

GMS Flash Alert

Immigration

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France – New Immigration Law

The French government published a new immigration law on 27 January 2024, which has immediate effect.¹

WHY THIS MATTERS

The aims of this new immigration law are to combat illegal immigration, promote the integration of foreign nationals in France, and guarantee the right of asylum. It also tightens up several existing measures.

The main changes linked to employment revolve around two main points:

- Better integration through work,
- Better integration through language and a commitment to principles of the French Republic.

Better Integration through Work

A New Route to Regularisation

Undocumented workers in high-pressure occupations (construction, home help, catering, etc.) will be able to obtain a "temporary worker" or "employee" residence permit on an exceptional basis, as they do today. However, they will no longer be obliged to go through their employer to apply for this permit.

They will have to prove that:

- they must have worked for at least 12 months (consecutive or otherwise) in the last 24 months,
- they have been resident in France for three years and have integrated.

French police authorities (*Préfecture*) will have discretionary powers to grant the permit. This measure will be tested until the end of 2026.

Creation of a "Talent - Medical and Pharmacy Professions" Residence Permit

To meet recruitment needs in hospitals and medico-social establishments, a new four-year multi-annual "talent - medical and pharmacy profession" residence permit has been created for doctors, dentists, midwives, and pharmacists with qualifications from outside the European Union (PADHUE) and who hold a certificate to practice medicine in France.

Simplification of "Passeport Talent" Residence Permit

- The "Passeport Talent" residence permit will become the "Talent" residence permit.
- It will be simplified by creating two main categories of professional talent: skilled talent and project talent.

Tougher Penalties for Companies Employing Illegal Workers

- An administrative fine will be introduced to penalise employers of foreign nationals who do not hold a permit authorising them to work. This fine can be up to €20,000 per employee (currently, employing an illegal foreign worker is punishable by five years' imprisonment and a €15,000 fine).
- Increased criminal penalties for employers of foreign nationals without work permits: €30,000 per employee for private employers, €150,000 for corporate employers, and €200,000 per employee if the offence is committed by an organised gang.

Better Integration through Language and a Commitment to the Principles of the French Republic

Obligation to Achieve Results in terms of French Language Proficiency

Foreign nationals applying for their first multi-annual residence permit will be required to have a minimum knowledge of the French language (level A 2). (At present, these residence permits, which are generally valid for four years, are issued on the sole condition of having completed a French language course as part of the republican integration contract, but there is no obligation to achieve this.)

The minimum level of French required for the granting of a residence permit and for naturalisation has also been raised (levels B1 and B2).

Employers' Obligations in Terms of French Language Training for Their Foreign Employees Have Been Strengthened, in Recognition of Their Responsibility for Integration

- Employers will be able to offer their employees the opportunity to follow a training course in French as a foreign language (FLE) during working hours, as part of the employer's training plan.
- The possibility of taking French courses at the OFII (French Office for Immigration and Integration) during working hours (up to 600 hours) for employees who have signed a republican integration contract.
- Automatic authorisation for employees taking French courses financed by their personal training account².

Foreign nationals applying for a residence permit must commit to respecting the principles of the French Republic ("liberté, égalité, fraternité" – including freedom of expression and conscience, gender equality, symbols of the Republic, etc.).

- The issuance of any residence document will be conditional on the foreign national signing a contract committing to respect the principles of the French Republic.
- Creation of a civics test, the successful completion of which will be a condition for the issue of multi-annual residence permits, resident permits, and naturalisation in the same way as the language test.
- If any of these principles are rejected, the préfetures will refuse the residence permit or may withdraw or refuse to renew it.

KPMG INSIGHTS

The law has met with some controversy. In its review of the law, prior to implementation, the Constitutional Council censured 35 (in part or in full) of its 86 articles.

This new law has a lot of moving parts and it introduces many revised as well as new rules and procedures. Individuals who have questions or concerns about the new measures are encouraged to contact their usual immigration counsel or KPMG Avocats in France (see the Contacts section) for further guidance.

FOOTNOTES:

1 For the text of "Loi du 26 janvier 2024 pour contrôler l'immigration, améliorer l'intégration" see: [LOI n° 2024-42 du 26 janvier 2024 pour contrôler l'immigration, améliorer l'intégration \(1\) - Légifrance \(legifrance.gouv.fr\)](#).

2 More information about the personal training account, see: <https://www.servicepublic.fr/particuliers/vosdroits/F10705?lang=en>. Also, see: <https://www.moncompteformation.gouv.fr/espace-prive/html/#/>.

Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in France.

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