



Labour migration policies
Case study series
France

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This case study is part of a series of summaries by PICUM of specific national labour migration and work permit policies. The full series is available on [our website](#).¹

While each case study focuses on a particular country, they are not comprehensive overviews of all the work permits available in the country. We focus on analysing the particular policies and pathways that are the most relevant across skills and sectors of employment.

We also consider, in particular, where policies include some of the essential characteristics of successful labour migration and work permit policies, as set out in PICUM's 2021 Policy recommendations, *Designing labour migration policies to promote decent work*.² This case study examines the following aspects of labour migration policy in France³ as of September 2024:

1. Labour migration system

- » Overview of the general work permit system in France
- » Pathways for Temporary Workers: Long-Stay Visa and Temporary Residence Permit for Temporary Workers
- » Pathways for 'Salaried' Workers: Long-Stay Visa, Temporary Residence Permit, and Multi-annual Residence Permit for Salaried Workers

2. Regularisation through work:

- » Valls Circular procedure
- » Shortage Occupation procedure

1 Other case studies cover specific labour migration policies in Canada, Finland, Germany, Ireland, Poland and Portugal.

2 For the full report, please see PICUM, [Designing labour migration policies to promote decent work](#) (2021).

3 For a more comprehensive overview of the work permits in France, please see e.g. the Official French Administration Website, ["Work of a Foreigner in France: Temporary Residence Permit- Salaried/Temporary Workers"](#) (Last updated on 31 July 2024) and the resources made available by the NGO Gisti, including: their webpage on rules around migrant workers (["Le travail des étrangers"](#)), [Autorisations de travail : ce qui a changé en 2021](#) (November 2021) and [Autorisation de travail salarié : critères de l'administration, procédure, 2e édition](#) (May 2013 and [updated in June 2016](#) as well as in [November 2021](#)). (Last accessed on 1 October 2024). For an explanation of the regularisation through work pathways, see e.g. Official French Administration Website, ["What is Regularisation of a Foreigner Through Work?"](#) (Last updated on 29 August 2024)) (Last accessed on 1 October 2024).

Section 1: Labour migration system

Overview of the general work permit system in France

The main regulations around accessing a residence permit in France linked to employment⁴ apply to all recognised⁵ occupations and sectors equally.

The main condition is the person first receives a work authorisation, based on a formal job offer, and proof that the employer has not been able to, or would not be able to, hire a worker already residing in France with an eligible residence status.

The main differences in the procedures depend on:

1. Whether the person has a job offer with a contract of limited duration (so the person is considered a “temporary worker”) or contract for an unlimited time period (so the person is considered a “salaried worker”);⁶ and

2. Whether or not the person already has a valid residence permit in France, which is eligible for a change of status.⁷ If the person is outside of France, they will first need to apply for a Long-Stay Visa equivalent to a Residence Permit (VLS-TS). Likewise, if they are in France with a tourist or other visit visa, they will need to get a VLS-TS for workers in their country of residence.

There are also some specific regulations for people with specific nationalities based on bilateral agreements. These are not addressed in detail in this case study, though a few examples and references are made to more favourable conditions for some nationalities.⁸

There are significant differences between the pathways and procedures provided for in the legal framework and implementation by the local government offices (prefectures) in practice.

4 There is also a residence permit for “seasonal work” which is not covered by this case study. Under this scheme, people maintain their main residence outside of France and can work in France for a maximum of six months per year. This Seasonal Work Permit may be multi-annual, up to three years, and is renewable. For more information, see Official French Administration Website “[Foreigner in France: Multi-Annual Residence Permit- Seasonal Worker](#)” (last updated on 31 July 2024) (Last accessed on 1 October 2024). Also note: certain very specific employment activities can be carried out in France for up to three months without a work permit being required (e.g. attending conferences, certain visiting artists or professors, domestic workers during their employers’ (private individual) stay in France – details in [Article D. 5221-2-1 of the Labour Code](#)).

5 Note: Sex work is not recognised as work in France. To work in a regulated profession, it is also necessary to prove that you have the required authorisations to carry out that profession.

6 The case study therefore also uses these terms for coherence with the French legal framework.

7 From a strictly regulatory perspective, [Article R. 5221-14 of the Labour Code](#) only allows for a change of status for individuals holding a residence permit referred to in Article R. 5221-3 (Temporary or Multi-Annual Residence Permit for employees, temporary workers, or seasonal workers). Before the 2021 reform, this same article allowed for a change of status for anyone holding a residence permit (excluding other kinds of residence status, such as asylum seekers). In practice, the administration continues to apply the regulation as it did before 2021, by considering requests for a change of status from anyone holding a residence permit that allows them to live in France. Moreover, in the [policy instructions dated 12 July 2021](#), the Ministry mentions the possibility of a change of status without particular restrictions. Similarly, jurisprudence has not evolved on this point. Thus, even though the regulation does not seem to allow for a change of status from, for example, the spouse of a French national to that of an employee, such a change can be authorized.

8 Regarding Algerians, the 1968 [Franco-Algerian agreement](#) governs their right of residence (while the procedural rules from the CESEDA apply). Articles 7b and 7e address residence for employment purposes. The agreement sets specific rules that differ from those in the CESEDA, in some cases providing for more favourable conditions, and providing for worse conditions in others. For example, when work permits are granted, Algerian workers are not limited to a particular employer or geographical area ([Conseil d’Etat, 23/10/2009, n°314397](#)). However, the list of exemptions for passing the labour market does not apply to Algerians, nor the list of shortage occupations ([Conseil d’Etat, 23/10/2009, n°314397](#)). For more information see Gisti, [Statut des Algériennes et des Algériens en France](#) (July 2020).

Work authorisation

Any application for a residence permit on the basis of employment requires a [work authorisation](#). The work authorisation is requested by the employer⁹.

A work authorisation can be approved if:

- **The position in question is on the list of shortage occupations**, which are defined per region. The list of labour shortage occupations, established in 2007, is supposed to be [updated annually](#) based on official data from the job listing platform and consultations with trade unions. However, it has not been updated comprehensively since 2021.¹⁰ A [recent update in 2024](#) only added agricultural work in all regions, but did not review the rest of the list.
- **The position has been advertised on an official job listing platform** for a minimum of three weeks prior to the job offer, and no applications were received, or no candidates with authorisation to work were suitable for the position (labour market test).¹¹
- **Certain groups of people are also exempt from the labour market test.**¹² These include, for example:
 - » Foreign students who have obtained a master's level diploma, level 1 diploma accredited by the "[Conférence des grandes écoles](#)" or a professional bachelor's degree, in France during the previous year; if they can prove that they have an employment contract (permanent or fixed-term contract) related to their training and they will earn at least 1.5 times the minimum wage (and have either a valid student permit¹³ or a valid 1-year job search permit for graduate students).¹⁴
 - » Young people from countries with a bilateral agreement with France (Benin, Cape Verde, Congo, Gabon, Macedonia, Mauritius, Montenegro, Russia, Senegal, Serbia, and Tunisia).¹⁵

9 Official French Administration Website "[Work Authorisation for a Foreign Individual in France](#)" (Last updated in January 2024) (Last accessed on 1 October 2024).

10 This requirement was introduced with the reform of the CESEDA on 26 January 2024. Before this, the regulations did not set a deadline, and the list was rarely updated. While the current regulations provide for an annual update, there are no consequences specified for non-compliance.

11 Article R5221-20, [French Labour Code](#).

12 For the full list, see ADATE, [Le travail des étrangers en France](#), revised May 2021, pp 42 (Last accessed on 19 September 2024).

13 «Carte de Séjour Etudiant», Article R5221-20 Para 5, [French Labour Code](#).

14 «Carte de séjour étudiant 'programme de mobilité'», Article R5221-20 Para 5, [French Labour Code](#).

15 Each agreement foresees mobility for young people aged between 18 and 35 (until age 40 for Benin and until age 30 for Russia), for a maximum of 18 months, if they have a work contract of at least three months. Some countries have bilateral agreements with France on general migration control, which include a list of occupations or categories of workers who can access a residence permit for employment without a labour market test (Benin, Burkina Faso, Cameroon, Cape Verde, Congo-Brazzaville, Gabon, Mauritius, Montenegro, Russia, Senegal, and Tunisia (ADATE, [Le travail des étrangers en France](#), revised May 2021, p.42 (Last accessed on 19 September 2024).

In April 2021, a reform of the French labour legislation¹⁶ shifted the competency for work authorisation approvals from the Ministry of Labour to the Ministry of Home Affairs. The reform also digitalised the work authorisation process.¹⁷ Hence, employers must submit work authorisation requests on the “Digital Administration for Foreigners in France” [website](#). In practice, these changes have reduced the availability and the accessibility of information, especially for individuals and small employers.¹⁸

When assessing a work authorisation request and eligibility of the position and candidate in terms of the labour market test or list of shortage occupations, the authorities also ensure the salary meets the applicable standards and examines the employer’s adherence to French labour laws. Specifically, they check the employer’s compliance with reporting obligations, any convictions for employing undocumented workers, violations of health and safety regulations, or administrative penalties.¹⁹

The legal limit for the processing of work authorisations is two months, and this is usually respected. However, people then still have to undergo the procedure for a long-stay visa or residence permit, as detailed below.

Although the work authorisation request is submitted by the employer, the authorities are supposed to inform the worker of the outcome.²⁰ However, this rarely happens in practice. This leaves workers dependent on their employers for information, and can cause additional delays in starting employment when the work authorisation is accepted, as the employer has to send it to the worker to begin the applications procedures for a visa or permit.

If a work authorisation application is successful, the employer is required to pay a [tax](#). The sum can vary between 74€ and 300€ for contracts of 3 to 12 months, and 55% of the brut monthly salary (up to a maximum of 2,430 euros based on the minimum salary in 2024).²¹

16 Gisti «[Autorisations de travail : ce qui a changé en 2021](#)» (November 2021), pp 8 (Last accessed on 23 July 2024).

17 Article R. 5221-15 [French Labour Code](#).

18 Gisti «[Autorisations de travail : ce qui a changé en 2021](#)» (November 2021), pp 1 (Last accessed on 23 July 2024).

19 Article R5221-21 Para 4, [French Labour Code](#).

20 Article [R. 5221-17](#), [French Labour Code](#).

21 The maximum tax to be paid if 55% of 2.5 times the minimum gross monthly salary (SMIC). Article L436-10, CESEDA ; French government website, [Taxe due par les employeurs de main d'œuvre étrangère](#) and related information notice ([Notice 2859-NOT-SD : Notice de la fiche d'aide au calcul de la taxe employeur \(L.436-10 CESEDA\)](#)) (Last accessed on 19 September 2024).

Pathways for 'Temporary' Workers: Long-Stay Visa and Temporary Residence Permit for Temporary Workers

Migrant workers who are offered a temporary work contract, and whose employer has been granted a work authorisation, may get:

- a **Temporary Residence Permit for Temporary Workers**, if they already have a valid residence permit in France, or
- a **Long-Stay Visa equivalent to a Residence Permit** (Visa de Long Séjour valant titre de séjour – VLS-TS), if they are applying from abroad.

Application Process

Applications from abroad – Long-Stay Visa equivalent to a Residence Permit

If the individual applies from abroad, they must first request a Long-Stay Visa equivalent to a Residence Permit (VLS-TS) at their French Consulate or Embassy in their country of residence.²²

The application should be made at the latest three months prior to when they want to travel to France and costs 99 euros. Applications for a VLS-TS are usually made through in-person appointments booked online. Applicants must submit different forms, including the work authorisation (as described above).

When the worker has a temporary work contract (CDD), the person will be issued a VLS-TS indicating they are a 'temporary worker',²³ that is valid for between four months and a year.²⁴ The VLS-TS enables the holder to regularly enter France and exempts them from needing a residence permit in France during its validity.

22 The VLS-TS does not apply to individuals from Andorra, Monaco, Saint-Martin and Vatican, and Switzerland. These countries have specific bilateral agreements regulating immigration to France.

23 Official French Administration Website, "Work of a Foreigner in France: Temporary Residence Permit- Salaried/Temporary Workers" (Last updated on 31 July 2024). (Last accessed on 1 October 2024).

24 Official French Administration Website, "Long Stay Visa (Residency of More than 3 months to a year)" (Last updated 28 March 2024). (Last accessed on 1 October 2024).

They can begin working immediately in the authorized job, and have rights equivalent to holding a Temporary Residence Permit for Temporary Workers.²⁵

The individual must validate their VLS-TS within 3 months and pay a tax of 200 euros. The validation of the VLS-TS is made online, where the individual must register their visa number, the reason for their stay in France, a residence address in France and proof of payment of the visa fee and taxes.

Following a decree from July 2024, the individual²⁶ must also sign a “Contract to respect the principles of the Republic” where they pledge to respect core Republican principles.²⁷ Refusal to sign the contract may lead to refusal of delivering the residence permit.²⁸

After validation of the VLS-TS, the individual must also go to the French Immigration and Integration Office, to sign a Republican Integration Contract (“Contract d’Intégration Républicaine”). This contract has a duration of a year, and is a commitment to learn French and to attend civic training on values of the French Republic. The individual is also required to undergo a mandatory medical visit.²⁹

A VLS-TS for workers can be converted into a Temporary Residence Permit using the procedure set out below, if the person wishes to stay longer than the validity of the VLS-TS. Residence permit applications must be made within the last two months before the expiry of the VLS-TS.

25 Official French Administration Website, “[Work of a Foreigner in France: Temporary Residence Permit- Salaried/Temporary Workers](#)” (Last updated on 31 July 2024). (Last accessed on 1 October 2024).

26 The signing of the “Contract to respect the principles of the Republic” is not mandatory for Monegasques, Tunisians, and in some cases, for Moroccans.

27 The principles are personal freedom, freedom of expression and conscience, equality between women and men, human dignity, respect of the Republican symbols (‘liberty, equality, fraternity’, tricolour flag and national anthem), territorial integrity defined by national borders and secularism. See [Decree n° 2024-811 from 8th July 2024 on the contract to respect Republican principles pursuant to Article L. 412-7 of the Code of Entry and Stay of Foreign Individuals and Asylum Law \(CESEDA\), Annex 12](#).

28 [Decree n° 2024-811 from 8th July 2024 on the contract to respect Republican principles pursuant to Article L. 412-7 of the Code of Entry and Stay of Foreign Individuals and Asylum Law \(CESEDA\), Annex 12](#).

29 Medical visits are mandatory to reside in France pursuant to the [Order of 11 January 2006 concerning medical examinations for foreign nationals authorised to reside in France](#).

Residence permit applications from within France

A person with a valid work authorisation and either a valid residence permit or a VLS-TS indicating they are a 'temporary worker' may apply for a **Temporary Residence Permit for Temporary Workers**.

Applications for a Temporary Residence Permit for Temporary Workers are made at the individual's local prefecture, and can be [made on various grounds](#):

- **The individual wishes to convert their VLS-TS to a residence permit during its validity, or extend their stay upon expiry of their VLS-TS by working the same job:** the individual must present to their local prefecture their valid VLS-TS, proof of address, proof of payment of the applicable fees, a medical certificate, the work authorisation (on the basis for which the VLS-TS was granted) and evidence of continued employment made by the same employer.

- **The individual has a valid residence permit and wishes to change their status to have a permit linked to employment:** the individual should make the application within the last 2 months before the expiry of their current residence permit. They need to present their valid residence permit and a work authorisation (following the conditions and procedure described above). There are slightly different conditions and procedures for people with different types of residence permits, but in general the individual must also present their proof of address, proof of payment of the applicable fees, and a medical certificate.

The individual must also sign the Contract to respect the principles of the Republic and the Republican Insertion Contract.³⁰

Grounds for refusal³¹ of the Temporary Residence Permit are the same as for all residence permits, and include, for example, failure to uphold an "Obligation to Leave" French territory or use of fake documents.

30 Decree n 2024-811 relating to the contract of commitment to respect the principles of the Republic, provided for in article L. 412-7 of the Code on the Entry and Residence of Foreigners and the Right of Asylum. (CESEDA)

31 For the list of grounds for refusing the issuing or renewal of residence permits, see Articles L432-1, L432-2 and Article L432-3, CESEDA. Article L432-4 also establishes that permits can be revoked if the person is considered a threat to public order. The term "threat to public order" is not explicitly defined in the CESEDA. Various acts that can be considered grounds "threat to public order" are listed in relation to the Multi-Annual Residence Permit, including among others, "assisting entry and facilitating the stay of individuals in irregular situations." For reference, see Official French Administration Website "Multi-Annual Residence Permit" (last updated on 31 July 2024). (Last accessed on 1 October 2024). For an in-depth critique of the increased use of the concept of "threat to public order" in the CESEDA to refuse renewals and repeal residence permits, see this article: Patrick Henriot, "Droit des étrangers : de quoi « l'ordre public » est-il le nom ?", Mediapart, (21 February 2023), re-published from [Délibérée no.17](#) (8 décembre 2022). (Last accessed on 1 October 2024).

Fees, processing times and status during the procedure

When applying for a residence permit, the worker must pay 225 euros.³²

There are significant delays in getting appointments at prefectures which mean people have to start trying to get an appointment long before their visa or residence permit expires. Taking together waiting periods for appointments and application processing times, it can take four months to one year before the person will receive their permit.

Once the application is complete, the individual must be given a **receipt confirming their application**. This is the case for all residence permit applications in France. This receipt allows the applicant to reside in France regularly while their application is processed. The application receipt is initially valid for

between one and six months, and must be renewed throughout the period that the application is being processed. Applications for renewals of application receipts are also made at local prefectures.

Processing times for residence permits are regularly between two and eight months, or even longer, depending on the prefecture.³³

If the individual already has a residence status with permission to work and is in employment, their receipt confirming their application for a Temporary Residence Permit for Temporary Workers allows the person to work. However, often these receipts are not issued, are issued late, so people end up losing their jobs.

Permit granted

The Long-Stay Visa equivalent to a Residence Permit (VLS-TS) and the Temporary Residence Permit for Temporary Workers are equivalent to each other. The person is afforded the same conditions regarding access to the labour market, social and family rights.

The Temporary Residence Permit for Temporary Workers is **valid for a year and can be renewed once**. A new work authorisation is not required for the renewal of the permit when the initial temporary work contract (CDD) exceeds the length of the permit (e.g. the contract was for 15 months but the temporary residence permit only valid for 12

months).³⁴ Nonetheless, the individual must pay 225 euros for the application for renewal.³⁵

The Temporary Residence Permit for Temporary Workers can only be renewed once because, in France, employers can only renew temporary contracts once, and up to a maximum of 18 months in total, before offering the employee an indeterminate contract.³⁶ Nonetheless, in practice, many workers remain in France for years with temporary work contracts and temporary residence permits with different employers.

32 Official French Administration Website "[Work by a foreign national in France: residence permit - Salaried/Temporary worker](#)" (Last updated in April 2024). (Last accessed on 1 October 2024).

33 While there is time limit for processing residence permit applications specified in the law, if the French administration remains silent for more than four months, it can be considered an implicit refusal (Article R311-12 CESEDA). This gives an indication that applications should be processed within four months, while this is not the case practice, and places people in a situation of extended precarity.

34 Home Affairs and Labour, Employment and Integration Ministries "[Work of foreign individuals and work authorisation- implementation of the provisions of Labour Regulations](#)" (12 July 2021) pp. 4.

35 Welcome to France "[Carte de séjour temporaire « Travailleur temporaire »](#)" (Last updated 2023) (Last accessed on 1 October 2024).

36 Article L1242-8-1, [French Labour Code](#).

Unemployment

If the worker loses their employment because their contract is terminated before its term by their employer for a reason attributable to the employer or due to *force majeure*, the Temporary Residence Permit for Temporary Workers remains valid for its duration.³⁷

Access to unemployment benefits is subject to the same conditions as national workers, as long as their residence permit remains valid.³⁸

In order to work for a new employer and/or renew the permit, a new work authorisation for the new employment, would be required.

Provisions for 'salaried' workers whose work contract for an unlimited time period (CDI) is terminated, to renew their permit for another year if still unemployed when their permit expires (see below), are not available to 'temporary' workers with temporary work contracts (CDD).

Right to change job and employer

For every new contract, even with the same employer, a new work authorisation is required.³⁹

The only difference is that, within the period of validity of the VLS-TS or residence permit, a new contract with the same employer, for the same job with the pay, would not be subject to a labour market test.⁴⁰

The [policy instructions](#)⁴¹ indicate that the work authorisation is needed when the worker applies to renew their residence permit. Applications for

renewal must be made in the second month before the expiry of the permit.⁴²

Therefore, to change job or employer, the worker does not have to apply for a new residence permit until it is up for renewal, but labour market mobility is greatly restricted, as it is necessary for the employer to apply for a new work authorisation for every change of contract/ position or new contract with a migrant worker, even if their residence permit is valid.

37 10° of Article R.5221-48, [French Labour Code](#).

38 For more information see e.g. Official French Administration Website, [Unemployment: Procedures to France Travail \(formerly Pôle Emploi\)](#) (Last accessed on 1 October 2024).

39 Article R5221-1, [French Labour Code](#). Article R5221-1, [French Labour Code](#). The right to change employer was restricted during the 2021 reform. Prior to this reform, workers used to be able to change employer within the same occupation, and after three years, change employer freely. See Gisti, [Autorisations de travail : ce qui a changé en 2021](#) (November 2021) (Last accessed on 1 October 2024).

40 Home Affairs and Labour, Employment and Integration Ministries ["Work of foreign individuals and work authorisation- implementation of the provisions of Labour Regulations"](#) (2021) pp. 3.

41 Home Affairs and Labour, Employment and Integration Ministries ["Work of foreign individuals and work authorisation- implementation of the provisions of Labour Regulations"](#) (12 July 2021) pp. 4.

42 Article R5221-32, French Labour Code. For more information, see Gisti [«Autorisations de travail : ce qui a changé en 2021»](#) (November 2021), pp 13 (Last accessed on 22 August 2024).

Family unity

The VLS-TS and Temporary Residence Permit for Temporary Workers do not allow workers to bring their families with them when they move to France. Nor are they able to meet the residence conditions (minimum 18 months in France)⁴³ to apply for family reunification, unless they get another type

of residence permit. This is the case even when an individual gets a number of successive Temporary Residence Permits for Temporary workers, for work with different employers; time residing on this permit is not counted towards the 18-month residence condition.

Long-term residence or settled status

Time residing in France with a Temporary Residence Permit for Temporary Workers does not count towards the five years of residency required to apply for a Long-term Residence Permit.⁴⁴

⁴³ More information about the requirements to access family reunification are provided below in the section on the Temporary Residence Permit for Salaried Workers.

⁴⁴ Official French Administration Website, [Long Term Residence Permit](#) (foreigner in France for 5 years) (Last updated on 31 July 2024). (Last accessed on 1 October 2024).

Pathways for 'Salaried' Workers: Temporary Residence Permit, Long-Stay Visa and Multi-annual Residence Permit for Salaried Workers

Migrant workers who are offered a work contract for an unlimited time period (Contrat à Durée Indéterminée – CDI), and whose employer has been granted a work authorisation, may get:

- a **Temporary Residence Permit for Salaried Workers** if they already have a residence permit in France, or
- a **Long-Stay Visa equivalent to a Residence Permit** (Visa de Long Séjour valant titre de séjour – VLS-TS), if they are applying from abroad.

Application process

The requirements, application processes, and related costs to obtain a VLS-TS or Temporary Residence Permit for Salaried Workers are identical to those outlined above for the VLS-TS and Temporary Residence Permit for Temporary Workers.

If the person is abroad, the person has to apply for a VLS-TS. They will be issued with a VLS-TS indicating that they are a 'salaried worker'. As the intended period of residence is more than 12 months,

the VLS-TS will be valid for 12 months.⁴⁵ The VLS-TS must still be validated after three months in the same way.

If the person already has a valid residence permit in France, they can apply from within France, to convert their residence permit to a Temporary Residence Permit for Salaried Workers, in the same way and subject to the same conditions and requirements as outlined above.

Permit granted

The VLS-TS and Temporary Residence Permit for Salaried Workers are equivalent to each other. The person is afforded the same conditions regarding access to the labour market, social and family rights.

The duration of a Temporary Residence Permit for Salaried Workers is **one year and renewable**.

⁴⁵ Welcome to France, [Long Stay Visa](#) (Last updated 8 August 2024) (Last accessed on 1 October 2024).

Unemployment

Similar to Temporary Residence Permits for Temporary Workers, the Temporary Residence Permit for Salaried Workers remains valid for its duration in situations of unemployment if the employer terminates their contract for a reason attributable to the employer or due to *force majeure*.⁴⁶ Access to unemployment benefits is subject to the same conditions as for nationals.

There are also additional provisions for “salaried” workers who are unemployed under these conditions and remain unemployed when their Temporary Permit for Salaried Workers expires. In such cases, the worker may **renew their Temporary Residence Permit for Salaried Workers for another year to continue to look for work**.⁴⁷ This permit can also be extended further, after one year, if the person is still unemployed and eligible for unemployment benefits.⁴⁸ However, in practice, some

prefectures refuse to renew permits when workers are unemployed.

The individual must present to their local prefecture their valid VLS-TS or residence permit, their proof of address, proof of payment of the applicable fees, a medical certificate, a proof of end of contract filed by the employer, and a confirmation of the individual's unemployment by the public employment services (France Travail).

Once they find work, the prospective employer has to request a work authorisation (following the procedure described above).

The conditions regarding change of employer are the same as outlined above for “temporary” workers – every new contract, even for the same employer, requires a new work authorisation.

Family unity

The Temporary Residence Permit for Salaried Workers enables holders to bring their spouse and children to France, once they have resided in France for a minimum of 18 months, and if they earn “sufficient income” to support their family and live in accommodation that is considered a reasonable size and that meets sanitary norms.⁴⁹

Spouses and children receive a VLS-TS, which can be converted into a Temporary Residence Permit for Private and Family Life after a year of stay. This

is with the exception of nationals of Bénin, Burkina Faso, Cameroon, Central African Republic, Congo Brazzaville, Ivory Coast, Gabon, Mali, Mauritania, Niger, Senegal and Togo, where spouses and children automatically get the same residence permit as the individual they are joining.⁵⁰ Spouses of nationals of Morocco and Tunisia can get also the same residence permit as the individual they are joining under certain conditions.⁵¹ Algerian workers are subject to different regulations pursuant to the Franco-Algerian Agreement.⁵²

⁴⁶ 10° of Article R.5221-48, [French Labour Code](#).

⁴⁷ Article R5221-33, [French Labour Code](#).

⁴⁸ Gisti «Autorisations de travail : ce qui a changé en 2021» (November 2021), pp 14 (Last accessed on 23 July 2024).

⁴⁹ The threshold of resources deemed sufficient to support a family varies based on family size. It corresponds to the minimum monthly wage (€1,766.92 gross per month as of 1 January 2024) for a family of 2 to 3 people, to €1,943.61 per month for a family of 4 to 5 people, and €2,120.30 for families of more than 6 people. Accommodation size thresholds depend on the geographical area but must ensure at least 10 square meters per person. For further details, refer to the Official French Administration Website “[Family Reunification](#)” (Last updated in June 2024). (Last accessed on 1 October 2024).

⁵⁰ Official French Administration Website “[Family Reunification](#)” (Last updated in June 2024). (Last accessed on 1 October 2024).

⁵¹ Official French Administration Website “[Family Reunification](#)” (Last updated in June 2024). (Last accessed on 1 October 2024).

⁵² [Franco-Algerian Agreement](#) of 1968. For more information, see Gisti, [Statut des Algériennes et des Algériens en France](#) (August 2020). (Last accessed on 1 October 2024).

Long-term residence or settled status

Multi-Annual Residence Permit

In 2016, a **Multi-Annual, four-year permit for 'salaried' workers** was introduced.

The Multi-Annual Residence Permit for Salaried Workers is not equivalent to a long-term or settled status, in that it is connected with employment⁵³ and people do not have full access to the labour market – a new work authorisation is still required if they change employer.⁵⁴

To be eligible, the “salaried” worker must provide the same documents as required when applying for a Temporary Residence Permit for Salaried Workers and have been residing in France for at least one year.⁵⁵ If they are working in the same job, a work authorisation is not required. It is possible to convert a Temporary Residence Permit for Salaried Workers into a Multi-Annual one when changing employers, if the new employer gets the work authorisation.

Applications for the Multi-Annual Residence Permit are made via appointments to the individual's local prefecture. The application cost is 225€. Depending on the prefecture, it may be possible for the application to be made online.

The individual is required to provide their valid VLS-TS or Temporary Residence Permit, their passport, a birth certificate, a proof of address a

medical certificate, and sign the Contract to respect the principles of the Republic. The person must also demonstrate respect of their duties as part of the **Republican Integration Contract** they signed upon validation of their VLS-TS or receipt of their Temporary Residence Permit for Salaried Workers, including any training foreseen⁵⁶

After filling their application, the individual is invited for an interview to validate the documents. Grounds for refusal are the same as for Temporary Residence Permits for Temporary or Salaried Workers.

As with other residence permit applications, the individual is given a receipt once the application is submitted, which proves their regular residency – and in the case of salaried workers, permission to work – until they receive their residence permit.

The Multi-annual Residence Permit for Salaried Workers can be renewed under certain conditions.⁵⁷

Long-term residence status

Long-term residence permits, as per EU law, are accessible to people with five years of continuous residence in France who meet certain conditions.⁵⁸ The time residing in France on a VLS-TS, Temporary Residence Permit for Salaried Workers and Multi-annual Residence Permit would be counted towards the five years.⁵⁹

53 To be eligible for a Multi-annual Permit, the individual must continue to meet the conditions for issuing the temporary residence on the same grounds. Thus, to be eligible for a Multi-annual Residence Permit for Salaried Workers, the person must continue to meet the conditions required to apply for a Temporary Residence Permit for Salaried Workers. However, it is also possible to change status and grounds of residence. For more information, see the Official French Administration Website “[General Multi-annual Residence Permit](#)” (Last updated 31 July 2024). (Last accessed on 1 October 2024).

54 Home Affairs and Labour, Employment and Integration Ministries “[Work of foreign individuals and work authorisation - implementation of the provisions of Labour Regulations](#)” (2021) pp. 4.

55 Official French Administration Website “[Multi-Annual Residence Permit](#)” (Last updated 31 July 2024). (Last accessed on 1 October 2024). Individuals with one-year of residence on a VLS-TS for temporary work or a Temporary Residence Permit for Temporary Work are not eligible for the Multi-Annual Residence Permit.

56 Official French Administration Website: “[Multi-Annual Residence Permit](#)” (updated 2024). The prefect can also verify participation in prescribed training courses (language, civic education) with the Digital Administration for Foreigners. Official French Administration Website “[What is the Republican Integration Contract?](#)” (Last updated 2023).

57 Official French Administration Website “[Multi-Annual Residence Permit](#)” (Last updated on 31 July 2024).

58 Algerian workers can also get a ten-year Residence Certificate after three years of residency with successive one-year Residence Certificates for salaried or temporary workers. The ten-year Residence Certificate is free of charge and can be renewed. It is delivered at the prefect's discretion and is not guaranteed. For more information, see Official French Administration Website, [Ten Years Residence Certificate - Algerian Nationals](#) (last updated on 12 April 2023).

59 Official French Administration Website “[Long Term Residence Permit – EU \(Foreigner in France for 5 years\)](#)” (Last updated 31 July 2024) (Last accessed on 1 October 2024).

Analysis of the VLS-TS and the Temporary Residence Permits for 'Temporary' and 'Salaried' Workers in France compared to PICUM's key recommendations and indicators⁶⁰

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
1. Streamlined and efficient procedures		
Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.	1.1 Number of steps in application procedure	This is not met. The separate procedure to request a work authorisation before applying for a VLS-TS or Temporary Residence Permit increases the steps, complexity, time and costs associated with the procedure. The waiting times for appointments to submit applications as well as processing times indicate that the administration is not adequately resourced, with significant negative impacts on the workers concerned.
Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.	1.2 Accessibility of information about procedures and applicable rules	This falls short. The shift of competences for work authorisations from the Ministry of Labour to the Ministry of Home Affairs, coupled with the digitalisation of work authorisation processes in 2021 has reduced access to information for employers, especially SMEs and individual employers. ⁶¹ The official government website providing information about permits and procedures (welcometofrance.com) is available only in English and French.
Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.	1.3 Eligibility/non-eligibility requirements to access a permit with a job offer	This falls short. If the job is not on the shortage occupation list, or offered to someone who is exempted from the labour market test, the employer must show that the position was advertised on an official job listing platform for a minimum of three weeks, and that no applications were received, or no candidates with authorization to work were suitable for the position. The employer must apply separately for, and receive a work authorization, for the offer of employment for the work to be considered eligible for the residence permit application. People must also sign a "Contract to respect the principles of the Republic" ⁶² and a Republican Integration Contract ("Contract d'Intégration Républicaine").

⁶⁰ For the full report, please see PICUM, [Designing labour migration policies to promote decent work](#) (2021).

⁶¹ Gisti, [Autorisations de travail : ce qui a changé en 2021](#) (November 2021) (Last accessed on 1 October 2024).

⁶² The principles are personal freedom, freedom of expression and conscience, equality between women and men, human dignity, respect of the Republican symbols ('liberty, equality, fraternity', tricolour flag and national anthem), territorial integrity defined by national borders and secularism. See [Decree n° 2024-811 from 8th July 2024 on the contract to respect Republican principles pursuant to Article L. 412-7 of the CESEDA, Annex 12](#).

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.	1.4 Length of permit	This is not met. Both 'temporary' and 'salaried' workers are issued a first permit for one year.
Permits should be renewable, without requiring workers to leave the country.	1.5 In-country renewals	This is met for 'salaried' workers but only to some extent for 'temporary' workers. Permits for both 'temporary' and 'salaried' workers are renewable, from within the country. However, because employers can only issue a temporary work contract for a maximum of 18 months in France, temporary residence permits for 'temporary' workers are only renewable once, up to maximum of 18 months. While linked to a labour law protection, in practice, many workers receive several successive temporary work contracts and temporary work permits for different employers, but with greater administrative burden and precarity.
In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented.	1.6 In-country applications including when undocumented	This is not met. To apply from within the country, the person needs to have a valid residence permit, and not all residence permits are eligible for a change of status (e.g. asylum seekers' permits are considered provisional and it not possible for them to apply). Different conditions and procedures apply for undocumented workers (see section on regularization).
Restrictions on people changing from one type of status or permit to another should be lifted.	1.7 Status/ permit can be converted into another	Further, while policy and practice by prefectures allows change of status for other permits (e.g. from a permit based on family reasons to one based on employment), the law as revised in 2021 refers only to people with work-based residence permits as eligible to apply.

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
2. Autonomy for workers		
Worker-owned procedures: Workers should be able to apply for permits themselves.	2.1 Ownership of application process/ worker or employer-made application	This is not met. While workers are the applicants for the temporary residence permits, employers must first apply for the work authorization through a separate procedure.
Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.	2.2 Procedure to change employer 2.3 Procedure to change type of job 2.4 Procedure to change sector 2.5 Possibility to work for more than one employer 2.6 Time period before to change employer	This falls short. The permit itself is not tied to one employer and remains valid if the worker changes job or employer. It is possible for the worker to change the type of job and sector of employment at any time, as long as the employer receives a work authorization for the position. It is possible to work for multiple employers, but each employer must apply for and receive a work authorization. This is the important restriction: any new contract and change of job, even for the same employer, is subject to a new work authorization request. Therefore, labour market mobility is greatly restricted – and dependency of workers on employers greatly increased - by the work authorization procedure.
Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.	2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired	This is met to a large extent, especially for 'salaried' workers. If the person's contract is terminated before its term by the employer, for reasons attributable to the employer or force majeure, the permit remains valid for its duration. 'Salaried' workers (those who had a contract for an undetermined time period) may also renew their permit, while unemployed, for another year, or longer, if they are still eligible for unemployment benefits. However, the permit does not remain valid in other situations of unemployment, and if 'temporary' workers lose their employment close to the expiry of their permit they have very little time to search for alternative employment.
Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.	2.8 Available financial and practical support while unemployed	This is met to a large extent. Access to unemployment benefits is subject to the same conditions as for nationals as long as the permit remains valid.

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
Residence solutions in cases of exploitation: ⁶³ Transitional permits should be made available for situations where workers experience labour violations or other abuses. ⁶⁴	2.11 Availability of transitional permits	This is not met. No such transitional permits are foreseen.
3. Equality and family unity		
Non-discrimination: Access to employment and associated permits should be non-discriminatory across all protected grounds under human rights law. If there is preferential treatment, including for certain nationalities, this should be justifiable in relation to pre-existing disadvantage.	3.1 Restrictions in access to permits on prohibited grounds 3.2 Justification for preferential treatment, if applicable	This falls short. There are some different rules for several different nationalities, based on bilateral agreements. Preferential treatment is not consistently provided in connection to pre-existing disadvantage nor to former colonies. For example, in some cases the different regulations for Algerians provide more favourable conditions, but in others, they provide for less favourable ones. Several bilateral agreements are linked to general migration control (often including accepting 'readmission'/ deportations of nationals residing irregularly in France). ⁶⁵
Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted	3.5 Possibilities to and restrictions on access to permits for family members	'Temporary' workers: This is not met. Workers with a temporary contract are unable to meet the conditions for family reunification. 'Salaried' workers: This falls short. Workers with contracts for an undetermined time period can bring their family members once they have resided in France for a minimum of 18 months, if they earn "sufficient income" to support their family and live in accommodation that is considered a reasonable size and that meets sanitary norms. ⁶⁶
Spouses/ partners should also be provided access to the labour market.	3.6 Access to the labour market for family members	'Temporary' workers: n/a 'Salaried' workers: This is met. The permit issued to spouses includes authorization to work.

63 Regarding victims of criminal labour exploitation including trafficking in human beings, see PICUM, 2020, [PICUM Key Messages and Recommendations on Human Trafficking](#); PICUM, 2020, [Insecure Justice? Residence permits for victims of crime in Europe](#).

64 See for example, the [Reactivation Employment Permit](#) in Ireland, analysed in PICUM, 2022, [Labour migration policies. Case study series: Ireland](#); and the [Residence Permit or Certificate due to Exploitation by the Employer](#) in Finland, included in PICUM, 2022, [Labour migration policies. Case study series: Finland](#).

65 See Section C, for example, the agreements with Benin, Burkina Faso and Republic of the Congo, Official French Administration Website "[Bilateral agreements concerning professional mobility](#)" (Last updated in August 2021). (Last accessed on 8 October 2024).

66 The threshold of resources deemed sufficient to support a family varies based on family size. It corresponds to the minimum monthly wage (€1,766.92 gross per month as of 1 January 2024) for a family of 2 to 3 people, to €1,943.61 per month for a family of 4 to 5 people, and €2,120.30 for families of more than 6 people. Accommodation size thresholds depend on the geographical area but must ensure at least 10 square meters per person. For further details, refer to the Official French Administration Website "[Family Reunification](#)" (Last updated in June 2024). (Last accessed on 1 October 2024).

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
5. Social Inclusion		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>'Temporary' workers: This is not met. Time residing with a Temporary Residence Permit for Temporary Workers does not count towards long-term residence status.</p> <p>'Salaried' workers: This is met. Workers with a work contract for an undetermined time period can apply for a multi-annual residence permit, valid for four years, after having worked for one year. This permit is still linked to employment and does not provide full labour market access; a work authorization is still needed to change employer. It can be possible to move from a temporary to a multi-annual permit while changing employer, with a valid work authorization.</p> <p>Time residing on a VLS-TS, Temporary Residence Permit or Multi-annual Residence Permit for Salaried Workers counts towards the five years of continuous residence required to access long-term residence status.</p>

Section 2: Regularisation through work

Since 2012, some undocumented workers may regularise their employment, if they meet specific criteria, based on a policy (the Valls Circular)⁶⁷ and the discretion of the local government office (prefecture). This policy is described below as the ‘**Valls Circular procedure**’.

In January 2024, a reform of French Migration and Asylum law⁶⁸ created a separate regularisation regime under law for undocumented workers in shortage occupations. This measure is also at the

discretion of the prefecture and is only valid until December 2026. The measure is described below as the ‘**Shortage Occupation procedure**’.

Whilst the relevant official policy instructions⁶⁹ and [Official French Administrative Service website](#) indicate that the Valls Circular procedure and the Shortage Occupation procedure should run concurrently, there are concerns that certain prefectures are no longer applying the Valls Circular for regularisation on the grounds of former employment, or will no longer apply it in the future.

The Valls Circular procedure

In November 2012, the then-Home Affairs Secretary Manuel Valls published a circular⁷⁰ enabling the **discretionary regularisation of undocumented workers** based on their employment in any recognised occupation and sector.

This applies to undocumented individuals who:⁷¹

- Have resided continuously in France for at least five years and
- Have either worked:
 - » eight months over the last two years, or
 - » thirty months over the last five years.

In exceptional cases, regularisation is also possible for undocumented people who:

- Have lived continuously in France for three years and
- Have who worked for twenty-four months during that time (continuously or not), including eight months in the last year.

⁶⁷ Home Affairs Ministry, [Circular on the conditions for examining applications for residence lodged by foreign nationals in an irregular situation](#) (November 2012)

⁶⁸ [Article L435-4, CESEDA](#).

⁶⁹ Circular from the 5 February 2024 “[Residence Permit for Foreign Individuals with Professional Expérience in Shortage Occupations](#)”.

⁷⁰ Home Affairs Ministry, [Circular on the conditions for examining applications for residence lodged by foreign nationals in an irregular situation](#) (November 2012)

⁷¹ The applicability of the Valls Circular procedure to Algerian workers was debated, especially following the refusal to regularise an Algerian worker who fulfilled the criteria. However, in 2024, the Administrative Court of Bordeaux criticised the prefecture’s refusal to regularise the Algerian individual, although the non-legal nature of the Valls Circular prevented any right to regularisation. For more information, see Maitre Bochnakian, [La Circulaire Valls Applicable aux Algériens!](#) (September 2014) (Last accessed on 1 October 2024).

Application process

Applications are made by the undocumented person via appointments at the individual's local prefecture. The following documents are required:⁷²

- a birth certificate and official identity document,
- a proof of address from the last 6 months,
- a proof of prior professional activity, with evidence such as payslips, bank statements, evidence of tax payments,
- a proof of 'integration' in French society (for instance, involvement in local associations, notes from acquaintances, etc), and
- a work authorisation request ([CERFA n°13653*03](#)) completed and signed by the employer.

Excluding grounds include not having an elementary level of French, being considered a threat to public order and living a polygamous lifestyle.⁷³ The decision-making process, and interpretation of the 'integration' criteria in particular, remains highly discretionary, meaning that undocumented workers who meet all the requirements may be refused regularisation. For example, people who have had any notice from the police for any reason often see their cases refused. In addition, there is extremely wide

variation in the implementation of the policy between the different localities.

The undocumented worker is the applicant in the procedure, and no labour market test is required. However, the requirement for the employer to complete and sign the work authorisation request, means they have to be involved in the application procedure, creating dependency of workers on employers and cases of exploitation.⁷⁴

The formal evidence required to prove prior employment, including payslips, bank and tax statements, is also inaccessible for many undocumented workers who are working undeclared and are unable to access bank accounts. Nonetheless, some undocumented workers are able to provide such proof, for example, because they were working regularly and continue to pay taxes though they no longer have a valid permit, or work and pay taxes using the identity of a friend or family member.⁷⁵

Third parties, such as migrant-supporting organisations and trade unions, may also initiate the request for regularisation as part of a grouped request.

72 Official French Administration Website, "[What is Regularisation of a Foreigner Through Work?](#)" (Last updated on 17 July 2024) (Last accessed on 1 October 2024).

73 The applicant needs to make a sworn statement that they do not live a polygamous lifestyle.

74 For more information, see for example Revolution Permanente, "[Tout Comprendre sur la Loi Immigration- Entretien](#)" (Published on 4 February 2024) (Last accessed on 1 October 2024).

75 Gisti, *Régularisation: La Circulaire "Valls" du 28 novembre 2012- Analyse et mode d'emploi*, Avril 2013, pp 25 ; see also [Gisti Sans-papiers mais pas sans droits](#), 8e edition, for more information on working with an 'alias' and risks for workers. (Last accessed on 1 October 2024).

Fees, processing times and status during the procedure

Most undocumented workers⁷⁶ must pay a fee for regularisation of 425 euros, including 50 euros when they submit their application for regularisation. The remaining 375 euros is due if the application is accepted (and includes 150 euros for the residence permit; a tax of 200 euros for having applied for regularisation/ exceptional admission (this is considered a fee for the visa that the person should have, but does not, because they entered or are residing without a valid visa); and a 25 euro administrative fee). Once the permit is issued, the employer must also pay a tax⁷⁷ within the year that follows.

In recent years, in part due to the digitalisation of the application process, waiting times for an appointment at the local prefecture to submit a regularisation application can be up to two years. Once the application is submitted, it can take up to one year to receive a response.

For renewals, waiting times for appointments and application processing for renewals are usually less but still considerable (roughly up to six months to get an appointment, and six to twelve months to get a response).

The person should be issued an application receipt, proving that they have submitted an application for a residence permit, but this does not include a work authorisation. In practice, these waiting and application processing times mean that a person may have to work undocumented for up to three years, after already meeting the criteria and trying to submit their application for regularisation.

Once approved by the prefecture, the Immigration Office also checks various criteria and evidence. If the current employer is not respecting labour and social obligations, the request for regularisation will be denied and this might be communicated to the labour inspection responsible for undeclared work.

Permit granted

If regularised through the Valls Circular, workers may receive either a **Temporary Residence Permit for Salaried Workers**, if they have a job offer with an indefinite contract, or a **Temporary Residence Permit for Temporary Workers**, if they have a job offer with a contract for a determined period. Their permit will mention the basis, of exceptional admission to a residence permit (AES).

The details, conditions and rights related to these permits are almost identical those described above, in the section on the Labour migration system (see above), with minor differences that are highlighted below.

⁷⁶ Some people are exempted from paying the fees. For more information see Gisti, [Taxes and Fiscal Stamps on Residence Permits \(Articles L.311-13, 311-14, 311-16 et D.311-18-1 of CESEDA / Regularisation Visa Fee \(article L.311-13-D du CESEDA\) \(2017\)\)](#) (Last accessed on 14 August 2024).

⁷⁷ The sum differs according to the work contract's length and the salary.

Duration, change of employer and unemployment

In short, these Temporary Residence Permits are valid for one year, and renewable if the worker is employed in the same job, or, if the worker has a new job offer either with the same employer or a different employer which has been given a work authorisation. The permit remains valid during unemployment if the

employer terminates the contract for reasons attributable to the employer or force majeure. 'Salaried' workers should be able to access another one-year permit to look for work if still unemployed in these conditions when their permit expires.

Family unity and long-term residence or settled status

If the regularised worker has a temporary contract and Temporary Permit for Temporary Workers, they are not able to meet the conditions for family reunification nor to regularise their family members on the basis of this permit.

If they have a contract for an unlimited time period and Temporary Permit for Salaried Workers, they can apply for a residence permit for their family:

- Once the regularised worker has been residing with the permit for 18 months and meets the other conditions for family reunification, as described above, they can apply for family reunification. If their family are outside of France, they can apply for a Long-Stay Visa equivalent to a Residence Permit (VLS-TS) for family reasons.
- If their spouse is residing undocumented in France, their spouse can apply for regularisation under

the Valls Circular, which also provides for the regularisation of the spouses of people residing regularly in France.⁷⁸ The spouse has to have been living in France for 5 years and the couple must demonstrate living together for a minimum of 18 months, as well as 'integration' and adequate living conditions.⁷⁹ Regularised family members should get a residence permit based on the right to private and family life,⁸⁰ but are often regularised on the basis of the exceptional admission procedure for residence (AES), meaning they are not eligible for family benefits.

Regularised workers should be able to access multi-annual permits and long-term residence status under the same terms and conditions as other workers with Temporary Permits for Temporary or Salaried Workers.

⁷⁸ The [Valls Circular](#) also provides for the regularisation of young people who entered France before the age of 16. Criteria include: having lived in France for at least two years upon turning 18 years old, regular school attendance, living with their father and/or mother and local ties. If one of their parents is residing regularly, it is viewed favourably, and if the rest of the family unit is residing regularly, the condition of a minimum of 2 years of residence may be reduced. Applications have to be made before the age of 19. As children can legally not be undocumented in France, there is no provision for the regularisation of children until they reach 18 years. For more information about relevant provisions in France, see PICUM, Manual on regularisations for children, young people and families (2018).

⁷⁹ Home Affairs Ministry, [Circular on the conditions for examining applications for residence lodged by foreign nationals in an irregular situation](#) (November 2012) pp. 5.

⁸⁰ [Article L.423-23 CESEDA](#).

The Shortage Occupations procedure

A reform of the Code of Entry and Stay of Foreign Individuals and Asylum Law (CESEDA) introduced on 26 January 2024⁸¹ provides for the granting of a Temporary Residence Permit to an undocumented worker⁸² who:

- has resided in France continuously for at least the last three years,
- has worked in France for at least a year over the past 2 years in a shortage occupation for the geographical area (the shortage occupation list lists the shortage occupations per geographical area),
- currently has (a) job(s) in a shortage occupation for the geographical area, and
- is 'integrated' into French society, and does not have a criminal record (B2).⁸³

As noted above, the list of labour shortage occupations is not up to date and not representative of actual labour market shortages. It is supposed to be [updated annually](#) based largely on official data

from the public employment services and consultations with social partners. However, it has not been updated comprehensively since 2021,⁸⁴ with the only change made in [the 2024 update](#) being the addition of agricultural work to all regions. This process is not objective or transparent. It may also lead to individuals working in an occupation previously identified as having labour shortages losing their ability to be regularised if their occupation is later removed from the list, though the policy instructions indicate that the provisions more favourable to the worker should be considered if such a change is made after someone has already submitted their application.⁸⁵ Importantly, periods of residence and work on seasonal work permits, study permits or when an asylum seeker, are not counted, whereas they are under the Valls Circular procedure. Therefore, while the Shortage Occupation procedure only requires three years of prior residence compared to five years under the Valls Circular, it does not really represent a reduced residence requirement in practice.

81 Article L435-4, [CESEDA](#). See also the policy instructions: Overseas Ministry and Labour, Health and Solidarity Ministry, [Residence admission for foreign nationals with proven professional experience in shortage occupations](#) (5 February 2024) (Circulaire de 5 février 2024 Admission au séjour des ressortissants étrangers justifiant d'une expérience professionnelle salariée dans des métiers en tension).

82 The official policy instructions inform prefects that Algerians workers may benefit from this regularisation mechanism (Overseas Ministry and Labour, Health and Solidarity Ministry, [Admission to residence of foreign nationals with proven professional experience in shortage occupations](#), (5 February 2024).

83 For more information, see the official French Government website, [Criminal record: presentation of the three bulletins](#) (Last updated on 15 March 2024) (Last accessed on 22 August 2024).

84 [Order of 1 April 2021 relating to the issue of work permits to foreign nationals who are not nationals of a Member State of the European Union, of another State party to the European Economic Area or of the Swiss Confederation, without opposition to the employment situation](#) (1 April 2021)

85 Overseas Ministry and Labour, Health and Solidarity Ministry, [Admission to residence of foreign nationals with proven professional experience in shortage occupations](#), (5 February 2024).

Application process

The application process combines the request for regularisation and for a work authorisation. [Applications](#) are made by the undocumented worker, through appointments at the individual's local prefecture (online applications are not possible).

Supporting documents include:

- a birth certificate, official identity document and three photographs,
- proof of address, from the last six months (e.g. utility bills, rental contracts, or relevant documents if staying in a hotel or with a private individual),
- proof of prior employment in a shortage occupation for the geographical region (e.g. payslips,⁸⁶ bank or tax statements)
- proof of current employment (e.g. salary slips, work contract(s) (it is possible to work for several employers), other forms of evidence or attestations). If in a regulated profession, proof of meeting the regulations is also required.
- proof of residence for the last three years (all types of evidence can be considered e.g. bills, health registration documents, entry visa stamps, etc.⁸⁷)
- proof of integration (all types of evidence can be considered e.g. testimonies from friends, membership/ participation in associations, volunteer work, school activities, etc.) and a signed a "Contract to respect the principles of the Republic".⁸⁸

Compared to the Valls Circular procedure, the Shortage Occupation procedure removes the

requirement for the worker to submit the CERFA work authorisation request completed by their employer, thus reducing reliance on the employer. However, as the individual still has to provide evidence of employment such as payslips and work contracts, there remains an important degree of dependency of the undocumented worker on their employer for their regularisation. These evidence requirements of the Valls Circular procedure - linked to declared employment (even if declared under an alias) – are maintained despite being a clear barrier for many undocumented workers. In addition, the Shortage Occupation procedure requires evidence of both past and current work experience, while the Valls Circular procedure only requires proof of previous work experience and a work contract.

The authorities retain a high level of discretion in deciding whether the applicant meets all the criteria. In particular, in making their decision they will consider the reality and nature of the professional activity, social and family ties, respect for public order and "integration" into French society and adhesion to French values and way of life, principles of the Republic.

Officially, it should be possible to have an order to leave French territory and be granted the regularisation, but experience from the Valls Circular procedure is that prefectural authorities use this as an excluding ground in practice.

⁸⁶ If at least 50% of the employment can be proved by salary slips, other types of evidence can also be considered. Salary slips can also be in another person's name if there is sufficient proof it is the applicant.

⁸⁷ The policy instructions indicate that different types of evidence can be accepted (from public institutions, private institutions and personal documents), and that the decision-maker should be consistent and base their approach on the document classification from the circular of 28 November 2012 (in terms of classifying the certainty of the documents and how many documents are needed per year, per type of document.) Circulaire de 5 février 2024 'Admission au séjour des ressortissants étrangers justifiant d'une expérience professionnelle salariée dans des métiers en tension',

⁸⁸ See Decree n° 2024-811 from 8th July 2024 on the contract to respect Republican principles pursuant to Article L. 412-7 of the Code of Entry and Stay of Foreign Individuals and Asylum Law (CESEDA), Annex 12.

Fees, processing times and status during the procedure

The undocumented worker needs to pay the same fees for regularisation as for the Valls Circular procedure: 425 euros of which 50 euros is payable at the time of the application.

The employer must also pay a [tax](#) similar to the one described for the Valls Circular procedure, once the permit is granted.

On submitting the application, the individual should receive an application receipt, which also authorises them to work, to continue to work in their current shortage occupation.

Once approved by the prefecture, the Immigration Office also checks various criteria and evidence. If the current employer is not respecting labour and social obligations, this might be communicated to the labour inspection responsible for undeclared work. Financial penalties on employers have also increased. The prefecture should respond within 90 days of receiving the complete application.

Only some prefectures have opened the procedures for this regularisation pathway, and it is too soon to provide analysis of the procedure in practice, including whether these processing times will be respected. In some prefectures, it can take up to two years to get an appointment to submit the application, due to lack of human resources.

Permit granted

Depending on the work contract upon regularisation, the individual is granted a Temporary Residence **Permit for Salaried Workers** or a **Temporary Residence Permit for Temporary Workers**.⁸⁹

The details, conditions and rights related to these permits are described above in the section on the Valls Circular procedure.

An important difference concerns change of employment. The policy instructions⁹⁰ state that in the case of the Shortage Occupation procedure, the work authorisation is exceptionally linked to the residence permit. If the worker changes employer or concludes a new employment contract within a shortage occupation featuring on the list of shortage occupations, the work authorisation remains valid. However, to work in another job, not featuring on the list, requires the employer to first apply for and receive a work authorization, before the employment contract is signed.

⁸⁹ It is foreseen that the permit should – as in other cases – mention the basis for the permit, and so indicate they are for working in a shortage occupation. However, while the IT system is not in place to do so, in the meantime, people are being issued permits with the mention AES as under the Valls Circular.

⁹⁰ Overseas Ministry and Labour, Health and Solidarity Ministry, [Residence admission for foreign nationals with proven professional experience in shortage occupations](#) (5 February 2024) (Circulaire de 5 février 2024 Admission au séjour des ressortissants étrangers justifiant d'une expérience professionnelle salariée dans des métiers en tension).

Analysis of the Regularisation through work in France based on the Valls Circular and for Shortage Occupations compared to PICUM's key recommendations and indicators.

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
1. Streamlined and efficient procedures		
Good administration: Procedures to obtain and renew visas and permits should be streamlined with reasonable administrative requirements.	1.1 Number of steps in application procedure	This is not met. Waiting times for appointments to submit applications as well as processing times are extremely long, with significant negative impacts on the workers concerned. Administrative requirements are difficult for undocumented workers to meet and decisions remain discretionary.
Information about application procedures, requirements, and applicable rules should be provided publicly for potential employers and workers in clear and accessible language.	1.2 Accessibility of information about procedures and applicable rules	This falls short. Some information about the regularization procedures is available online but the procedures are complex and the authorities are not accessible to ask for more information. Official information from the government is also only available in French and English.
Based on an offer of employment: An offer of employment, with conditions in line with applicable labour law or collective bargaining agreements, should be sufficient across all jobs and sectors.	1.3 Eligibility/non-eligibility requirements to access a permit with a job offer	This is not met. Valls Circular procedure: In addition to an offer of employment, the employer must apply for and be granted a work authorization (i.e. pass the labour market test). Furthermore, the worker has to have resided continuously in France for at least five years and have either worked eight months in the last two years or thirty months over the last five years. In exceptional cases, regularisation is also possible for undocumented people living in France for three years, who have worked for twenty-four months (two years, continuously or not) during that time, including eight months in the last year. Another criteria is 'integration' in French society (for instance, involvement in local associations, notes from acquaintances, etc). Shortage Occupation procedure: The person has to be currently working in a shortage occupation for the geographical area. In addition, they have to have resided in France continuously for at least the last three years, and already have worked in France for at least a year over the past 2 years in a shortage occupation for the geographical area, and be 'integrated' into French society, and does not have a criminal record (B2).

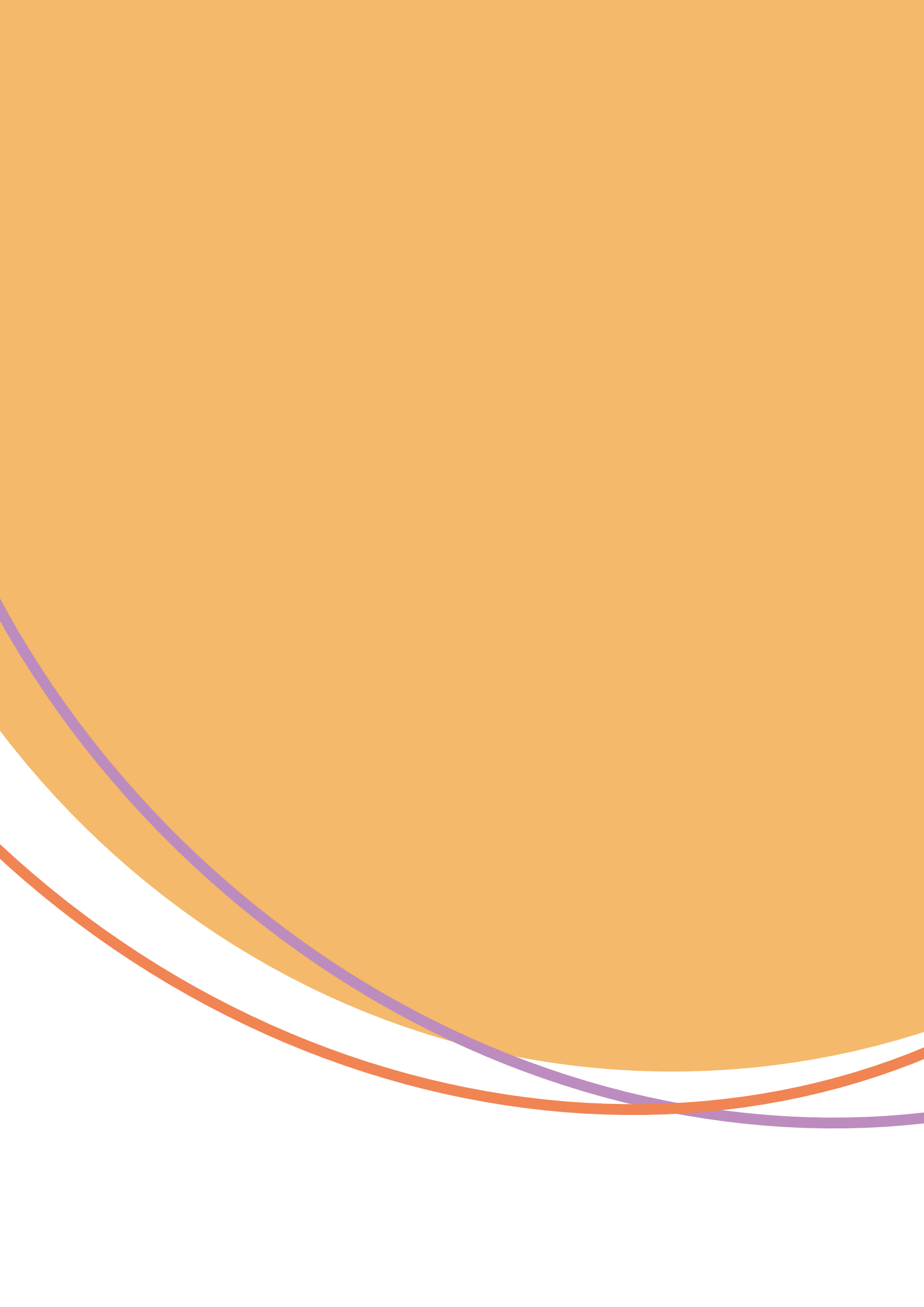
Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
Stability for workers and employers: Permits should be of a reasonable duration, of at least two years.	1.4 Length of permit	This is not met. Both 'temporary' and 'salaried' workers are issued a first permit for one year.
Permits should be renewable, without requiring workers to leave the country.	1.5 In-country renewals	This is met. Permits for both 'temporary' and 'salaried' workers are renewable, from within the country. However, because employers can only issue a temporary work contract for a maximum of 18 months in France, temporary residence permit for 'temporary' workers are only renewable once, up to maximum of 18 months. While linked to a labour law protection, in practice, many workers receive several successive temporary work contracts and temporary work permits for different employers, but with greater administrative burden and precarity than if they were able to renew their permit.
In-country applications: People should be able to apply for the various residence and work permits provided for by national law from within the country, regardless of their status, including when undocumented. Restrictions on people changing from one type of status or permit to another should be lifted.	1.6 In-country applications including when undocumented 1.7 Status/ permit can be converted into another	This is met in that these procedures are specifically for undocumented people.
2. Autonomy for workers		
Worker-owned procedures: Workers should be able to apply for permits themselves.	2.1 Ownership of application process/ worker or employer-made application	Valls Circular procedure: This is not met. While workers are the applicants for the temporary residence permits, employers complete and sign a work authorization request to be submitted with the application. Shortage Occupation procedure: This falls short. Compared to the Valls Circular procedure, no work authorization request is required, reducing the involvement of employers in the regularization procedure. However, workers still remain quite dependent on them to complete their applications due to the proof required to show both prior and current employment.

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
<p>Labour market mobility: Permits should not be tied to one employer. People should be able to change employer, including the type of job and sector, and work for more than one employer, on the same permit, without permission from the employer or labour intermediary.</p>	<p>2.2 Procedure to change employer 2.3 Procedure to change type of job 2.4 Procedure to change sector 2.5 Possibility to work for more than one employer 2.6 Time period before to change employer</p>	<p>Valls Circular procedure: This falls short. The permit itself is not tied to one employer and remains valid if the worker changes job or employer. It is possible for the worker to change the type of job and sector of employment at any time, as long as the employer receives a work authorization for the position. It is possible to work for multiple employers, but each employer must apply for and receive a work authorization.</p> <p>This is the important restriction: any new contract and change of job, even for the same employer, is subject to a new work authorization request. Therefore, labour market mobility is greatly restricted – and dependency of workers on employers greatly increased - by the work authorization procedure.</p> <p>Shortage Occupation procedure: This is met to large extent. The permit allows the worker to change employer or conclude a new work contract without having to request a new work authorization, as long as the new position is within a shortage occupation featuring on the shortage occupation list. However, to work in another job, not featuring on the list, requires the employer to first apply for a work authorization.</p>
<p>Independence from employers: Permits should remain valid to provide a reasonable period of time of unemployment to search for alternative work, for workers that lose or leave their job.</p>	<p>2.7 Time periods for unemployment/ job search during validity of permit and after the permit has expired</p>	<p>This is met to a large extent, especially for 'salaried' workers. If the person's contract is terminated before its term by the employer, for reasons attributable to the employer or force majeure, the permit remains valid for its duration. 'Salaried' workers (those who had a contract for an undetermined time period) may also renew their permit, while unemployed, for another year, or longer, if they are still eligible for unemployment benefits.</p> <p>However, the permit does not remain valid in other situations of unemployment, and if 'temporary' workers lose their employment close to the expiry of their permit they have very little time to search for alternative employment.</p>

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
Financial and practical support should be accessible during this time, at least on the same terms as nationals. Particular attention should be paid to situations where workers' housing was also provided by their employer.	2.8 Available financial and practical support while unemployed	This is met to a large extent. Access to unemployment benefits is subject to the same conditions as for nationals as long the permit remains valid.
3. Equality and family unity		
Family unity: Migrant workers should be able to enjoy their family life as any other person. Restrictions on migrant workers with low income from bringing their families should be lifted	3.5 Possibilities to and restrictions on access to permits for family members	<p>'Temporary' workers: This is not met. It is not possible for regularised workers with a temporary contract to meet the conditions for family reunification nor for regularization of their spouses under the Valls Circular.</p> <p>'Salaried' workers: This falls short. Regularised workers with contracts for an undetermined time period can apply for their family to join them in France, once they have resided in France for a minimum of 18 months, if they earn "sufficient income" to support their family and live in accommodation that is considered a reasonable size and that meets sanitary norms.⁹¹</p> <p>If the person's spouse is residing undocumented in France, their spouse can apply for regularisation under the Valls Circular, which also provides for the regularisation of the spouses of people residing regularly in France. The spouse has to have been living in France for 5 years and the couple must demonstrate living together for a minimum of 18 months, as well as 'integration' and adequate living conditions.</p>
Spouses/ partners should also be provided access to the labour market.	3.6 Access to the labour market for family members	<p>'Temporary' workers: n/a</p> <p>'Salaried' workers: This is met. Regularised family members should get a residence permit based on private and family life, which includes a work authorization. However, they are often issued with a residence permit based on the exceptional admission procedure for residence (AES). This also gives access to the labour market, but means the family are not eligible for family benefits.</p>

91 The threshold of resources deemed sufficient to support a family varies based on family size. It corresponds to the minimum monthly wage (€1,766.92 gross per month as of 1 January 2024) for a family of 2 to 3 people, to €1,943.61 per month for a family of 4 to 5 people, and €2,120.30 for families of more than 6 people. Accommodation size thresholds depend on the geographical area but must ensure at least 10 square meters per person. For further details, refer to the Official French Administration Website "[Family Reunification](#)" (Last updated in June 2024). (Last accessed on 1 October 2024).

Selection of policy recommendations	Indicators	VLS-TS and Temporary Residence Permit for 'Temporary' or 'Salaried' Workers
5. Social Inclusion		
<p>Pathways to settlement: There should also be pathways to settlement after a number of years. All periods of residence should count towards long-term residence status.</p>	<p>5.1 Residence counts towards long-term residence or settled status</p>	<p>'Temporary' workers: This is not met. Time residing with a Temporary Residence Permit for Temporary Workers does not count towards long-term residence status.</p> <p>'Salaried' workers: This is met. Workers with a work contract for an undetermined time period can access a multi-annual residence permit, valid for four years, after having worked for two years – one year with a Temporary permit based on AES, and one year with a Temporary permit for Salaried Workers. This permit is still linked to employment and does not provide full labour market access; a work authorization is still needed to change employer. It can be possible to move from a temporary to a multi-annual permit while changing employer, with a valid work authorization. In practice, most prefectures do not issue the multi-annual permit directly following one years' residence on a VLS-TS or first temporary permit, but issue another temporary permit first.</p> <p>Time residing on a VLS-TS, Temporary Residence Permit or Multi-annual Residence Permit for Salaried Workers counts towards the five years of continuous residence required to access long-term residence status.</p>





PICUM

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for social justice.

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