



Occupations Facing Recruitment Difficulties

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Two lists of occupations facing manpower shortages have been established and are of interest when you undertake the procedures for getting work permits for nationals from new European Union member states and third countries. They mark the entry into force of the measures promoting economic immigration.

The Ministries of Immigration and of the Economy came up with two distinct lists of “open occupations” in the various sectors facing recruitment difficulties. These lists were sent to the government administrative offices (*préfectures*) by circular on 20 December 2007. This circular was applicable immediately even though the law states that “these measures will take force by ruling signed jointly by the ministries in charge of immigration and of employment with the publication of the Counsel of State decree setting the distribution of competencies...”.

For these occupations, employers are now exempt from have to do a prior search for a candidate in France (as a result, the procedure does not pass through the ANPE national employment agency).

One hundred and fifty occupations of various levels of qualification are now reserved for Eastern Europeans (40% of the total number of job offers filed with the national employment agency) during the transition period, while thirty highly qualified occupations are open to nationals from the rest of the world; the latter differ by region and cover 4% of labour market manpower needs.

I – 150 occupations open to nationals from New Member States

A. European Union countries subject to transition measures

The countries to which transition measure apply are Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia.

B – The occupations

A classification code (called a ROME code by the national employment agency) is attributed to each of the 150 occupations listed, for which the employment situation is not grounds for opposition. They cover the following sectors:

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- Construction and public works;
- Hotel, restaurant and food service industry;
- Agriculture, marine, fishing;
- Mechanics and metal working;
- Electricity, electronics;
- Maintenance;
- Engineers, industrial managers;
- Transport, logistics and tourism;
- Processing industries;
- Soft materials, wood, graphic industries (light industries);
- Management, business administration;
- Information technologies;
- Studies and research;
- Banking and insurance;
- Sales;
- Services to individuals and groups;
- Healthcare, social, cultural, sports activities.

II – 30 occupations “open” to third-country nationals

A – Regional differences

The six following occupations are open throughout metropolitan France:

- Audit, financial and accounting control manager;
- Studies computer specialist;
- Expert computer specialist;
- Construction technical advisor;
- Site superintendent;
- Construction works supervisor.

The other occupations vary depending on the needs of the various employment basins. See the list of occupations by region for details.

B – Third countries with different treatment based on existing agreements

There are different rules for countries that have signed a “bilateral agreement on the joint management of migratory flows and development” with France. They will have a larger list. These countries currently include:

- Senegal;
- Gabon;
- Congo.

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And in the future:

- Benin;
- Tunisia;
- Philippines.

Algerians and Tunisians are currently excluded from these measures, even though they represent 30% of the permanent entries into France and benefit from special exemptions regarding family reunification. The announcement has been made concerning a bilateral agreement with Tunisia, but nothing is planned for Algeria.

III – Effect of these lists on granting work permits

The employment situation is not grounds for opposition for these lists for introduction applications and change of status applications.

When the application is examined, the administration will refer to the lists found in the circular, or those in the 29 April 2006 circular by default. If the occupation is not mentioned, the regular laws will apply.

When applications for work permits for these occupations occur, the measures found in article R341-4 and following of the Labour Code are applicable, notably concerning the employer's respect of social obligations, respect of equal treatment and the rules related to remuneration.

At time of work permit renewal, the conditions for issuing the initial work permit will be verified (identity of the occupation, identity of the remuneration conditions, identity of the employer when it is an APT temporary work permit).

Some occupations require degrees or certification.

As part of our consulting services, we can provide you with a complete list of the open occupations. Don't hesitate to contact us.

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