

STUDY 2020

**Attracting and Protecting Seasonal Workers
from third countries in France**

EMN France

July 2020

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Study conducted by EMN France

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LIST OF ACRONYMS

- ANEFA : National Association for Employment and Training in Agriculture (*Association nationale pour l'emploi et la formation dans l'agriculture*)
- CESEDA: Code on Entry and Residence of Foreigners and the Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
- DGEF: General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*)
- DGT : General Directorate for employment (*Direction générale du travail*)
- DIRECCTE: Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment (*Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi*)
- DIRRI : Directorate for Immigration, Return, Reintegration and International issues (*Direction pour l'immigration, le retour, la réinsertion et l'international*)
- DSED: Department for Statistics, Studies and Documentation (*Département des statistiques, études et de la documentation*)
- FNSEA : National Federation of Trade Unions of Agricultural Operators (*Fédération nationale des syndicats d'exploitants agricoles*)
- OCLTI : Central Office for Combating Illegal Employment (*Office central de lutte contre le travail illégal*)
- OFII: French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)

TABLE OF CONTENTS

| | |
|---|----|
| EXECUTIVE SUMMARY | 6 |
| Section 0: Impact of COVID-19 | 7 |
| Section 1: Profile of seasonal workers | 9 |
| Section 2: Attraction of seasonal workers to address labour market needs..... | 15 |
| Section 3: Protection and rights of seasonal workers..... | 24 |
| Section 4: Conclusions and lessons learned | 33 |
| ANNEXES | 35 |
| Annex 1: national statistics related to seasonal workers | 35 |
| Annex 2: List of people interviewed or who contributed to this Study | 36 |
| Annex 3: Bibliography..... | 37 |

Executive summary

Seasonal work is a form of recurrent temporary employment linked to periods of the year. It is concentrated in specific economic sectors, such as agriculture or tourism. In EU Member States, seasonal work can be carried out by both EU and non-EU nationals. The European Commission estimates that more than 100 000 seasonal workers from outside the EU come to the EU every year. As they represent an increasingly important means of meeting the needs of the labour market, the protection of their rights has received increasing attention from European and national policy-makers in recent years.

Directive 2014/36/EU of 26 February 2014 establishing the conditions of entry and residence of third-country nationals for the purpose of employment as seasonal workers, known as the Seasonal Workers Directive, represents an important development in that it aims to "contribute to the proper management of migration flows as regards the specific category of seasonal temporary immigration and to ensure decent working and living conditions for seasonal workers, by establishing fair and transparent rules on admission and residence and defining the rights of seasonal workers, while providing incentives and guarantees to ensure that the authorised period of stay is not exceeded or that a temporary stay does not turn into a permanent one".

The Directive also encourages the circular movement of seasonal workers between the EU and their country of origin with the introduction of a readmission procedure for future seasons.

The EMN study aims to present policies and measures to attract and protect seasonal workers who are third-country nationals in France, more than three years after the start of the application of the Seasonal Workers Directive adopted in 2014. It examines in particular the profile of seasonal workers, the different measures implemented to attract seasonal workers and the extent to which these workers meet the needs of the labour market, as well as access to the rights of seasonal workers in accordance with the Directive. As this study was carried out in the specific context of the Covid-19 pandemic, it analyses in the introductory section the impact of Covid-19 on the policy for the admission and residence of seasonal workers in France.

The study presents the situation and the regulatory changes that occurred during the year 2019, while also covering the political and legal developments over the last five years. The statistical data presented in the study covers the period 2016-2019.

The study concerns third-country nationals who enter and reside in an EU Member State for seasonal employment under the Seasonal Workers Directive. In a few cases, questions also concern workers who may be considered as seasonal workers but are not covered by the Directive because they have a different status with regard to temporary work or residence.

The study begins by presenting, in an introductory section, the admission procedure for seasonal workers who are third-country nationals in France. It then looks at the impact of the Covid-19 pandemic on the admission policy for seasonal workers in France and the measures put in place in this context. The following section describes the profile of seasonal workers, presenting in particular the main countries of origin of seasonal workers in France, the sectors of activity, and the periods of the year when the need for seasonal workers is greatest. The study then aims to present the measures aimed at attracting seasonal workers to meet labour market needs, identifying in particular the main challenges and examples of good practice. The last section is devoted to the analysis of access to rights for seasonal workers who are third-country nationals and the procedures to protect them. It examines the role of the different actors in charge of protecting the rights of seasonal workers, mechanisms for lodging complaints and sanctions against employers in the event of non-compliance with their obligations.

Section 0: Impact of COVID-19

a. Has the COVID-19 situation affected the seasonal workers admission policy of your Member State with regard to third-country nationals?

Yes

No

If yes, please explain how:

Due to the closure of borders, it was not possible to bring in third-country and European workers to take up seasonal jobs. The services competent for processing long-stay visas, residence permits and work permit applications had to close in order to comply with the health crisis provisions.

Thus, the Ministry of Agriculture estimated at the end of March 2020 that France would lack 200,000 workers in the next three months due to the lack of European and foreign national workers.

b. What measures regarding seasonal work have been taken or are planned as a result of the COVID-19 situation?

Please explain:

On March 24, 2020, the French Minister of Agriculture asked workers who lost their jobs because of the Covid-19 lockdown (closure of restaurants or shops, partial unemployment, etc.) to go to work in the agricultural sector.

The main trade union for the agricultural sector (FNSEA - *Fédération nationale des syndicats d'exploitants agricoles*) also discussed with the Gouvernement about specific measures related to work conditions during this period.

Dedicated websites for job advertisements

A dedicated website was created (*des bras pour nos assiettes*¹) by the farming sector at the beginning of the lockdown.

This platform Wizifarm² put for free the farmers' needs through the potential workers. Wizifarm explains that 'When an employee uploads the job position, the platform sends to them some profiles already selected through criteria of competencies, availabilities, localisation, qualifications and interest'. Employers can then contact workers directly through an intern mailbox.

Other sites related to the agricultural sector also provided for free all job advertisements related to this area.

According to the Minister of Agriculture during a press conference on 23 April 2020, this dedicated platform should continue after the end of the lockdown on 11 May. The Minister mentioned that 'More than 300,000 French workers have already registered on this platform <https://mission.wizi> created to find a solution to the lack of workers because of the pandemic. They also indicated that at this date of 23 April, 15,000 out of 300,000 persons registered already found a job in nearly 5,000 farms. They also mentioned that all farms do not need workers at the same time.

As of 11 May 2020, 15,000 contracts were signed thanks to this platform although this is not sufficient to answer all farms needs in the following months (according to the main French agriculture trade union).

A dedicated site was created³ with the support of the National Employment Agency (Pole Emploi) to put in contact employers and employees in the priority sectors (including agriculture) where there is a lack of employees due to the crisis.

Local initiatives

¹ <https://desbraspourtonassiette.wizi.farm>

² <https://mission.wizi.farm/>

³ <https://www.mobilisationemploi.gouv.fr/#/accueil>

Local initiatives can also be reported: for example in the Seine et Marne department (Paris region), thanks to a call for refugees launched by the Prefect in cooperation with the reception centers for refugees, more than 50 refugees accepted to work in local agriculture companies during the lockdown while respecting the labour law applicable to refugees

Simplified administrative procedures

From a labour law standpoint, hiring administrative procedures were simplified for newly hired workers, especially (totally or partially) unemployed workers because of the Covid 19 crisis and for third country seasonal workers already legally residing in France who could not come back to their country of origin.

Moreover because of the health crisis, a note dated 2 April 2020 simplified the process of filing and processing work permit applications for seasonal worker (extension of the first issued permit, filing of new applications by email, etc.).

Circular of 20 May 2020 related to the rules of entry of seasonal and seconded workers⁴

The French government published a circular on 20 May 2020⁵ regarding the possibility to hire EU seasonal workers and TCN seasonal workers legally residing in the EU provided their employers have performed all legal requirements and issued an employment contract and that the workers provide an international travel statement as seasonal workers and respect the sanitary conditions and restrictions (including a simplified quarantine period organized by the employer).

Brochures were drafted by local authorities to inform employers of the applicable sanitary conditions applicable to these workers.⁶

The website of the Minister of Agriculture and food⁷ also provides information on the entry conditions in France for seasonal workers during the Covid 19 pandemic.

Law of 17 June 2020: extension of the right to stay in France up to 9 months

A law dated 17 June 2020⁸ provides in its article 9 the possibility for seasonal workers legally residing in France as of 16 March to extend from 6 to 9 months the period of authorized work in France within a 12 months period.

⁴ <https://travail-emploi.gouv.fr/actualites/l-actualite-du-ministere/article/covid-19-travailleurs-saisonniers-ou-detaches-une-circulaire-fixe-les>

⁵ Note of the Prime Minister of 20 May 2020 related to seasonal and posted workers
<https://www.legifrance.gouv.fr/circulaire/id/44977>

⁶ <https://ssa.msa.fr/wp-content/uploads/2020/06/4-fiche-accueil-des-saisonniers-etranger-0620.pdf>

⁷ <https://agriculture.gouv.fr/covid-19-les-conditions-dentree-sur-le-territoire-des-travailleurs-saisonniers-agricoles>

⁸ Law n°2020-734 of 17 June 2020 related to various measures linked to the health crisis, other urgent measures as well as the UK's withdrawal from the EU
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000420070597>

Section 1: Profile of seasonal workers

Research Question 1: What is the profile of third-country national seasonal workers in the EU?

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for questions 2b, 11, 12 and 13.

Sub-questions:

1. Has your Member State admitted third-country seasonal workers under the Directive?

Yes

No

If no, please explain why.

The Seasonal Workers Directive has been transposed into national law through:

- Law No 2016-1088⁹ of 8 August 2016 on employment, modernisation of social dialogue and security of career paths (Article 86);
- Law No 2016-274 of 7 March 2016¹⁰ on the right of foreign nationals in France ;
- Decree No 2016-1456 of 28 October 2016¹¹ implementing Law No 2016-274 of 7 March 2016 laying down various provisions relating to the entry, residence and work of foreign nationals in France;
- Order of 28 October 2016¹² establishing the list of documents to provide for the exercise by a foreign national of a salaried activity.

The Law of 8 August 2016¹³, known as the Labour Act, improves the situation of seasonal workers through several measures, including a definition of the seasonal work and seasonality, which is included in the Labour Code: 'seasonal jobs whose tasks are to be repeated each year at a fixed frequency, depending on the calendar of seasons or collective lifestyles'.

Article L. 1242-2 (3) of the Labour Code defines seasonal work as 'Seasonal employment, whose tasks are to be repeated every year at roughly fixed intervals, depending on the passing of seasons or collective lifestyles or positions for which, in certain sectors of activity defined by decree or by an agreement or an extensive collective labour agreement , it is common practice not to make use of an indefinite-term employment contract because of the nature of the activity carried out and the temporary nature of those jobs. Where the duration of the employment contract is less than one month, a single payslip shall be issued by the employer'.

In 2019, 5,594 'seasonal worker' residence permits were issued¹⁴.

2. What are the sectors covered by the Seasonal Workers Directive in your Member State?

Please explain.

a. In which sector(s) were seasonal workers mostly employed in 2018?

Please explain.

Statistical data by sector of activity are not collected. It is therefore not possible to provide precise information on the distribution of seasonal workers by sector of activity.

⁹ Law n° 2016-1088 of 8 August 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032983213&categorieLien=id>

¹⁰ Law n° 2016-274 of 7 March 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264&categorieLien=id>

¹¹ Decree n° 2016-1456 of 28 October 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033317557&categorieLien=id>

¹² Order of 28 October 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033318539&categorieLien=id>

¹³ Law n° 2016-1088 of 8 August 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032983213&categorieLien=id>

¹⁴ See in annex, statistical data provided by the division of statistics within the Department of Statistics, studies and documentation, General Directorate for foreign nationals in France

In 2019, the Directorate for Research, Studies and Statistics (*Direction de l'Animation, de la recherche, des études et des statistiques* - DARES) published a study on seasonal work in France¹⁵. This study is based on the use of employees social declarations between April 2018 and March 2019. It is important to mention that it does not distinguish between nationals and third country nationals and therefore does not allow for the identification of the main sectors of activity of foreign seasonal workers. However, it provides an overview of the profile of seasonal workers in France. In particular, it presents the main sectors concerned: agriculture (more than a quarter of seasonal workers) and tourism-related activities (almost half of seasonal workers), catering, accommodation and leisure.

b. Are there sectors of seasonal work that are not covered by the Directive?

Yes

No

If yes, please explain.

Article 13 of the Seasonal Workers Directive describes the sectors of employment that include activities that are dependent on the passing of the seasons: 'agriculture and horticulture, particularly during the planting or harvesting period, or tourism, especially during holiday periods'.

Article L. 1242-2 (3) of the Labour Code defines seasonal work as 'employment of a seasonal nature whose tasks are to be repeated each year at roughly fixed intervals, depending on the passing of the seasons or collective lifestyles or uses for which, in certain sectors of activity defined by decree or by an agreement or an extensive collective labour agreement, it is common practice not to make use of an indefinite-term employment contract because of the nature of the activity carried out and the temporary nature of those jobs'.

The scope of the sectors of activity of seasonal work is therefore broad.

3. What were the top-5 countries of origin of seasonal workers in your Member State in 2018?

Please list the top-5 countries of origin in 2018 for the number of authorisations granted for seasonal workers in line with the Directive (this can include both visas and residence permits). If applicable, please comment on any specific observations or trends with regard to the country of origin (e.g. that seasonal workers from a specific third country are particularly prevalent in a certain sector).

In 2018, 3,389 first residence permits for seasonal (or temporary) workers were issued in France. The top 5 countries of origin are: Morocco (1,547 documents issued), Mali (329), Guinea (313), Tunisia (252) and Côte d'Ivoire (218)¹⁶.

In 2019, 5,594 first residence permits for seasonal (or temporary) workers were issued. The top 5 countries of origin are: Morocco (2,611 documents issued), Guinea (641), May (510), Tunisia (455) and Côte d'Ivoire (413).

Morocco and Tunisia, with whom France has concluded bilateral agreements to attract seasonal workers, are among the top five countries of origin for seasonal workers in France (see Q22).

It is important to note that it is not possible to provide data by sex or by sector from residence permits issued to seasonal workers. In addition, it is not possible to cross-check the information between the data on residence permits and data on work permits in so far as residence permits for seasonal workers are issued for a period of three years, whereas work permits are issued for the duration of the employment

¹⁵ DARES, « Quelle place occupe l'emploi saisonnier en France ? », Dares Analyses n°057, décembre 2019.
<https://dares.travail-emploi.gouv.fr/dares-etudes-et-statistiques/etudes-et-syntheses/dares-analyses-dares-indicateurs-dares-resultats/article/quelle-place-occupe-l-emploi-saisonnier-en-france>

¹⁶ Source : Division of statistics within the Department of Statistics, studies and documentation, General Directorate for foreign nationals in France

contract (minimum three months and a maximum of six months over a period of 12 months). Consequently, a seasonal worker may obtain several work permits during the period of validity of their residence permit.

4. What was the main age group of seasonal workers who received an authorisation in 2018 in your Member State?

Please state the main age group. If applicable, please comment on any specific observations or trends with regard to the age group.

Statistical data by age bracket are not available (see Q3).

5. What was the gender distribution of seasonal workers who received an authorisation in 2018 in your Member State?

Please explain. If applicable, please comment on any specific observations or trends with regard to gender distribution (e.g. that mostly men are employed in the agricultural sector?)

Statistical data by gender are not available (see Q3).

6. Does your Member State have a minimum salary set in law?

Yes

No

If yes, please state the amount (in euros):

The current hourly gross minimum salary (SMIC) for 2020 is EUR 10.15 (a net hourly amount of EUR 8.03)¹⁷. The gross monthly amount is EUR 1 539.42.

This amount applies to all sectors of activity, except in case of a specific collective agreement.

7. What was the average/minimum salary of seasonal workers in 2018?

Please describe. If applicable, please comment on any specific observations or trends with regard to the average/minimum salary.

In 2018, the gross hourly wage was EUR 9.88¹⁸ (a gross monthly amount of EUR 1,498.47).

In the case of a collective agreement, a conventional minimum wage is generally provided for, in principle higher than the SMIC, and in some cases premiums may be added.

8. What was the average duration of stay of third-country nationals who were granted authorisation for seasonal work in 2018 in your Member State?

Please describe. If applicable, please comment on any specific observations or trends with regard to the duration of stay.

Information not available.

9. Is there a specific period of the year where there is more need for seasonal workers?

Yes

No

¹⁷ Decree n° 2019-1387 of 18 December 2019 regarding the increase in the minimum wage.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000039638018>

¹⁸ Decree n° 2017-1719 of 20 December 2017 regarding the increase in the minimum wage.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036240563&categorieLien=id>

If yes, which period is this (e.g. spring, summer, autumn, winter)?

According to the sectors, but also according to the regions, the use of seasonal work is more marked in certain periods of the year, especially during the summer period.

As far as the agricultural sector is concerned, the DARES study¹⁹ states that 'if this sector uses seasonal work throughout the year, its use is much more intensive in July and August, mainly for growing vegetables and fruits, and in September for the cultivation of fruit, particularly vines'.

As regards to activities in the catering, accommodation and tourism sectors, the study points out that coastal and mountain regions are logically most concerned, depending on the season: 'In the spring-summer period, seasonal work is most common on the coast (25 % on the Mediterranean coast, 14 % on the Atlantic coast, 7 % in Brittany) and, to a lesser extent, in mountain areas (12 % in the Alps, 4 % in the Pyrenees). Conversely, in autumn and winter, the volume of seasonal work relates primarily to mountain areas (32 % in the Alps, 5 % in the Pyrenees), although it remains important on the coast (15 % in the Mediterranean, for example)²⁰.

In some regions, the use of seasonal work is frequent and fairly stable throughout the year, as is the case in the Paris region (6 % in spring-summer, 7 % in autumn and winter).

Finally, the trade sector is not subject to seasonal variability.

These elements apply regardless of the worker's nationality.

10. Does your Member State collect information about the skills level of seasonal workers (for example information on education or qualification level, language level or level of experience of the seasonal workers)?

Yes

No

If yes, what was the average skills level in 2018 (e.g. low-, medium-, or highly-skilled)? If applicable, please comment on any specific observations or trends with regard to the skills level.

Aggregate statistical data per skill level is not available.

11. Are there any alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive? Please only consider those categories of seasonal workers which show the same characteristics, or very similar ones, as those covered by the Directive (duration of stay in Member State, cyclical nature of their work, main residence outside the Member State, etc.)?

Yes

No

If yes, what percentage (roughly) of seasonal workers in your Member State are covered through these alternative categories?

There are no other categories of migrant workers performing a cyclical activity and which are not covered by the Seasonal Workers Directive.

On the other hand, third country nationals holding other residence permits such as ten-year residence cards, residence permits for 'private and family life' and residence permits for studies are authorized to perform seasonal work in France, under certain conditions, without the need to apply for a new work permit.

¹⁹ DARES, « Quelle place occupe l'emploi saisonnier en France ? », *op. cit.*

²⁰ *Idem*

12. If applicable, what are the main differences between those migrant workers covered by the Seasonal Workers Directive and those not covered by the Directive in terms of their background information (age, gender, country of origin)?

Please explain:

Not applicable.

13. In your Member State, are seasonal work activities known to be performed by irregular migrants?

Yes

No

If yes, is there data/information available on the magnitude and the characteristics of the seasonal work activities performed by irregular migrants? Please explain.

In the light of the cases dealt with and the feedback from the competent authorities, the seasonal activities in France do not appear to be carried out more specifically by third-country nationals who are illegally present on the national territory. However, it is not possible to have a comprehensive view of the phenomenon²¹.

The Labour Inspectorate considers that seasonal activities are largely carried out in the agricultural sector. These seasonal activities are carried out partially, not by seasonal workers as defined by the Labour Code (jobs of a seasonal nature, whose tasks are to be repeated each year at roughly fixed intervals, depending on the calendar of the seasons or collective lifestyles or jobs for which, in certain sectors of activity defined by decree or by an agreement or an extensive collective labour agreement), but by posted workers under Directive 96/71 of 16 December 1996 concerning the posting of workers in the framework of the provision of services, and often in the context of temporary work. Employees may have dual nationality (EU and third countries). However, this does not mean that they are in an irregular situation with regards both to the legislation on the work permit and to the legislation on the right of residence. We do not have information on the volume and characteristics of seasonal work carried out by illegally staying foreigners²².

Different actions are taken to prevent irregular migration. Since seasonal workers are obliged to maintain their habitual residence outside France, they must declare their return when they leave French territory. Under the agreements concluded with Morocco and Tunisia, seasonal workers must certify their return to Morocco or Tunisia to the foreign representations of the French Office for Immigration and Integration (OFII) at the end of their employment contract in France²³, so as to avoid the illegal stay on French soil. This "clocking in/out", carried out at the initiative of the seasonal workers, is a condition for any subsequent contract.

If the overstay is proved, the Prefect sends a letter to the seasonal worker notifying them of their intention to withdraw their residence permit. In the absence of a reply, the withdrawal of the residence permit will be possible. The OFII and the Departmental Unit of the Regional Directorate of Enterprise, Competition, Consumer Affairs, Labour and Employment (DIRECCTE) are informed of the decision so that a new contract cannot be validated for this seasonal worker²⁴.

In Tunisia, the vast majority of stakeholders respect the time limits (95 % on average). The few defections may result from an exceptional change in status (after obtaining an indefinite term employment contract), regularisation by marriage, and death of which the OFII is not necessarily aware. Similarly, those who decide to retire do not always see the need to report their return. The high return rate is also explained by the

²¹ Questionnaire completed by a representative of the Central Office for Combating Illegal Employment (OCLTI), July 2020

²² Questionnaire completed by a representative of the General Directorate for Employment (DGT) within the Ministry for employment, July 2020

²³ The work permit for seasonal workers is limited to 6 months within a 12-month period

²⁴ Questionnaire completed by representatives of the Directorate for Immigration, Return, Reintegration and International issues (DIRRI), within the OFII, July 2020

information provided at the beginning of the procedure by OFII staff to seasonal workers before their departure²⁵.

In Morocco, the rate of return is 95 % for seasonal workers recruited in 2019 and 96 % for 2018.

²⁵ Questionnaire completed by representatives of the Directorate for Immigration, Return, Reintegration and International issues (DIRRI) and of the OFII foreign representation in Tunisia July 2020.

Section 2: Attraction of seasonal workers to address labour market needs

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for question 19.

Sub-questions:

14. Is the entry and stay of seasonal workers from third countries part of your overall migration policy?

Yes

No

Please explain.

See Q1.

The law of 24 July 2006²⁶ introduced the "seasonal worker" multi-year residence permit, valid for three years and renewable. The law of 7 March 2016²⁷ on foreign nationals' rights transposed the common framework for the conditions of entry and residence of seasonal workers who are nationals of third countries established by Directive 2014/36/EU.²⁸

15. Did your Member State develop measures to attract seasonal workers?

Yes

No

If yes, how is this done? Please briefly explain

France has concluded bilateral agreements with third countries (Morocco and Tunisia) to attract seasonal workers to its territory (see Q22).

Actions to attract seasonal workers are also carried out by the federations and the various stakeholders specialised in the employment of seasonal workers in the sectors of activity concerned. The National Association for Employment and Training in Agriculture (ANEFA), for example, published in March 2020 an information booklet, '#dare to do agriculture'²⁹, (#ose l'agriculture), available in several languages (French, English, Spanish, Polish, Arabic), which provides all information on recruitment, seasonal workers' rights, and all useful contacts.

16. Does your Member State rely on seasonal workers from third countries to fill labour market needs?

Yes

No

Please explain.

²⁶ Law n° 2006-911 of 24 July 2006 relating to immigration and integration.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000266495>

²⁷ Law n° 2016-274 of 7 March 2016 relating to foreign nationals' right in France.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264&categorieLien=id>

²⁸ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0036&from=EN>

²⁹ <http://www.anefa.org/actualite/le-livret-ose-laagriculture-emploi-saisonnier>

a. If yes, for which sectors and what are these labour market needs? Please explain.

The Covid-19 pandemic stressed the importance of foreign seasonal workers, especially in agriculture. An instruction of the Prime Minister published on 20 May 2020³⁰ authorises, under conditions, the return of foreign agricultural seasonal workers to the French soil (see Section 0). The National Federation of Trade Unions of Agricultural Operators (FNSEA)³¹ pointed out that this measure was particularly expected by farmers because of a lack of workforce. Despite all the initiatives put in place by the agricultural sector and the public authorities to mobilise the local workforce, the specific nature of the agricultural works which, for many posts, require particular technical and physical skills, have led French producers to look for the return of foreign specialists. In order to be eligible to enter France from 20 May 2020 until mid-June, the end of the lockdown measures, such seasonal workers must provide a certificate of movement and a declaration prior to recruitment or an employment contract under French law. The employer was obliged to inform and protect employees in strict compliance with health measures. About 100,000 foreign seasonal workers, out of the 300,000 hired each year, were expected in the months following this measure according to FNSEA.

b. Did the migration of seasonal workers who came to your Member State between 2016-2019 help to address the labour market needs of your Member State?

Yes

No

To some extent in the agricultural sector

Please explain.

The arrival of seasonal workers in France allows to meet the needs of the labour market, mainly in the agricultural and tourist sectors and in specific territories. In 2018, two departments (the Vaucluse and the Bouches du Rhône) hosted 48 % of third-country national seasonal workers.

17. Does your Member State implement an annual quota for seasonal workers?

Yes

No

There is no quota at the national level, but some quotas have been set, for example for countries in the framework of bilateral agreements.

a. If yes, is this a general quota or is it applied to specific sectors or to certain third countries?

Please explain.

Quotas have been established under bilateral agreements with third countries. For example, in the framework of the Franco-Tunisian Framework Agreement of 28 April 2008 on the concerted management of migration and development and its protocol on the concerted management of migration, the quota is set at 2,500 per year for all sectors.

Under these agreements, a specific admission procedure applies to seasonal workers who are Morocco and Tunisia nationals, resulting in a pre-selection of candidates, managed by Morocco and Tunisia. An anonymous procedure has also been set up for Moroccan nationals. It consists of the recruitment of workers exclusively on the basis of professional criteria in order to combat illegal migration (Circular of 26 July 2010).³²

³⁰ Note of the Prime Minister of 20 May 2020 related to seasonal and posted workers.

http://circulaires.legifrance.gouv.fr/pdf/2020/05/cir_44977.pdf

³¹ <https://www.fnsea.fr/actualite/C3%A9s/le-fil-agricole-n10/>

³² Circular NOR : IMIM1000118C of 26 July 2010 related to seasonal agricultural workers for the 2010 campaign. https://www.immigration.interieur.gouv.fr/content/download/34646/260008/file/22_IMIM1000118C.pdf

b. If yes, was this quota fulfilled between 2016-2019?

- Yes
No

Information not available.

18. What was the average processing time and costs (in euros) for applications from third-country nationals for the purpose of carrying out seasonal work in 2018?

Please explain.

Taxes and duties paid by foreign nationals 'seasonal workers are as follows:

Long stay visas issued to foreign seasonal workers are free of charge under Decree 81-778 of 13 August 1981 fixing the tariffs to be charged in diplomatic and consular passports;³³

Rights in relation to short-stay visas are covered by the Community Code on Visas (CCV). Since 2 February 2020, they amount to EUR 80 (previously EUR 60).

In the case of first entry, the amount to be paid in respect of a request for a multi-annual residence permit for seasonal worker is EUR 75 (tax of EUR 50 + EUR 25 stamp duty),

In the case of the renewal of a previous residence permit (including a change of status), the amount to be paid is EUR 75 (tax of EUR 50 + EUR 25 stamp duty).

The average processing time for a seasonal visa application is less than 10 days from the submission of a complete file in a consular post.

As regards to the issuance of the seasonal worker residence permit once in France, there is no statistical information available regarding this information.

19. If your Member State has alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive (see question 11):

There are no other categories of migrant workers performing a cyclical activity and who are not covered by the Seasonal Workers Directive.

a. Does your Member State have one or more specific national schemes to cover these categories?

- Yes
No

Please briefly explain.

Not available.

b. What is the reason for the existence of such specific national schemes? I.e. Why are employers more likely to use these national schemes instead of the one established in the Directive?

Please briefly explain.

Not available.

³³ Decree n° 81-778 of 13 August 1981 fixing the tariffs to be charged in diplomatic and consular passports.
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000335104>

20. Does your Member State apply a labour market test to seasonal workers?

Yes

No

Please briefly explain.

As part of the procedure for a work permit application, the employer must provide the DIRECCTE with documents proving the research carried out to recruit a candidate who is already on the labour market.

The situation of employment is one of the factors taken into account by the Prefect in order to grant or refuse a work permit.

Article R. 5221-20 (1) of the Labour Code states: 'The employment situation in the profession and in the geographical area for which the application is made, taking into account the specific characteristics required for that post, and the research already carried out by the employer on the entities involved in the public employment service in order to recruit a candidate who is already on the labour market'.

21. Does your Member State facilitate the re-entry of seasonal workers?

Yes

No

If yes, how is this done? Please briefly explain.

Article 16 of the Seasonal Workers Directive provides that Member States shall facilitate the new entry of third country nationals who have been admitted to the Member States as seasonal workers at least once during the previous five years and have fully respected the conditions applicable to seasonal workers under this Directive at each of their stays. The facilitation may include the following measures: exemption to provide certain required documents, issuance of several seasonal work permits under a single administrative act, an accelerated procedure for applying for a seasonal work permit or a long-stay visa, the priority examination of applications for admission as a seasonal worker.

In France, the multi-annual residence permit d "seasonal worker" is valid for three years and is renewable.³⁴ It entitles the holder to reside and work in France during the period (s) which it sets and which cannot exceed a cumulative duration of six months per year (Article L. 313-23 of the CESEDA). Within the permitted six-month period, the holder of a 'seasonal worker' multi-annual residence permit may renew their employment contract or conclude a new seasonal employment contract in France.³⁵ As such, the employer is required to apply for a new work permit, for each new contract, from the competent Departmental Unit of the Regional Directorate of Enterprise, Competition, Consumer Affairs, Labour and Employment (DIRECCTE). In the case of an application for the renewal of the multi-annual residence permit, that request shall not depend on the presentation of a contract with a duration of at least three months (a contract with a duration of at least three months shall be required only for the first issuance).

The multiannual character of the 'seasonal worker' residence permit facilitates the entry of third country nationals who have been admitted to the Member States as seasonal workers. This simplifies the administrative formalities, while promoting the mobility of third country national seasonal workers.

22. Does your Member State cooperate with third countries to attract seasonal workers (e.g. bilateral or multilateral agreements)?

Yes

No

³⁴ The conditions for renewal are laid down in articles R. 313-81 et R. 313-82 of the CESEDA.

³⁵ Due to the Covi-19 coronavirus pandemic, the foreign nationals present in France on 16 March 2020 and having a multi-annual residence card "seasonal worker" benefits from a derogation regime. They may stay and work in France during the period or periods set out in the residence card. Such periods may not exceed a cumulative period of **nine months per year**.

Please briefly explain.

France has concluded bilateral agreements with third countries to attract seasonal workers to its territory.

The Franco-Tunisian framework agreement of 28 April 2008 on the concerted management of migration and development and its protocol on the concerted management of migration provides, *inter alia*, for the issuance of a multi-annual residence permit valid for 3 years provided that they maintain their place of residence outside France and exercise their professional activity within the limit of six months per year. The quota is set at 2,500 per year.

The Franco-Moroccan labour force agreement of 1 June 1963 is intended to facilitate the recruitment of Moroccans who wish to work in France. The French Government undertakes to provide detailed information on the needs of Moroccan labour at least once a year. The Moroccan authorities provide to the French authorities the availability of the Moroccan workers who are candidates for emigration to France.

In addition, France also plans to establish several 'pilot projects' with third countries, particularly in the field of hotel sector with Morocco.³⁶

Labour agreements between France and Tunisia and France and Morocco facilitate the recruitment of seasonal workers.

In accordance with Article 5 of the Agreement between France and Tunisia and Article 6 of the Franco-Tunisian Agreement, only the costs of transport from the point of disembarkation in France to the place of work are covered by the OFII, for all seasonal workers, whether they are first migrants or already hold the 'seasonal worker' multi year residence permit.

Arrangements for the reimbursement of these transport costs have been established: Reimbursement will be made only when the seasonal worker is returned. This will enable, as a result, better monitoring of the effective return of the seasonal worker after their employment in France. Reimbursement may be made only upon presentation of proof of transport.³⁷

The role of the OFII representations in Morocco and Tunisia:

The OFII representation in Tunisia manages the procedure for the introduction of Tunisian seasonal workers since the receipt of the work permits, the medical check-up if necessary, until the introduction in France. Tunisian seasonal workers must attend the OFII representation in Tunisia to inform of their return. In 2018, 95 % of them registered their return to Tunisia.³⁸

As regards Morocco, the two procedures for the recruitment of Moroccan seasonal workers are those described in the Circular of 26 July 2010 on seasonal workers in agriculture.³⁹:

Direct recruitment: The employer asks the DIRECCTE for the introduction of identified seasonal workers, the DIRECCTE addresses the approved files to the OFII representation in Morocco, and it launches the procedure with the Casablanca Consulate General;

And indirect recruitment: The employer asks the DIRECCTE agreement in principle, on the introduction of a certain number of seasonal workers, the DIRECCTE sends its agreement in principle to the OFII representation in Morocco, and the latter launches the procedure for identifying the beneficiaries from the anonymous CV portfolio.

The nominative procedure concerns most of the recruitment of seasonal workers. Only the department of Haute Corse uses the procedure known as the anonymous CV for part of its needs (the Clémentine campaign from November to December for short contracts from 2 to 3 months).⁴⁰

³⁶ Questionnaire completed by representatives of the office for EU law and international agreements, sub-directorate for stay and employment, General Directorate for Foreign Nationals in France, July 2020.

³⁷ Questionnaire completed by representatives of the DIRRI, OFII, July 2020.

³⁸ Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Tunisia, July 2020.

³⁹ Circular NOR : IMIM1000118C of 26 July 2010

https://www.immigration.interieur.gouv.fr/content/download/34646/260008/file/22_IMIM1000118C.pdf

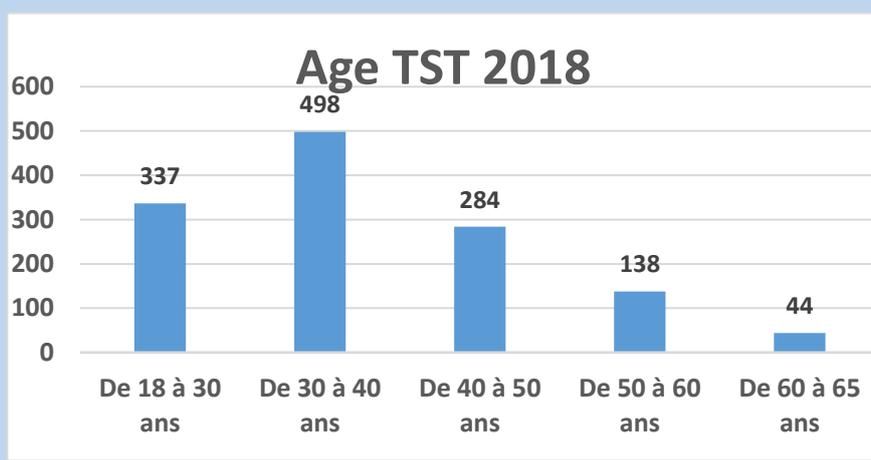
⁴⁰ Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Morocco, July 2020.

The profile of Tunisian seasonal workers in France in 2018⁴¹

1,301 seasonal workers came to France in 2018, an increase of 10 % compared to 2017.

95 % of the Tunisian seasonal workers work in agricultural seasonal and the rest is in the tourism sector.

Figure 1: Distribution by age group of Tunisian seasonal workers in 2018



Two-thirds (64 %) of the Tunisian seasonal workers are between 18 and 40 years old (**38 % between 30 and 40 years old and 26 % between 18 and 30**).

Seasonal workers are **almost exclusively male** (1,288 men in 2018, or 99 %). In 2018, 10 women were placed in the hotel sector and 3 women in the agricultural sector.

As regards the average length of stay, **52 % of Tunisian seasonal workers received a six-month contract**, 32 % a four-month contract and 15 % a five-month contract. 141 contracts were extended, of which 84 (59 %) were extended for one month.

The period of activity was concentrated between **March and May**, i.e. 767 Tunisian seasonal workers during that period.

There are **specific migratory pathways for Tunisian seasonal workers**: Almost two out of three OFII seasonal workers are from the **Jendouba or Mahdia governorates**. In nine out of ten cases, the seasonal worker will occupy **a job in Drôme, Vaucluse or Bouches-du-Rhône**. Two elements can be raised to explain the existence of these inter-regional migratory patterns. On the one hand, these **migration flows are old**, the regions of origin in Tunisia and employment in France are traditionally connected. Tunisian workers thus provide financial support to their families in the region of origin. On the other hand, **the link is amplified by a phenomenon of 'word of mouth'** between the workers who already left and potential interested parties, making it possible to communicate the opportunities for seasonal work in the hexagon.

The importance of relationships established over the years between employers and employees can also be highlighted. Some farmers have been calling on Tunisian seasonal workers for several decades. Characterised by trust and loyalty, the relationship between employers and employees is transmitted from one generation to the next. The seasonal worker who will leave will be replaced by a relative — brother, son or nephew — to whom they give their support and experience. Sometimes they organise a handover season.

⁴¹ Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Tunisia, July 2020.

The profile of Moroccan seasonal workers in France in 2018-2019⁴²

Between 2018 and 2019, there was a **29 % increase in the flow of seasonal workers**, driven by strong demand in several regions, in particular in Provence-Alpes-Côte d'Azur (PACA), Occitanie and Nouvelle-Aquitaine (6,350 Moroccan seasonal in 2018).

70 % of seasonal workers are employed in **PACA and Corsica**.

97 % were employed by **1,130 farmers**.

In 2018, 33 % of Moroccan seasonal workers were between 30 and 40 years old, 28 % between 40 and 50, and 20 % between 18 and 30. The age structure of the flow in 2018 and 2019 shows a **significant proportion of experienced employees, as well as a trend towards a rejuvenation (generational renewal) of this flow**.

98 % of Moroccan seasonal workers are men. This proportion is stable. The few female seasonal workers are not working in the fields but in the fruit and vegetable packaging units.

In 2019, as in 2018, 92 % of the contracts of employment lasted from four to six months.

Almost three quarters of seasonal workers come from **two regions of Morocco** (Fès-Meknès: 54 % and Oriental: 18 %).

The most important months are **April and October, with 16 % and 14 % respectively of the overall flow of Moroccan seasonal workers**, followed by March, June and July each year, with 10 % each.

23. Who are the relevant actors in attracting seasonal workers (e.g. recruitment agencies)?

Please briefly explain.

In particular, measures have been put in place in the framework of Franco-Moroccan cooperation.

- **Example of an action described by the OFII representation in Morocco:**⁴³

The development of the scheme of seasonal workers and more generally of circular migration is one of the objectives validated by the Franco-Moroccan permanent migration group (bilateral forum for dialogue on migration issues). Thus, it is planned to:

- **promote the scheme of seasonal workers in regions where they usually do not or rarely use it.** Contacts were organised, under the aegis of the General Directorate for foreign nationals in France within the ministry of the Interior, during 2019, with farmers' federations (fruits and vegetables) in several regions (New Aquitaine, Pays de la Loire, Bretagne, Centre), in the presence of representatives of the Moroccan Ministry of Labour and Vocational Integration, ANAPEC (Moroccan Employment Centre), and OFII.
- **Extend the scheme of seasonal workers to other sectors of activity.** At the end of 2019, ANAPEC and the federation of hotel trades and industries (UMIH – *union des métiers et des industries de l'hôtellerie*) agreed to launch a pilot project for professional migration in the hotel sector (500 to 1,000 seasonal staff distributed between the services in the kitchen, in rooms and in restaurants) in six French departments (Finistère, Morbihan, Loire-Atlantique, Gironde, Landes and Pyrénées Atlantiques). Initial training was to be provided by the Moroccan side, a certification was issued by the French stakeholder at the end of the contract. The project expected to start in the second half of 2020 is postponed due to the Covid-19 pandemic.
- **Develop a draft partnership convention between OFII and ANAPEC.** The principle was decided at the meeting between the Directors-General of the OFII and ANAPEC (February 2020). The Convention

⁴² Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Morocco, July 2020.

⁴³ Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Morocco, July 2020.

will formalise significant practical cooperation between the two entities in the areas of labour migration (recruitment of seasonal workers, young professionals) and reintegration of returned Moroccans.

- **Example of an action described by the OFII representation in Tunisia:**⁴⁴

In the Agreement on the Concerted Management of Migration signed in April 2008, the two parties undertake to combine their efforts in order to facilitate the issue of the 'seasonal worker' residence permit **to 2,500 Tunisian nationals** each year. The number of seasonal workers was 807 at the beginning of the project. This is the starting point for a steady increase (+ 90 % between 2008 and 2019), but still leaves scope for further increase (1,530 in 2019).

At the last Steering Committees of the Cooperation Agreement on Migration, the OFII and the *Agence Tunisienne pour l'Emploi et le travail indépendant* (ANETI) were asked **to increase their cooperation in order to reach the ceiling**, since this category of professionals has few risks of overstaying. The two institutions wrote together a **technical cooperation project** in autumn 2019, including the issue of seasonal work, which will enable the mobilisation of many relevant actors, including **local and regional authorities as well as business federations**. This project found **EU funding** through the Emergency Trust Fund for stability and fight against deep causes of irregular migration in Africa (FFU). It was validated by the operational committee on 26 June 2020 and its implementation should start in January 2021, at the end of the contractualisation period. Planned activities are as follows: updating and promoting measures for seasonal work, providing operators with operational tools, communicating and prospecting and trying out placement.

24. How are employers informed about the procedure for hiring seasonal workers?

Please briefly explain. If applicable, please also mention any support provided to employers to hire seasonal workers.

All information relating to the conditions of seasonal workers' entry and residence is available on the 'service-public.fr' website, which is the general portal of the French administration to inform the public about their rights and procedures online. The website of the Ministry of Labour, as well as the website of the Ministry of the Interior and of the OFII, are also a source of information on the foreign seasonal workers' recruitment.

Information is also disseminated on dedicated sites such as the agricultural social mutual fund "Mutualité Sociale Agricole" (MSA).

25. Can seasonal workers apply for a change of status while they are in your Member State for the purpose of seasonal work (i.e. if they find another job, a permanent contract, etc)?

Yes
No

If yes, please explain.

Third country seasonal workers do not intend to settle permanently in France. Their stay in France is limited to the conclusion of an employment contract for a seasonal activity, within the limit of six months per twelve-month period. They keep their habitual residence in their country of origin pursuant to Article L. 313-23 of the CESEDA. They may therefore not apply for a change of status.

If the person concerned wishes to change their status in order to work permanently with an employer, they must file an application with the French consulate in their country of origin in accordance with the ordinary law procedure.

⁴⁴ Questionnaire completed by representatives of the DIRRI and of the OFII foreign representation in Tunisia, July 2020.

26. Has your Member State carried out an evaluation of the implementation of the Seasonal workers Directive at national level? If so, did it conclude anything as to whether the introduced measures were sufficient in attracting seasonal workers?

Yes

No

Please explain.

27. Is your Member State aware of any misuse (e.g. employers hiring third-country seasonal workers for non-seasonal work) in the application of the Directive?

Yes

No

Please briefly explain.

The Central Office for Combating Illegal Employment (OCLTI) has had to deal with situations of abuse of seasonal workers, mainly in agriculture, viticulture and forestry, and to a lesser extent in tourism (ski instructors, car drivers).⁴⁵

In the same way, according to the information provided by the General Directorate of Employment (DGT), the labor inspection system is aware of situations of violation of fundamental rights (remuneration unrelated to the work performed, accommodation contrary to human dignity, undeclared work, illegal lending of labor, bargaining, employment of foreigners without the work permit) of workers coming from countries outside the EU, employed for seasonal activities either in direct employment by employers established in France, or within the framework of posting under Directive N°96/71 of December 16, 1996.

28. Are there any good practice examples in relation to the attraction of seasonal workers in your Member State?

Yes

No

Please briefly explain.

Examples of good practice include:

- The **multiannual nature of the 'seasonal worker' multi year residence permit**, which simplifies administrative procedures and facilitates the readmission of third country national seasonal workers;
- **Bilateral agreements with Morocco and Tunisia to attract seasonal workers to France** (see Q22);
- **The relationships of trust and loyalty created between employers and employees over the years**, as highlighted by the example of Tunisian seasonal workers and some French farmers (see box on the profile of Tunisian seasonal workers in Q22).

⁴⁵ Questionnaire completed by a representative of the OCLTI, July 2020.

Section 3: Protection and rights of seasonal workers

Please note that all questions in this section refer to seasonal workers covered by the Directive, except question 39 and 40.

29. Does your Member State apply restrictions to the equal treatment between seasonal workers from third countries and nationals of your Member State who carry out comparable employment activities, particularly with regard to:

a. Family benefits;

Yes

No

If yes, please briefly explain.

Third countries seasonal workers undertake to maintain their habitual residence outside France (article L313-23 of the CESEDA). As a result, they cannot benefit from family reunification schemes and therefore from the related family benefits. In fact, eligibility for social benefits and assistance is subject to proof of lawful residence in France, to be assessed on the basis of a list of residence permits established by regulation for each benefit.

In addition, this stay in France must also be stable/durable. Pursuant to Article R. 111-2 of the Social Security Code, persons who stay in France for more than six months during the calendar year in which the benefits are paid are deemed to have their principal place of residence in France. This does not include seasonal workers whose stay cannot exceed six months.

b. Unemployment benefits;

Yes

No

If yes, please briefly explain.

Articles R. 5221-47 and 48 of the Labour Code list the residence permits required by the French national employment agency (*Pôle emploi*) in order to register on the list of jobseekers. The residence permit 'seasonal worker' is not included in this list because of the limited length of stay and the fact that the residence is not established in France.

c. Educational and vocational training not linked to the specific employment activity;

Yes

No

If yes, please briefly explain.

Each employer participates in the continuing vocational training of its employees through a contribution paid to the accredited fund-collecting agencies⁴⁶ which finance the training activities of seasonal workers.

⁴⁶ OPCA (Approved Organisations run jointly by employers and unions : *organismes collecteurs paritaires agréés*) and OPACIF (Approved Organisations competent for the individual right to training: *organisme paritaire collecteur agréé au titre du congé individuel de formation*)

The individual right to training (lifelong training) allows a seasonal worker, who has worked for four months consecutive or not, in the past 12 months, to benefit from an aggregation of hours for the completion of vocational training courses which are compensated outside the working time, unless otherwise specified in the contract.

The hours acquired under this right can be cumulated during six years, 20 hours per year within the limit of 120 hours, for a full-time permanent employee. Therefore, the number of hours acquired by the seasonal allowance related to this right to training is calculated in proportion to the duration of the fixed-term contracts.

At the end of their fixed-term contract, the seasonal worker keeps the hours acquired and benefits from the portability of its right, which enables them to use it when they go to work for another employer.

Individual training leave — fixed-term contracts — allows a seasonal employee, who has worked for at least 24 months over a period of five years, including four consecutive months or not, out of the last 12 months — to benefit, in principle, from an authorisation to leave in order to undergo training or pass an examination in order to validate their skills. In practice, such leave takes place outside the period of the employment contract. The training course can start 12 months after the end of the contract.

However, the limited length of stay in France (6 months in any 12-month period) and exclusively for the purpose of seasonal employment and the fact that the residence of the seasonal worker is not established in France does not allow seasonal workers to benefit from the professional training.

d. Tax benefits in cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, does not lie in the territory of the Member State concerned.

Yes
No

If yes, please briefly explain.

Since seasonal workers have not established their residence in France, that their family does not reside in France but in the country of origin, that the length of stay in France is limited to 6 months in any 12-month period, the tax authorities should consider that the worker's residence for tax purposes is not established in France subject to bilateral agreements and individual situations.

e. Are there any practical difficulties to ensuring equal treatment in the areas defined in the Directive?

Yes
No

If yes, please briefly explain.

30. Who are the most important actors in your Member State regarding the protection of seasonal workers' rights and what is their role? Please explain. Please distinguish between public and private actors in your answer (e.g. Trade Unions, Chambers of Commerce, etc.).

The **Labour Inspectorate** (who is under the responsibility of the Ministry of Labour) provides information and advice to employers and employees on the legal and contractual arrangements applicable to their situation. They facilitate dialogue between employers and employees.

Where one of the agent referred to in Article L. 8271-1-2 of the Labour Code (control agents, officers and police officers, tax officers, customs officers, etc.) finds that a foreign worker is employed without being in

possession of a permit authorising them to pursue a salaried activity in France, they shall submit a document informing them of their rights, whose content is defined in Article R. 8252-2 of the Labour Code. This document contains certain mandatory information (right to salary and various allowances, an obligation for the employer to issue payslips, the work certificate and the final payment, the procedure for recovering the sums due, etc.), and the right to the flat-rate allowance or compensation due in case of undeclared work (Articles R. 8252-1 and R. 8252-2 of the Labour Code).

This document is written in the following languages: English, Arabic (literal), Chinese (Mandarin), Spanish, Portuguese, Russian.⁴⁷

Trade unions are also responsible to verify that employees' rights are respected (conditions of employment and remuneration, compliance with health and safety rules, etc.).

The **DIRECCTE** agents who process work permit applications shall verify that the conditions of remuneration and employment respect the statutory provisions of general law and that the rights of employees are guaranteed.

The internal security forces, which are in contact with the population as part of their general public safety mission, are able to detect a harmful situation for a seasonal worker. They can then alert or initiate a judicial inquiry in order to put an end to situations of abuse and to punish the offending employer. In addition, the formal identification of a victim is the responsibility of the police and gendarmerie providing access to certain rights. Therefore, through preventive actions and surveys, they actively contribute to the preservation of the seasonal workers' rights.⁴⁸

31. Is there a framework in place enabling the transfer of pension contributions to origin countries?

Yes

No

If yes, please explain.

According to Articles L. 111-1 and L. 111-2-2 of the Social Security Code, seasonal workers are, like any person engaged in an economic activity declared in France, subject to the obligation to join a French compulsory social security scheme, which guarantees them the payment of their health expenses and the provision of social insurance benefits, in particular old-age benefits.

Seasonal workers are thus opening up retirement pension rights when working in France. Those who work in farms, agricultural cooperative or agri-food companies are affiliated to the Mutualité Sociale Agricole (MSA), the basic pension scheme for agricultural workers. Those who work in other sectors contribute to the Pension Insurance, the basic pension scheme for employees in the private sector. Whether or not they are covered by the agricultural scheme, seasonal workers also contribute to the mandatory pension schemes for all salaried employees (ARRCO) and executives (AGIRC) (established by the National Interprofessional Agreement of 17 November 2017 pursuant to Article L.921-4 of the Social Security Code).

In accordance with Articles L. 3451-1 et seq. of the Social Security Code, the retirement pension is a social security benefit which is paid by the pension funds () to the insured person who applies for payment of their pension when they fulfil the conditions, in particular for the age, as referred to in Article L. 161-17-2 of the Social Security Code.

The French law does not require any condition of nationality or residence in order to benefit from the retirement pension scheme. On the other hand, under Article 1983 of the Civil Code, 'the owner of an annuity may request payments only by justifying its existence'. Accordingly, Article 83 of Law No 2012-1413 of 17 December 2012 on the financing of social security for 2013 provides that beneficiaries of a

⁴⁷ Decision NOR: IOCL1131488A of 30 November 2011 for the implementation of decree n° 2011-1693 of 30 November 2011 related to the protection of social and financial rights of irregular foreign nationals and to the fight against illegal employment.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000024881770&dateTexte=20200501>

⁴⁸ Questionnaire completed by a representative of the OCLTI, July 2020.

retirement pension paid by a French entity who reside outside France must provide their pension funds with **evidence of their existence** once a year, at the most.⁴⁹

Regarding beneficiaries residing outside the territory of the European Union, the **absence of a residence requirement for the payment of retirement pensions** is confirmed by Article R. 161-19-2 of the Social Security Code, which lays down the conditions under which retirement benefits can be claimed and paid outside the European Union.

These provisions are without prejudice to the provisions included in the social security agreements concluded by France with different third countries, which generally also provide for equal treatment of nationals of the signatory countries for the application of social security legislation in each country.

Thus, every year, French social security organizations export retirement pensions to their insured persons residing abroad, whether within the framework of European coordination, international coordination or in States with which France has not concluded a social security agreement.

For example, in 2018, France exported nearly 850,000 retirement pensions to European Union Member states, for a total of nearly 2.3 billion euros (split between direct rights (86%) and derived rights (14%)). It also exported, outside the European Union, nearly 720,000 retirement pensions representing just over €2.2 billion (split between direct rights (52%) and derived rights (48%)), including approximately €105 million to non-European Union Member states. These figures are regularly collected by the French Center for European and International Social Security liaison (CLEISS) from pension funds and published in its annual statistical report tracing financial and human flows between States within the framework of international social security cooperation.

32. If your Member State has alternative categories of migrant workers performing temporary work not covered by the Directive, do these categories enjoy the same rights as those granted by the Directive?

Yes

No

If yes, please briefly explain.

As regards the public concerned, the holders of ten-year resident permits, of "private and family life" and students residence permits are authorized to perform seasonal work in France under certain conditions. The same conditions apply as regards the right to equal treatment referred to in Article 23 of the Seasonal Workers Directive (salary, right to strike, recognition of diplomas, etc.).

33. What does your Member State consider an "adequate standard of living" in relation to accommodation? How does your Member State ensure that seasonal workers benefit from an "accommodation that ensures an adequate standard of living" for the duration of his or her stay?
Please briefly explain.

The French legislation provides that the work permit application for a third-country national worker (regardless of their status) includes elements relating to the accommodation of the worker.

Once a room is assigned to the workers' collective accommodation, a declaration must be sent annually by the employer to the prefecture and the labour inspectorate within 30 days of the assignment of the premises. That is the case when an employer provides an apartment to several employees in the form of an advantage in kind.

If the employer provides the employee with accommodation, they must assess an advantage in kind and make it subject to the payment of social security contributions. This provision may be free of charge or subject to the financial participation of the employee below their actual value.

The benefit in kind must be mentioned on the payslip. It will be indicated at the level of the gross salary to be subject to contributions. After determination of the taxable net salary, it will be deducted from the net salary to be paid to the employee.

⁴⁹ Law n° 2012-1404 of 17 December 2012 for the financing of the social security scheme for 2013.
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026785322>

If, in order to benefit from the tax advantage, the employee is subject to a salary deduction or a financial contribution to the acquisition of the good or service, the amount of the benefit shall be reduced by that amount.

Article R. 5221-20 of the Labour Code provides that 'in order to grant or refuse a work permit, the Prefect shall take into account the following factors:

(...) where the employer or the host company provides accommodation, the measures taken by the employer to ensure , under normal conditions, the accommodation abroad directly or by a person falling within the scope of Law No 73-548 of 27 June 1973 on collective accommodation.'⁵⁰

In addition, minimum provisions must be observed for collective housing in terms of area, sanitary facilities, etc.

a. Are there any good practices in relation to ensuring adequate accommodation, considering the temporary nature of stay of seasonal workers?

Yes

No

If yes, please briefly explain

Practical information sheets provide information to employers on legal and regulatory provisions and rules of habitability in the agricultural and non-agricultural sector. Visits to the concerned accommodation are organised.

In situ checks, carried out jointly by the services involved in combating illegal employment (including labour inspectors empowered to verify accommodation conditions), under the *aegis* of a CODAF (Departmental anti-fraud committees), are a relevant complement to information/prevention campaigns.⁵¹

34. Does your Member States have procedures/mechanisms in place to ensure that seasonal workers and their employers are informed of their rights and duties?

Yes

No

If yes, please briefly explain

The OCLTI (Central Office for Combating Illegal Employment) has carried out a preventive action within the EUROPOL Police Cooperation Agency, in conjunction with the Bulgarian authorities, consisting of a flyer containing the majority of seasonal workers' rights in English. In addition, the Office also carries out similar work with the Ministry of Agriculture.⁵²

The associations, professional federations and departments of the Ministry of Labour (at national and local level via the DIRECCTEs), as well as those of the Ministry of Agriculture, have written information booklets, sometimes in foreign languages, to present the rights and obligations of employers and employees.

There are "Houses of Seasonal workers", which are places for reception, information and services for seasonal and business activities. They provide assistance in various ways (help with finding accommodation, counselling on social rights, coaching on training and career choices, social assistance, disease prevention, etc.). More information can be found on the website of the Ministry of Economic Affairs, Finance and recovery,⁵³ and a list of these structures is available on the website of the National Monitoring Centre for seasonality.⁵⁴

The website of the Ministry of Labour, as well as the website of the Ministry of the Interior, are also a source of information for seasonal workers, regardless of their nationality.

⁵⁰ Law n° 73-548 of 27 June 1973 on collective accommodation.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000509997>

⁵¹ Questionnaire completed by a representative of the OCLTI, July 2020.

⁵² Questionnaire completed by a representative of the OCLTI, July 2020.

⁵³ <https://www.entreprises.gouv.fr/en/node/186334>

⁵⁴ <http://www.saisonnalite.org/annuaire-des-structures/listing-des-structures-allege>

A translation into eight languages of the section of the website of the Ministry of Labour concerning the posting of workers (including seasonal workers) is also under way in order to facilitate access to easily understandable information.

In addition, this information is available in job centres in certain sectors (e.g. the House of the Mountain) through posters.

The welcome guide to seasonal workers, carried out by the National Association for Employment and Training in Agriculture (ANEFA)

Since the agreement on seasonal jobs signed in 2002 by the social partners in agriculture, the ANEFA and its network⁵⁵, have been mobilising through participation in summer jobs forums, the production of seasonal job descriptions, the production of guides and posters, etc.

In particular, ANEFA has produced a welcome guide for seasonal, French and foreign workers. This guide, entitled 'Welcome to Agriculture', ⁵⁶ informs seasonal workers about their working environment, their rights and duties. The guide is translated into English, Arabic and Polish. Widely distributed to agricultural stakeholders, agricultural employment associations and the regional directorates of the French national employment agency (Pôle Emploi), this guide aims to facilitate the recruitment of seasonal workers, while improving their working and reception conditions, and their recognition.

35. Does⁵⁷ your Member State have any specific procedures/mechanisms in place to monitor, assess and carry out inspections on whether:

a. Seasonal workers can exercise their equal treatment rights and other rights granted in practice? How does that work and who are the actors involved?

Yes

No

If yes, please briefly explain

In terms of direct or posted employment, a foreign seasonal worker has the same rights as the worker established in France as regards pay, sickness cover, working time, rules related to termination of employment, the right to collective representation.

b. Seasonal workers abide by the rules (e.g. no overstaying)? How does that work and who are the actors involved?

Yes

No

If yes, please briefly explain

Non-EU employees are obliged to respect the periods of employment in France referred to in their work permit. For that purpose, it is the responsibility of the employers to register the periods of employment in the official employee register. Such employees may also be subject to restricted employments in so far as

⁵⁵ National collective labour agreement of 18 July 2020 on seasonal workers, on different measures related to limited-term contracts and on the organisation of the forward planning of employment in the agricultural sector. https://www.legifrance.gouv.fr/affichSarde.do;jsessionid=1EB3C98544F1530A747E3574E60BBD6B.tplqfr27s_2?reprise=true&page=1&idSarde=SARDOBJT000007107689&ordre=null&nature=null&q=ls

⁵⁶ http://www.anefa.org/actualite/bienvenue-en-agriculture-un-guide-daccueil-pour-les-saisonniers-fran%C3%A7ais-et-%C3%A9trangers?clid=EAiaIQobChMIhsvxkv2o6gIVj4GyCh1CcwRbEAMYASAAEqLmGPD_BwE

⁵⁷ Questionnaire completed by a representative of the OCLTI, July 2020.

they are employed on posts expressly agreed upon in the procedures governing their introduction into France. The authorised inspection services shall verify the application in time and space of the reality of these positions and, accordingly, may incur criminal liability on the part of the employer.⁵⁸

c. Employers abide by the rules (e.g. no exploitation)? How does that work and who are the actors involved? Is there a focus on any specific economic sectors?

Yes

No

If yes, please briefly explain

As for employees who are regularly established in France and in all sectors of activity, staff representative bodies and inspection bodies check that the rules laid down in the Labour Code and collective agreements are being applied correctly.

36. Does your Member State collect statistics on the procedures/mechanisms described in question 35?

Yes

Follow up of offences by the Labour inspectorate

Follow up of returns to the country of origin by the OFII representations in Tunisia and Morocco

No

If yes, please provide the statistical information for the year 2018.

37. How can seasonal workers lodge complaints against their employers? Did your Member State set up some specific procedures to protect seasonal workers who lodge complaints?

Yes

No

If yes, please briefly explain

Seasonal workers may lodge complaints directly with the national police and gendarmerie.

They may also report on their situation to trade unions, labour inspectors or the agricultural social mutual fund ("Mutualité Sociale Agricole" - MSA) or associations which will directly alert the public prosecutor (Article 40 of the Code of Criminal Procedure) or an investigator service.

Finally, seasonal workers may also inform their embassy or consulate of their situation, so that they then inform the French authorities.⁵⁹

38. Are there specific sanctions in place in your Member State against employers who have not fulfilled their duties under the Seasonal Workers Directive?

Yes

No

If yes, please briefly explain

⁵⁸ Questionnaire completed by representatives of the DIRRI, OFII, July 2020.

⁵⁹ Questionnaire completed by a representative of the OCLTI, July 2020.

There is no differentiated treatment between seasonal workers or non seasonal workers as regards the penalties for fraudulent behaviour from employers.

The penalties will cover infringements of labour regulations (undeclared work, irregular employment of foreign workers, trafficking in foreign workforce, etc.).⁶⁰

In addition, the law also penalises trafficking in human beings for the purpose of labour exploitation, with regard to forced labour and undignified working environments and living conditions (Articles 225-4-1 to 225-4-4 of the Criminal Code).⁶¹

39. Do migration authorities and labour authorities cooperate in relation to the monitoring of seasonal workers and their employers?

Yes

No

If yes, please briefly explain the nature of cooperation and the objective, i.e. the protection of seasonal workers, fulfilment of their rights, detection of irregularly-staying seasonal workers or overstayers, etc.

Apart from CODAF (Departmental anti-fraud committees), there is no administrative cooperation arrangements at an early stage on the assessment and quantifying labour needs in all sectors of activity. From their side, employers' organisations mention to the administrative departments sector requests in order to benefit from simplified introduction and recruitment of non EU foreign workers.⁶²

40. Has your Member State detected seasonal workers who are victims of exploitation or human trafficking?

Yes

No

If yes, please briefly explain.

The OCLTI has carried out investigations or supported gendarmerie units in connection with cases of labour exploitation involving seasonal workers, particularly in the agricultural sector.

In addition, the OCLTI organises and coordinates on an annual basis the European Action Days, which take place under the aegis of EUROPOL to combat all forms of trafficking in human beings. Often carried out partly in the agricultural sector, they make it possible to carry out preventive and, if necessary, enforcement checks, depending on the situations encountered or the level of protection established. It should be noted that these measures regularly highlight a number of seasonal workers employed and sometimes also accommodated in conditions which are not always in accordance with the law, culminating in the opening of investigations relating to undignified conditions and even to human trafficking.⁶³

41. Are there any good practice examples or research/evaluation findings of how the rights of seasonal workers have been ensured in your Member State?

Yes

No

If yes, please briefly explain.

With the 2016 labour law⁶⁴ defining the season, the legislator wished to provide more protection for French or foreign workers, posted or directly employed, but who working under this status, in order to guarantee

⁶⁰ See the website of the ministry for Employment : <https://travail-emploi.gouv.fr/droit-du-travail/lutte-contre-le-travail-illegal-10802/article/les-sanctions-liees-au-travail-illegal>

⁶¹ Questionnaire completed by a representative of the OCLTI, July 2020.

⁶² Questionnaire completed by a representative of the OCLTI, July 2020.

⁶³ Questionnaire completed by a representative of the OCLTI, July 2020.

⁶⁴ Law n° 2016-1088 of 8 August 2016

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032983213&categorieLien=id>

them against a form of permanent insecurity due to 'seasons throughout the year'. In addition, the involvement of trade unions in the defence and collective representation of seasonal workers helps to safeguard these jobs. Likewise, seasonal workers are included in statutory and contractual arrangements for the promotion of jobs, as is applied to permanent workers, particularly with regard to the validation of the prior experience, which allows, even in this case, career development to be considered.⁶⁵

⁶⁵ *Idem.*

Section 4: Conclusions and lessons learned

Please comment on the findings of your national report by drawing conclusions, and identifying any key challenges and lessons learned. Please make reference to the three research questions of the study in your reply.

The purpose of this study is to present policies and measures to attract and protect seasonal workers who are third-country nationals in France, more than three years after the start of the application of the Seasonal Workers Directive adopted in 2014.

As the study has been carried out in the specific context of the Covid-19 pandemic, a section devoted to the impact of the Covid-19 pandemic on the admission policy for seasonal workers in France highlights the measures put in place in this context, in particular simplified administrative procedures and the extension of the right to work for up to nine months. The law of 17 June 2020⁶⁶ (Article 9) on the health crisis provides for the possibility for seasonal workers in a regular situation in France on 16 March 2020 to extend from six to nine months the working time authorised in France in a 12-month period. In addition, several initiatives have been launched at local level to recruit national or foreign workers already present on the labour market to make up for the absence of Community seasonal workers and third-country nationals due to the Covid-19 pandemic.

With respect to the profile of seasonal workers, in 2019, the first 5,594 residence permits for seasonal (or temporary) workers were issued. The top five countries of origin are: Morocco (2,611 first permits issued), Guinea (641), Mali (510), Tunisia (455) and Côte d'Ivoire (413)⁶⁷.

Depending on the sector but also on the region, it can be observed that the use of seasonal work is more marked at certain periods of the year. For example, the agricultural sector makes more frequent use of seasonal work during the summer period. For activities in the catering, accommodation and tourism sector, the use of seasonal work will vary according to the region: mainly coastal regions in the spring-summer period; and mountain areas in autumn-winter. Moreover, in some regions, such as the Paris region, the use of seasonal work is frequent and constant throughout the year.

With regard to measures to attract seasonal workers to meet labour market needs, several examples of good practice can be mentioned:

- The multi-annual nature of the multi-annual residence card "seasonal worker", which simplifies administrative procedures and facilitates the readmission of seasonal workers who are third-country nationals with a validity of three years;
- The bilateral agreements concluded with Morocco and Tunisia to attract seasonal workers in France who are nationals of these countries provide for a specific admission procedure and in particular a pre-selection of candidates and the monitoring of returns to the country of origin;
- The relations of trust and loyalty created between employers and employees over the years, as highlighted by the example of Tunisian seasonal workers and certain French farmers.

Challenges include cases of violations of fundamental rights, such as accommodation contrary to human dignity or undeclared work, as well as abuses against seasonal workers, mainly in agriculture, viticulture and forestry, and to a lesser extent in tourism. Several authorities in France are responsible for protecting the rights of workers, particularly seasonal workers, including the Labour Inspectorate, trade unions, Ministry of Labour officials responsible for examining applications for work permits, and the police and gendarmerie.

⁶⁶ Law n° 2020-734 of 17 June 2020 related to various measures linked to the health crisis, to other urgent measures as well as to the UK's withdrawal from the EU.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042007059>

⁶⁷ source: Division for the Development of Administrative Sources, Department for studies, statistics and documentation, General Directorate for Foreign Nationals in France

The analysis of access to the rights of seasonal workers who are third-country nationals and the procedures to protect them highlights the role of the different actors in charge of protecting the rights of seasonal workers, the mechanisms for lodging complaints and the sanctions against employers in the event of non-compliance with their obligations. The actors concerned have therefore created information brochures in foreign languages, dedicated websites and welcome guides to inform workers of their rights and the applicable rules.

The synthesis report, produced at European level on the basis of the EMN National Contact Point studies, presents an overview of the policies implemented in the Member States and Norway to attract seasonal workers who are third country nationals, while identifying the main challenges and examples of good practice in the different Member States.

ANNEXES

Annex 1: national statistics related to seasonal workers

Number of first time authorisations granted to third country nationals for the purpose of seasonal work in total and by citizenship (based on Eurostat dataset migr_ressw1_1).
Please only provide this data for the years 2017 and 2018 if not available on Eurostat (migr_ressw1_1). In this case, please also state the reasons for unavailability on Eurostat.

| 2016 | | 2017 | | 2018 | | 2019 | | Comment |
|---|------|---|------|---|------|---|------|--|
| Total number of third country nationals | 1651 | Total number of third country nationals | 2369 | Total number of third country nationals | 3389 | Total number of third country nationals | 5594 | <p>source: VSA/ DSED - DGEF, ministry of the Interior</p> <p>These data apply to residence permits issued to third country national seasonal workers for 3 years whereas a work permit needs to be issued separately, for the duration of the employment contract, limited to 6 months within a 12 month period.</p> |
| Citizenship 1: Morocco | 1055 | Citizenship 1: Morocco | 1209 | Citizenship 1: Morocco | 1547 | Citizenship 1: Morocco | 2611 | |
| Citizenship 2: Tunisia | 212 | Citizenship 2: Mali | 261 | Citizenship 2: Mali | 329 | Citizenship 2: Guinea | 641 | |
| Citizenship 3: Mali | 78 | Citizenship 3: Tunisia | 204 | Citizenship 3: Guinea | 313 | Citizenship 3: Mali | 510 | |
| Citizenship 4: Turkey | 54 | Citizenship 4: Guinea | 123 | Citizenship 4: Tunisia | 252 | Citizenship 4: Tunisia | 455 | |
| Citizenship 5: Mauritius | 31 | Citizenship 5: Côte d'Ivoire | 94 | Citizenship 5: Côte d'Ivoire | 218 | Citizenship 5: Côte d'Ivoire | 413 | |

Number of third country nationals whose authorisation for seasonal work has been renewed and withdraw Please only provide this data for the years 2017 and 2018 if not available on Eurostat (migr_ressw1_1). In this case, please also state the reasons for unavailability on Eurostat.

| | 2016 | 2017 | 2018 | 2019 | Comment |
|------------------|------|------|------|------|--|
| Renewed | 1099 | 2712 | 2837 | 3041 | <p>source: VSA/ DSED - DGEF, ministry of the Interior</p> <p>Data for withdrawal are not available.</p> <p>Residence permits are renewed for 3 years</p> |
| Withdrawn | / | / | / | / | |

Annex 2: List of people interviewed or who contributed to this Study

Ministry of the Interior

- Office for EU law and international agreements, Sub directorate for Residence and Work, General Directorate for Foreign Nationals in France
- Division for the Development of Administrative Sources, Department for studies, statistics and documentation, General Directorate for Foreign Nationals in France
- Central Office for Combating Illegal Employment (OCLTI), General Directorate for national gendarmerie

Ministry of Employment

- Mission for European and International studies, General Directorate for Employment

French office for Immigration and Integration (OFII)

- Directorate for Immigration, Return, Reintegration and International issues (DIRRI)
- OFII foreign representation in Morocco
- OFII foreign representation in Tunisia

Annex 3: Bibliography

1. Texts, reports and studies

- DARES, « which is the place of seasonal employment in France ? », Dares Analyses n°057, December 2019 (in French)

<https://dares.travail-emploi.gouv.fr/dares-etudes-et-statistiques/etudes-et-syntheses/dares-analyses-dares-indicateurs-dares-resultats/article/quelle-place-occupe-l-emploi-saisonnier-en-france>

2. Legal texts

• Laws

- Law n° 2020-734 of 17 June 2020 related to various measures linked to the health crisis, to other urgent measures as well as to the UK's withdrawal from the EU.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000042007059>

- Law No 2016-1088 of 8 August 2016 on employment, modernisation of social dialogue and security of career paths

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032983213&categorieLien=id>

- Law n° 2016-274 of 7 March 2016 related to foreign nationals' rights in France.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264&categorieLien=id>

• Codes

- Code on Entry and Residence of Foreigners and the Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*) (in French).

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158>

- Code for Labour (in French)

<https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006072050>

• Decrees, orders and circulars

- Decree No 2016-1456 of 28 October 2016 implementing Law No 2016-274 of 7 March 2016 laying down various provisions relating to the entry, residence and work of foreign nationals in France

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033317557&categorieLien=id>

- Decision of 28 October 2016 establishing the list of documents to provide for a third country national wishing to exercise a salaried activity.

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033318539&categorieLien=id>

- Circular NOR : IMIM1000118C of 26 July 2010 related to seasonal agricultural workers for the 2010 campaign.

https://www.immigration.interieur.gouv.fr/content/download/34646/260008/file/22_IMIM1000118C.pdf