of foreigners is higher than that of nationals, the difference in France is particularly high where the rate of foreigners is more than two times that of the French; in 2008, 19.2% compared to 9% (Bertossi 2008). This disparity concerns above all non-Europeans; European foreigners have unemployment rates similar to the French ones. This is explained by differences in qualifications and labour market experience and by employer discrimination.

Official documents discussing the pros and cons of immigration over the period of interest generally recommend mobilising long-term resident unemployed, in particular those of migrant origin, before opening up to significant labour immigration.

Relatively strong economic growth at the turn of the millennium led to a fall in the unemployment rate (from 11% in 1998 to 8.3% in 2001) and labour shortages, particularly in sectors such as ICT, hospitality, construction and transport (Deneuve 2001). Moreover, while economic growth levels fell again, job opportunities surfaced following the retirement of some of the post-war 'baby boom' generation. In her

submission to a seminar on immigration policy organized by the General Planning Commission (*Commissariat Général du Plan*) in 2001, Carole Deneuve, the head of research for the Paris Chamber of Commerce and Industry maintained that initially the French response to a rise in demand for labour was to strengthen vocational training rather than open up to immigration. However, the idea of opening up to migrant workers again began to be discussed more frequently, despite the fact that labour shortages co-existed with 2.5 million jobseekers (Deneuve 2001). Deneuve focuses on the fact that the rate of unemployment for foreigners is twice that of those with French nationality. She calls for the state to 'learn from the past' and prioritise the labour market integration and training of immigrants already in France (2001 p.380).

In fact, the debate about mobilizing the domestic labour force or bringing in more migrant workers appears less politically charged than in other EU countries, where reference to domestic unemployment is largely the domain of the extreme right. This can be explained, to an extent, by the fact that in France a substantial proportion of the unemployed are of migrant origin and thus the idea of prioritising the employment of the unemployed it is not necessarily understood as anti-immigrant. For example, a CNRS anthropologist Alain Morice wrote a piece for *Le Monde diplomatique* in November 2000 in which he criticised employers who exploited migrant workers and then replaced them with 'new' migrant labour:

What should we think of these foresters from the Pyrenees who left for the Moroccan Atlas mountains twenty-six years ago to find young strong workers, and who now wash their hands of them due to inadequate productivity, calling for – not a programme to train young people or to reconvert the old – the importation of a new group of workers? (2000 p.7).

Over the next years, the debate about opening up to more substantial inflows of labour migrants continued. For example when the Economic and Social Council (*Conseil Economique et Social* - CES) published a report in 2003, which concluded that France needed an additional 10,000 migrant workers per year, the ANPE opposed the recommendation, maintaining that France has a labour reserve of nearly five million people. An official from ANPE maintained that the response to labour shortages is in training, reconversion, labour market matching and increasing the attractiveness of jobs. This cautious discourse regarding new inflows of migrants was common to some influential sectoral employer organizations, in particular the French Building Federation (*Fédération Française du bâtiment* - FFB) which asserted that 'there is enough unemployment in France to find a qualified labour force' (Barroux 2003).²⁸

A few years later, the above-mentioned CAS report, an important basis for the 2006 Immigration and Integration law, which attempted to facilitate skilled labour immigration, proposed prioritising the mobilization of the unemployed and inactive working age population, in particular long-term resident migrant workers and their descendants, who suffered higher levels of unemployment than the French. In general, it appears that the integration of migrant workers already in the state is

28 Others such as the Metalwork and Mining Industry Union (*Union des industries métallurgiques et minières* - UIMM) and the Hotel Industry Union (*Union des métiers et des industries de l'hôtellerie* - UMIH) were more explicitly positive regarding an opening to immigration Barroux, R. 2003. Face à la pénurie de main d'oeuvre, la France a-t-elle besoin d'étrangers? In *Le Monde*. Paris, Morice, A. 2000. De 'l'immigration zéro' aux quotas. In *Le Monde diplomatique*. Paris. (interview MEDEF).

perceived to be endangered by the arrival of 'new' migrants and has moved policymakers toward a preference for highly skilled migrant workers, who would not compete with low-skilled unemployed resident migrant workers or add to their numbers.

However, according to a representative of the CGPME, neither the resident unemployed or migrant workers are adequately responding to employers' skills needs. The resident unemployed do not have the skills needed by French SMEs,²⁹ while skilled migrant workers are compromised by problems with qualification recognition and racism. Furthermore, manual occupations have steadily lost prestige, leading to less investment in these skills. This puts a break on enterprise development as instead of moving up the value chain, they use the low-skilled workers available on the labour market (Interview CGPME).

As noted above, while direct labour immigration is relatively insignificant in France, it doubled between 2006 and 2008. The centre-right government began to emphasise domestic alternatives to migrant workers in 2011 in the context of the current economic downturn. This government declared its intent to reduce labour immigration by half and this policy objective resulted in instructions to the prefects to examine requests for foreign workers in a less favourable manner. According to the decree of the 31st of May published by the Ministries of Interior and Labour, "The priority has to be given to the employment of jobseekers, of French or foreign nationality, already resident in France." This was seen as particularly important given the recent estimate of 23% unemployment among non-European nationals resident in France. Among other controls, the Prefects were instructed to examine whether it would be possible to quickly train jobseekers resident in France in an occupation for which an employer has requested a work permit for a foreign worker (Ministère de l'Intérieur 2011b). Furthermore, the constitution of the shortage occupation list for non-EEA workers in 2011 took into account not just the relationship between job offers and job seekers in particular occupations but also whether workers could be trained in France in particular occupations. The latter was less emphasised in 2008 (Interview OLI).

4. Summary and assessment

4.1. Brief summary of the French regime and debate on labour immigration

France is an extremely interesting case of an historic country of labour immigration, which is struggling with a plethora of unresolved contradictions and practical problems relating to the incorporation of foreigners, while attempting to ensure that the country is moving forward into the 'global knowledge economy' along with its neighbouring competitors.

The French labour market is not well oiled. Indeed, problems of educational disadvantage and ethnic/racial/religious discrimination, as well as passive labour

²⁹ Regarding the resident unemployed, according to the CGPME representative, most of them are over 50 or under 25 years of age. The latter often do not have post secondary level education and have general skills. The SME want people who can be put to work immediately, vocational training is expensive and is mainly not directed to the recently hired. Furthermore, *Pôle Emploi* provides very specific skills but the SME want multi-skilled people.

market policies and unattractive wages and working conditions have kept roughly 10% of the resident working age population *en chômage* for as long as many can remember. Furthermore, a particularly large proportion of the unemployed are of non-European migrant origins.

Of course, the French economy is home to very diverse realities including low-skilled and high-skilled industry and services. The latter require highly skilled workers, and immersed in the rhetoric (and perhaps reality) of global human capital competitiveness, they demand access to skilled workers of any nationality.

How does the French labour immigration regime respond to this complex reality? The French labour immigration regime can be described as a demand-led system responding to the needs of a minority of French employers. Visually, it can be seen as a small machine sitting on top of a huge mound of earth, shooting a few seeds into the mass of soil. About 17,000 people 'entered' France via labour immigration channels in 2010 out of a total of nearly 200,000 new immigrants. For the vast majority of French employers, the French labour immigration system is absolutely irrelevant. The system's clients are in the main large international companies and to a lesser extent, farmers. The former mainly request work permits for foreign graduates of French universities – already resident in France - while the latter make use of seasonal work permit provisions. The significance of students as a source of skills in France was demonstrated by the fact that there was a lot of mobilization about the restrictions placed on foreign graduates' access to the labour market in May 2011, while the restrictions placed on other prospective labour immigrants were not given the same attention.

This is not to say that immigration is of little relevance to the French labour market. Indeed, in 2003, about 15% of new entries to the French labour market were foreign workers and since then, levels of immigration have risen considerably. This conundrum is explained by the fact that the vast majority of 'new' migrants participating in the French labour market are non-labour immigrants, largely those entering France on the basis of family relationships, but also students working part-time and workers from new EU member states whose access to the labour market is restricted by transitional arrangements. Furthermore, about 30,000 irregular migrant workers are regularised each year. The majority of immigrants – legally resident and undocumented - work in low-skilled occupations in the services and construction sectors.

The fact that official labour immigration represents a small slice of immigration in general -and of de facto labour immigration - was seized upon by the previous President of the Republic, Nicholas Sarkozy, first in his role as Minister of the Interior in 2003. He argued that in order to better serve the French economy and reduce problems of social integration, the balance between labour and non-labour migrant inflows should be improved.

Indeed, rather paradoxically, in the context of a hardening of the debate on immigration and national identity and after thirty-two years of relative closure, an attempt was made by a centre-right government to open up to official labour immigrants once again (Interview De Wenden). What was most notable was the change in rhetoric; while attempts had been made to facilitate skilled labour immigration by the previous centre-left government in office between 1997 and 2002, Sarkozy put labour immigration firmly and openly on the agenda for the first time in decades.

However, his so-called *immigration choisie* or selected immigration policy, introduced in 2003, cannot be said to have brought about significant change to the

labour immigration governance regime during the period 2003-2010. While family migration channels were restricted to an extent, the new entry channels introduced for skilled labour migrants – in particular the shortage occupation lists, intra-company transfer permits and supply-side Skills and Talents permit - were of marginal impact in terms of numbers receiving work permits each year. The main change in terms of labour immigration over the past decade was an increase in numbers issued with 'employee' and 'temporary worker' permits – the traditional mode of entry for (non-seasonal) foreign workers. As the procedure for issuing these permits was not reformed during the *immigration choisie* regime, it appears that the increase in permits was more a reflection of relatively good economic conditions and perhaps – though we have no direct evidence of this - a less rigid implementation of the Resident Labour Market Test at the local level.

Moderate political parties and business have shared a restrictive stance towards labour immigration over the past forty years. With high levels of unemployment, the main political parties cannot take the reputational risk of promoting large-scale labour immigration. Nor can business. Moreover, business has not been propelled to do so by serious labour shortages. Demand for skilled labour immigrants is limited, partly due to a relatively efficient education and training system, which provides most of employers' needs for skilled workers and partly due to a relatively low level of openness to foreign qualifications. Low-skilled labour demand is largely satisfied by (French citizens, including ethnic minorities of migrant background), family migrants, students, refugees, *sans papiers* and those working without authorisation, for example, categories of asylum seekers.

4.2. Assessing the French labour immigration system

In order to measure the effectiveness of labour immigration governance systems, we can attempt to assess whether they are meeting set goals. The previous centre-right governments in office between 2002 and 2012 aimed to increase levels of labour immigration at the expense of non-labour immigration. In 2007, Sarkozy declared the aim was for labour immigration to represent 50% of total inflows. The other qualitative objective was to facilitate the immigration of labour and skills required by the French economy. Labour immigration is not discussed to the same extent as in the UK in terms of its impact on broader socio-economic goals such as increasing productivity and investment. In any case, such relationships are almost impossible to measure (See UK case study, available on www.labmig.gov.eu).

Unsurprisingly, the quantitative objective (of 50% labour immigration and 50% non-labour immigration) was not reached by the end of Sarkozy's term as President of the Republic in 2012. According to the latest figures available, in 2010, 17,819 residence permits were issued for economic purposes out of a total of 188,387 residence permits. That same year, 82,235 residence permits were issued for family motives. Overall, immigration levels rose between 2006 and 2010 and labour immigration doubled between 2006 and 2008. The inherent problem in Sarkozy's policy was that though labour immigration can be increased, it is not possible to significantly reduce levels of family immigration, as the latter is a non-discretionary, rights-based movement.

In this section, I focus on the qualitative objective of facilitating access to the French labour market of migrants with the skills needed by French employers. In particular, I present the points of view of the main domestic stakeholders, employers

and trade unions, as well as other informed interviewees from international organisations and academia, on the efficiency of the system. The section ends with an analysis of the feasibility of 'managed migration' in France.

What the economy 'needs'

Immigration Choisie originated from two main concerns: labour shortages and the size of family immigration (and its conflation with integration problems³⁰). Indeed, an official from the OLI maintained in February 2012 "we realized that there were labour shortages and the procedures weren't adapted to the facilitation of labour immigration and then there was the idea of re-balancing the migratory inflows." (Interview OLI).

However, the basic idea that family migrants and other non-labour migrants need to be substituted with labour immigrants as the latter better serve France's economic needs is questionable. While family migrants and other non-labour migrants do not perhaps respond to demand for highly skilled foreign workers, they appear to fill many gaps in the labour market for low-skilled workers. For example, in 2006, the five occupations in which the employment of foreign workers was most significant were skilled manual workers in large-scale construction, domestic workers, unskilled metal workers, skilled manual workers in public works and concrete, and guards (CAS 2006). This fact was obscured in the *Immigration Choisie* rhetoric.

In 2011, in the context of the current economic crisis, the centre-right government decided to restrict labour immigration, aiming to reduce inflows by half. Whether politically motivated or not (in view of the Presidential elections of 2012), this was based on the fact that the unemployment rate had risen to just under 10% and it was considered that there was less need for foreign workers. This change in approach was argued to be in keeping with the *Immigration Choisie* policy as the idea was still to manage labour immigration in accordance with needs, as an official from the OLI maintained in February 2012, "The first objective was to increase labour immigration and now we are still in an *Immigration Choisie* optic as we are controlling it. The idea is to adapt the reception of foreigners to our capacity. We have to consider the economic situation. Deciding who can come means we are still in *Immigration Choisie*. This phase was dictated by the economic crisis. It was not foreseen but it is logical"(Interview OLI).

French employers are not crying out for more workers, which can be taken to mean that the economy does not 'need' much larger supplies of foreign workers. France has smaller numbers of Multi National Companies than the UK for example and they tend to recruit from within Europe (Interview OECD). This reduces demand for ICTs, which are the largest category of labour migrants recruited in the UK (see UK case). Furthermore, levels of migration from the A8 and A2 have remained insignificant, with inflows of less than 7000 workers per year between 2006 and 2010.

French firms do not appear to have a great appetite for skilled migrant workers. Just over 17,000 individuals were issued with permits for economic

³⁰ According to a representative of the CFDT, immigration is a "dossier à tiroir". When labour immigration is discussed in France, lots of issues are being discussed implicitly, in particular, Islam, culture, identity and the banlieues.

purposes in 2010 and not all of them were highly skilled. It appears that the French education and training system is providing the skills required by French firms. According to a representative of Medef “There are some skills like metallurgy where we do image campaigns which have maybe worked. We produce lots of engineers, many female engineers. The education system has progressed a lot over the past 30 years. Also industry has declined as a proportion of GDP, so we don’t have the same demand for skills. I think the French education system is less degraded than that of UK.” As noted above, employers of small- and medium-sized firms are interested in having quick access to the skills they need, at a good price and are often cautious about hiring foreigners, in particular coloured people. The problem of qualifications recognition is also cited as reducing employers’ interest in hiring skilled foreign workers: for example, an engineering degree from Senegal “is not taken seriously.”(Interview CGPME). Indeed, more generally, immigration is not seen as the answer to skills shortages as family migrants are in the main low-skilled.

However, there are (at least) two schools of thought on labour needs. There is the school which tends to see the supply of jobs as stable and limited and which sees labour immigration as a way of filling gaps when there are insufficient numbers of resident workers with the requisite skills. The other school of thought – a small, marginalised group in France - argues that increasing the labour supply can have knock on effects in terms of employment creation. Here the UK is often cited as an example of a country, which did not forecast a ‘need’ for all the A8 workers which it received between 2004 and 2008, but which created jobs for workers on their arrival. It is also argued that if there were more possibilities to recruit abroad, French employers probably would do so.

Furthermore, while employers have not been clamouring for more access to migrant workers, they generally support liberalisation in a discrete manner. According to a representative of the CFDT, employers and trade unions are united in their disregard for the shortage occupation lists. There is an overwhelming preference for a more open system. However, employers, at least those who do not engage in illegal employment practices, are deemed, unsurprisingly, to be slightly more open than trade unions: “Nobody likes the system, everyone wants to simplify and liberalise it. Then there are the exploiters.” (Interview CFDT).

In addition, French employers are argued to have an individualist rather than a team approach, which may partly explain why they do not lobby the government for an opening to labour immigration. Moreover, there is concern that employers will be accused of being lax about immigration if they publicly demand an opening (Interview CGPME). It also appears that there is concern that calling for more legal immigration will bring attention to the use of undocumented migrants by SMEs (Interview CFDT).

Channels and procedures

According to a representative of the CGPME, the labour immigration system does not respond to SMEs’ needs. Immigration laws are maintained to be generalist and not applicable to the reality of the labour market. They are argued to be politically motivated and consequently inefficient. For example, owners of SMEs are not interested in the shortage occupation lists, which are viewed as reflecting political rather than economic realities.(Interview CGPME).

The fact that a very small proportion of migrant workers enter France via the Shortage Occupation lists is, according to some, a demonstration of the inefficacy of the instrument. Others argue that the small numbers using these channels does not

mean that the instrument is inefficient (Interviews OECD, OLI). For example, it is possible that there are skill shortages in specific areas, which are, however, not numerically significant, while other occupations may not be experiencing a lack of skilled labour, but they may be areas of strong job growth. As an official from OLI asserted, "Shortages don't necessarily mean that employers need lots of people. So maybe occupations, which recruit a lot are not suffering skills shortages but recruit a lot of people every year. Also there are lots of foreign students and the big enterprises recruit lots of them and these occupations are not experiencing recruitment difficulties"(Interview OLI).

Indeed, the definition of shortage occupation lists is not an exact science and as such they cannot substitute case-by-case processes. As well as demand-side explanations, the fact that the majority of occupations for which migrants are issued permits are not on the shortage occupation lists may be explained by the fact that even if there are sufficient skills among the resident labour force for a particular occupation, the resident workers may not be available to take up those jobs. For example, perhaps the wage offered is considered to be too low, the welfare system creates few incentives to take up available jobs or perhaps there are more personal constraints on internal mobility. Finally, it is possible that the analysis of the labour market carried out in order to establish the lists of shortage occupations is not sufficiently exact. For example, it is possible that there is a basin of unemployed or inactive mechanical engineers in a particular region, but maybe these individuals do not have the specific skills required by a particular employer.

The trade unions are critical of the shortage occupation lists, in particular the new list of 14 occupations for the whole country. More in general, the trade unions are critical of the fact that the system offers mobility to those who do not want to come (exemplified by the small numbers using the new channels such as the Skills and Talents permit) and restrict those who do want to come. They maintain that the labour immigration system should be managed from a local level, involving the Ministry of Labour and the social partners. They ought to have constant dialogue about different occupations, their training needs and salary in order to be able to respond quickly to individual requests for foreign workers. They also support the introduction of a jobseekers' permit based on the argument that immigration restrictions simply produce *sans papiers*.

The Ministry of the Interior surveyed employers on the functioning of OFII as a one-stop-shop for certain permits in January 2012 and employers were in the main satisfied with it (Interview OFII). The survey is not publicly available, however, and there are no general surveys on the functioning of all the procedures for labour immigration.

In general, French employers, who use the labour immigration channels, appear to be satisfied with their functioning (Interviews Medef, OLI). According to a representative of Medef, "Sometimes they have problems with the administrative procedures but the majority do not, to be honest. The system of immigration is efficient, the integration system is not."(Interview Medef).

The Resident Labour Market Test is generally the most criticised procedure of the French labour immigration regime. Local officials are argued to have too much discretion in decision-making and many employers do not apply for work permits for foreign workers based on the view that the RLMT is difficult to pass (Interviews OECD, CGPME). A Senate report on the 2006 reform bill maintained that "In practice, work permits are very rarely issued." (Senate). Unfortunately, there is no (at least publicly available) data on the refusal rate in different French departments. With

regard to the discretionary power of local officials, it appears that the test is relatively flexible in terms of criteria, as demonstrated by the following description of the test by an OLI official in February 2012. "The employer must advertise a job, if the candidates were not ok, the employer has to bring documentary proof, *possibly* the CVs of the people and the motive for refusals."(Interview OLI, my italics).

In terms of future reforms to the French system, according to some interviewees, the idea of introducing an independent committee, with the role of advising government on labour immigration policy, like the UK Migration Advisory Committee, would not be in keeping with French political tradition (Interview OECD). In fact, Sarkozy's proposal to introduce a commission on immigration involving government and stakeholders in 2006 was mocked by the political opposition. The political left and pro-migrant lobby has been critical of the precariousness of one-year residence permits, which are becoming generalised. Perhaps, we can expect some change here under the Presidency of François Hollande. For example, CIMADE propose introducing a three-year resident permit, in order to provide migrant workers with more stability and less dependency on employers (Interview CIMADE). Finally, an official from the OLI maintained in February 2012 that perhaps a Quebec style points-based system would be introduced in France, though there is currently no political debate on this (Interview OLI).

Recruitment: is managed migration a myth?

The French labour immigration regime is one based on in-country recruitment. Indeed, only 4,000 workers were recruited abroad in 2010. Indeed, the French labour immigration system has historically been one of regularising *fait accompli*. After the Second World War, an official body, the National Immigration Office (ONI) was established in order to recruit and place foreign workers in the French economy. However, French firms began circumventing ONI and bringing in workers themselves. These workers were later regularised; indeed, these *a posteriori* regularisations made up 82% of all migrants registered by ONI in 1968.

The French system is usefully compared with that of the UK, where a majority are recruited when they are still abroad. What explains this difference and what does this tell us about the feasibility of *Immigration Choisie* or 'managed migration' in general? I believe the most important factors are the skills of the migrant workers and the openness of the labour market to skills acquired abroad, as well as the size and organisation of firms.

It is clearly easier to manage skilled labour immigration as opposed to low-skilled labour immigration from abroad as the former workers can be recruited based on their CVs, without face-to-face contact. Low-skilled workers, for example building labourers or cleaners, are unlikely to be recruited from abroad based on analysis of their qualifications and work experience. Furthermore, employers prefer to hire domestic care workers whom they have met face to face, due to the close contact and trust involved in the job. As most of the demand for migrant labour in France appears to be in low-skilled occupations and the majority of these workers are family migrants and thus are accessing the labour market in an unmanaged manner, the question must be posed: is it possible or beneficial to think of trying to manage these inflows?

Even skilled jobs are more easily filled if the employer has had face-to-face contact with a candidate and if the candidate speaks the language and above all, has

trained in the country where the job is. The latter is particularly the case in economies like France and Germany, where there is relative closure to vocational education and training acquired outside of their national systems. This explains why the majority of migrants issued with work permits are recent graduates from French Universities or were at least resident in France for some time.

The UK case differs as there are higher numbers of skilled migrants entering each year. Furthermore, the majority of those recruited abroad are ICTs, which is a reflection of the larger number of MNCs based in the UK. The UK's liberal market economy is known to have a more open recruitment culture, which puts more emphasis on general rather than specific skills.

More in general, the low-skilled occupations in which migrant workers are employed across Western Europe today are more likely to be in small and medium sized firms, unlike in the post-war period of mass recruitment when migrants often worked in large-scale industry. This makes organised recruitment from abroad far more difficult today. The firms employing migrants are small and less organised in terms of forecasting labour needs as well as working in unison with other firms in order to manage the recruitment of migrants from another country. It is simpler to hire somebody already present in the country, who can be interviewed face-to-face. In France, nearly all foreign workers who are recruited abroad, including seasonal workers, are recruited on an individual nominative basis; most employers already know the worker they are recruiting. Anonymous and group recruitments are a rarity. Indeed, according to most interviewees, the bilateral agreements on labour are simply ways of initiating and framing movements. Recently, an effort was made to develop a system of public recruitment of foreign workers. A Convention was signed between OFII and *Pôle Emploi*, which provided for the transmission of job advertisements from *Pôle Emploi* to OFII, when the former did not succeed to matching jobs and job seekers in France. OFII would then contact public employment agencies abroad, for example in Morocco, to see if they could provide the workers. However, this Convention is not in force; until now *Pôle Emploi* has not transmitted any requests to OFII (Interview OFII).

A representative from CIMADE gave an important insight into the French labour market, in particular, demand for low-skilled temporary workers and the difficulty of managing a supply from abroad: "Migrants often work in low-skilled temporary jobs. The legal channels do not provide for that; if an employer wants someone for temporary work immediately they can't wait for someone to come from Africa, they want those who are there already. So we need to be able to regularize even if only for temporary work" (Interview CIMADE).

De Wenden argues that despite demand for low-skilled foreign workers in France, no solution has been found since the closure to labour immigration in 1974: "In order to get consensus from his party, Sarkozy restricted the opening to the highly skilled. But the problem is that there is also demand for medium-low skilled workers, not only seasonal but other jobs like care workers and cleaners. So we have no solution since 1974 for low-skilled mass immigration". (Interview De Wenden). However, part of the French economy's low-skilled labour needs is satisfied by family migrants and other unregulated indirect labour migrants. Indeed, I would argue that these indirect labour migrants have provided this labour and have saved governments from the political risks of opening up to labour migrants again.

Annex: List of interviews with policymakers, stakeholders and researchers (February-April 2012)

No. of interview	Organisation	Place and time of interview
1	Office for Labour Immigration, Ministry of the Interior (OLI)	Paris, February 2012
2	OFII	Paris, February 2012
3	Medef	Paris, February 2012
4	CGPME	Paris, April 2012
5	Cercle Magellen	Paris, February 2012
6	CGT	Paris, February 2012
7	CFDT	Paris, April 2012
8	CIMADE	Paris, February 2012
9	OECD	Paris, April 2012
10	Etienne Pinte, UMP	Paris, April 2012
11	Catherine de Wenden, CNRS	Paris, February 2012
12	Patrick Weil, CNRS	Paris, February 2012
13	Dorothee Prudhomme and Emma Broughton, IFRI	Paris, February 2012

References

Assemblée nationale Compte rendu analytique officiel. 2006. 2ème Séance du Mardi 2 Mai 2006. Paris.

Barroux, R. 2003. Face à la pénurie de main d'oeuvre, la France a-t-elle besoin d'étrangers? In *Le Monde*. Paris.

Bertossi, C. 2008. France: the State strives to shape "chosen" immigration. In *Politiche Migratorie e Modelli di Società*. Rome: CeSPI.

Cangiano, A. 2012, *Immigration policy and migrant labour market outcomes in the European Union: New evidence from the EU Labour Force Survey*, LAB-MIG-GOV Working Papers, June 2012, available at <http://www.labmiggov.eu/working-papers/>.

CAS. 2006. Besoins de main-d'œuvre et politique migratoire. Paris: Centre d'analyse stratégique

Chou, M.-H. & N. Baygert (2007) The 2006 French Immigration and Integration Law: Europeanisation or Nicolas Sarkozy's Presidential Keystone? *COMPAS WP*, 45.

CICI. 2011. Rapport au Parlement Les Orientations de la Politique de l'Immigration et de l'Intégration. Paris: CICI.

Commission sur le cadre constitutionnel de la nouvelle politique d'immigration. 2008. Pour une Politique des Migrations Transparente, Simple et Solidaire. Paris.

Deneuve, C. (2001) Besoins de main d'œuvre des entreprises et recours à l'immigration: quelles perspectives? *Revue du Centre d'Observation Economique de la CCIP*.

Devitt, C. (2010) Varieties of Capitalism, Variation in Labour Immigration. *Journal of Ethnic and Migration Studies*, 37, 579-597.

Giuraudon, V. 2002. Immigration Policy in France. In *US-France Analysis*. Brookings Institution.

Hollifield, J. 2004. France: Republicanism and the Limits of Immigration Control. In *Controlling Immigration: a Global Perspective*, eds. W. A. Cornelius, T. Tsuda, P. L. Martin & J. F. Hollifield. Stanford: Stanford University Press.

Kofman, E., M. Rogoz & F. Lévy. 2010. Family Migration Policies in France. Vienna: ICMPD.

Labayle, H. (2011) La loi relative à l'immigration, l'intégration et la nationalité du 16 juin 2011 réformant le droit des étrangers: le fruit de l'arbre empoisonné. *Revue française de droit administratif*, 934.

Le Ministre de l'Immigration, d. I. I., de l'identité nationale & d. F. e. d. I. E. et du

Codéveloppement et Le Ministre de l'Économie. 2007. CIRCULAIRE N° NOR : IMI/N/07/00011/C relative aux autorisations de travail délivrées au ressortissants des nouveaux États membres de l'Union européenne pendant la période transitoire et des États tiers, sur la base de listes de métiers connaissant des difficultés de recrutement. Paris.

Lochak, D. (2006) La loi du 24 juillet 2006 relative à l'immigration et à l'intégration 45-55. *La française Regards sur l'actualité*, 326, 45-55.

Ministère de l'Intérieur, d. l. o.-m., des collectivités territoriales et de l'immigration et Ministère du travail, de l'emploi et de la santé,. 2011a. Arrêté du 11 août 2011 relatif à la délivrance, sans opposition de la situation de l'emploi, des autorisations de travail aux étrangers non ressortissants d'un Etat membre de l'Union européenne, d'un autre Etat partie à l'Espace économique européen ou de la Confédération suisse Paris, 2011b. Maitrise de l'immigration professionnelle. Paris.

Ministère de l'Intérieur, d. l. o.-m., des collectivités territoriales et de l'immigration, Ministère du travail, de l'emploi et de la santé et Ministère de l'Enseignement Supérieur et de la Recherche. 2012. Circulaire du 12 janvier relative à l'accès au marché du travail des diplômés étrangers de niveau au moins équivalent au Master : modalités d'examen des demandes. Paris.

Morice, A. 2000. De 'l'immigration zéro' aux quotas. In *Le Monde diplomatique*. Paris. OECD. 2011. International Migration Outlook 2011. Paris: OECD.

Schmidt, V. (2003) French capitalism transformed, yet still a third variety of capitalism. *Economy and Society*, 32, 526-554.

Sénat. 2006. Projet de loi relatif à l'immigration et à l'intégration : (rapport) Article 10 (art. L. 313-10 du code de l'entrée et du séjour des étrangers et du droit d'asile) Carte de séjour autorisant l'exercice d'une activité professionnelle salariée. Paris: Sénat.

Tamas, K. & R. Münz. 2006. *Labour Migrants Unbound? EU Enlargement, Transitional Measures and Labour Market Effects*. Stockholm: The Institute for Futures Studies Vie Publique. 2011. Entrée, séjour, travail, éloignement: le statut des étrangers. Paris: Vie-Publique.fr.

Weil, P. 2004. *La France et ses étrangers. L'aventure d'une politique de l'immigration de 1938 à nos jours*. Paris: Gallimard.

Lettre de Patrick Weil à Nicolas Sarkory sur la réforme, 24 février 2006. Paris.