

Mobility: Immigration alert

February 2024



France

French Parliament approves new immigration law

Executive summary

On 25 January 2024, the French Constitutional Council concluded that 34 out of 86 articles of the new French immigration law (approved by the French Parliament on 19 December 2023) are unconstitutional, fully or in part. The remaining 52 articles, which were deemed constitutional, were promulgated on 26 January 2024.

Key developments

The following provisions have been adopted:

- ▶ **“Passeport Talent.”** This category is now called “Talent.” The same sub-categories will remain but they will be simplified. A new status for doctors and health professionals will be added to the current sub-categories.
- ▶ **Sufficient knowledge of the French language.** In order to obtain and renew their residence permits, holders of certain immigration permits (e.g., Salarié) will need to demonstrate that they possess satisfactory knowledge of the French language. Individuals in the new “Talent” category are not affected by this new requirement.
- ▶ **French classes as part of continuous education programs.** Employers are required under French labor law to provide their employees a continuous education program. French courses can be offered as part of this program to support foreign nationals holding certain immigration permits (e.g., Salarié) with acquiring satisfactory knowledge of the French language.

- ▶ **Civic training exam.** Certain individuals who are already required to attend training courses (e.g., on principles and values of France, French culture and history) will now be required to successfully pass an exam and provide proof of the same in order to obtain and renew their residence permits. Individuals in the new “Talent” category are not affected by this new requirement.
- ▶ **Regularization of undocumented foreign workers and individuals working unlawfully.** Foreign nationals who have been employed in certain sectors or geographic areas facing labor shortages for at least 12 months (whether consecutively or not) in the preceding 24-month period and resided in France for at least three years without interruption are eligible to obtain a one-year temporary residence card as an employee. This initiative will remain in place until the end of 2026.

A number of measures added by the French Parliament that may have impacted family members of foreign employees were deemed unconstitutional (including several that impose restrictive conditions in connection with the family reunification process). Additionally, the requirement for applicants to legalize all civil status documents in connection with immigration formalities was also deemed unconstitutional.

Impact on employers

Employers may review and familiarize themselves with the provisions of the new immigration law and take actions to ensure compliance in connection with impacted employees.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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