PROJETS DE LOI

Bénin

Texte n° 464 (2007-2008) de M. Bernard KOUCHNER, ministre des affaires étrangères et européennes, déposé au Sénat le 15 juillet 2008

Les informations clés

Other formats

Available in **Acrobat format** (119 Kbytes)

N° 464

SENATE

SPECIAL SESSION OF 2007-2008

Annex to the minutes of the meeting of 15 July 2008

BILL

authorizing the approval of the agreement between the Government of Canada and the of the French Republic and the Government of the Republic of **Benin** *on the* **concerted management** *of* **flows migration** *and* **co-development** *,*

PRESENTED

on behalf of Mr François FILLON,

Prime minister

By Mr. Bernard KOUCHNER,

Minister of Foreign Affairs and European

(Referred to the Committee on Foreign Affairs defence and the armies.)

EXPLANATORY STATEMENT

Ladies and Gentlemen,

France and Benin signed on November 28 2007 in Cotonou an agreement on concerted management of migratory flows and co-development that responds to the concerns of the two States in the face of the scale of the flows of illegal migrants between Africa and Europe.

This agreement is fully in line with the Approach endorsed by the European Council of December 2005 and reaffirmed by the December 2005 2006, and as a follow-up to the Ministerial Conference on migration and development, which was held at the in Rabat on 10 and 11 July 2006 and confirmed the launch of a Comprehensive partnership between the countries of origin, transit and destination of the migration, covering both development and co-development, the legal mobility of migrants and the fight against illegal immigration.

The agreement between France and Benin is the result of first of all, the implementation of a global and coherent vision of the migration, incorporating the concerns of border control and control of migratory flows. It also aims to facilitate the movement of people and encourage migration based on mobility and the incentive to return of skills to the country of origin. Finally, it sets up Mechanisms to promote the enrichment of the country of origin through migration, not only through remittances from migrants, but mainly through the training and experience acquired by them during their stay in the host country.

This agreement makes it possible to address the issue of North-South relations from the perspective of the development of the countries of origin.

The most significant provisions of the November 28, 2007 are as follows:

Article 3 aims to promote the movement of people between the two countries by facilitating the Issuance of short-stay visas with entries multiples with a validity period of one to five years, known as travel visas, to nationals of each of the Parties called to travel frequently to the territory of the other Party for professional or family reasons, as well as to persons who need to travel periodically to France for medical reasons.

Article 4 provides for the creation of in Benin in the first quarter of 2008 of a Campus-France (ECF) which will inform educational institutions training needs put in place by the Government of Benin.

Article 5 provides for the Issuance of a residence permit for a period of validity of six months for Beninese nationals, who have successfully completed, in an educational institution nationally empowered higher education, a training cycle leading to a degree at least equivalent to a master's degree or to the professional bachelor's degree, who wishes, in the perspective of his return to Benin, complete his training with a first professional experience in France. During the

duration of this authorisation, the holder is authorised to seek and, where applicable, to engage in employment in connection with his or her formation. This employment is accompanied by a remuneration at least equal to one and a half times the monthly remuneration in force in France. At the end of this six-month period, month, if the person concerned is employed or is a permanent a promise of employment that satisfies the conditions set out above, he is authorized to stay in France for the exercise of his professional activity, without being taken into account employment situation. Otherwise, a Temporary residence permit of the same nature as that of mentioned above, valid for six months, non-renewable, is issued to him by operation of law. If the Beninese national concerned, obtains, during this second period, employment satisfying the conditions set out above, it is authorized to stay in France for the purpose of carrying out their activity without taking into consideration the situation of the employment.

Article 6 offers the possibility for Beninese students residing in France and wishing to to find a first job, to have access to the websites of the the National Employment Agency (ANPE) and the Agency for the Employment of Executives (APEC) to available job postings. Prospects for internships during or at the end of their studies will be presented to them by the job search and internship services existing in the educational institutions as well as alumni associations pupils and students.

Article 7 provides for an exchange information between the two Parties on the professions, which in each of both countries, are experiencing long-term recruitment and could give rise to a negative impact on the labour market of local job seekers, to a recruitment at abroad.

Article 8 is devoted to the development Youth exchanges Beninese or French professionals, aged eighteen to forty years of age, already engaged or who have entered the labour force and go to the other country to improve their career prospects through a paid work experience in a company that has a health, social, agricultural, craft activities, industrial, commercial or liberal sector and deepen their knowledge of the host society.

Article 9 states that young people French and Beninese professionals are authorized to be employed under the conditions listed within this agreement without taking into account the situation of the labour market. In the case of professions regulated regulations, young professionals are subject to the conditions of exercise defined by the host State.

Clauses 11 to 13 deal with joint efforts of the two Parties to issue the "Skills and talents" residence permit, for a period of three years, renewable once, at Beninese nationals within the limit of one hundred and fifty cards per year.

Article 14 provides for the issuance, throughout France, of the temporary "employee" stay, of a renewable twelve-month period, or the "worker" card temporary", without taking into account the employment situation, to Beninese nationals holding an employment contract in sixteen trades listed in the article.

Article 15 states that France and the Benin are ensuring, in compliance with their legislation, the proper exercise by their nationals of their right to Reunification.

Articles 16, 17, 18 and **19** deal with readmission and exceptional admission to the stay. France and Benin commit to readmit to their territory their nationals who are in irregular situation in the territory of the other Party, as well as that third-country nationals who have resided on their territory and being in an irregular situation on the territory of the other Party.

To this end, France and Benin are keeping each other informed mutually the results of research carried out for determine the nationality of the person in the situation irregular in order to proceed with its readmission as soon as possible. Both Parties also inform each other, through diplomatic channels, of the points of contact and practical arrangements for the application of the provisions relating to the readmission of persons in a situation Irregular.

France and Benin will consult on the Criteria for application to Beninese nationals in a situation irregular in France of the provisions of the relating to the exceptional admission to the stay.

Article 20 provides that France undertakes to offer Beninese nationals in a situation who are subject to an obligation to leave the French territory its voluntary return assistance system.

Article 21 provides that the French government will bring its expertise to the government in the field of the fight against immigration security, title security and document fraud.

L' **article 22** répond à la volonté des deux Parties de mobiliser, dans le cadre d'une politique de codéveloppement, les ressources et les compétences des Béninois résidant en France en vue d'actions en faveur du développement de leur pays. Ces actions portent sur le cofinancement de projets de développement local initiés par des associations de migrants, l'accompagnement des initiatives économiques des migrants, l'appui aux diasporas qualifiées pour des interventions au Bénin, le soutien aux initiatives de développement des jeunes Béninois résidant en France.

La France s'engage à soutenir les projets de coopération décentralisée au Bénin comportant un volet codéveloppement. Ces projets seront traités en priorité dans le cadre des appels à projet pour le soutien à la coopération décentralisée.

En liaison avec les associations de migrants, la France s'engage également à développer, dans les trois mois suivant la signature de cet accord, un outil de comparaison sur Internet des prix de transferts de fonds afin d'encourager la transparence des coûts et une meilleure connaissance des modalités de transfert.

La France et le Bénin conviennent de promouvoir les instruments financiers créés en France dans le but de faciliter les transferts de fonds des migrants et leur investissement dans des activités participant au développement économique du Bénin.

Il est prévu que les actions de codéveloppement favoriseront la réinsertion au Bénin des médecins et autres professionnels de santé, le travail alterné de ces professionnels entre le Bénin et la France, le retour des étudiants béninois boursiers ayant obtenu en France un diplôme de médecin ou de professionnel de santé, ainsi que la formation des professionnels de santé par la formation *in situ* et l'enseignement à distance.

La coopération engagée entre la France et le Bénin pour le développement de formations professionnelles et technologiques au Bénin sera poursuivie dans le cadre du projet d'appui à la restructuration et à l'harmonisation de l'enseignement supérieur financé par le fonds de solidarité prioritaire (FSP). D'autres actions de coopération, dont les objectifs sont énoncés dans l'accord, pourront compléter ce projet.

La France s'engage à proposer au Bénin l'accueil sur le territoire français des étudiants béninois en lien avec la convention de gestion des boursiers du Gouvernement béninois signée en 2007 entre le Centre national des oeuvres universitaires et scolaires (CNOUS) et le Bénin. La France et le Bénin conviennent, sur la base des coopérations universitaires entre les deux pays (FSP, partenariats), de renforcer des partenariats d'excellence permettant, notamment, à des

boursiers du Gouvernement béninois d'effectuer une mobilité pour études afin de préparer alternativement en France et au Bénin un diplôme de master ou de doctorat. Ces formations alternées visent également à conclure entre universités françaises et béninoises des accords sur la délivrance conjointe de diplômes.

La France s'engage à apporter son soutien, à hauteur d'un montant à définir par échange de lettres entre les Parties, à la mise en place de l'Agence d'insertion socio-professionnelle des Béninois de l'extérieur, notamment dans sa mission d'aide à la réinsertion des ressortissants béninois réadmis au Bénin ou résidant en France.

L' **article 23** prévoit la création d'un comité de suivi de l'application de cet accord destiné à l'observation des flux migratoires et des programmes de codéveloppement, à l'évaluation des résultats des actions mentionnées dans le présent accord, à la formulation de toutes propositions utiles pour en améliorer les effets.

L' **article 24** comporte des clauses de procédures habituelles en matière d'accord international (notamment entrée en vigueur, durée).

Telles sont les principales observations qu'appelle l'accord entre le Gouvernement de la République française et le Gouvernement de la République du Bénin relatif à la gestion concertée des flux migratoires et au codéveloppement qui, comportant des dispositions de nature législative, est soumis au Parlement en vertu de l'article 53 de la Constitution.

PROJET DE LOI

Le Premier ministre,

Sur le rapport du ministre des affaires étrangères et européennes,

Vu l'article 39 de la Constitution,

Décrète :

Le présent projet de loi autorisant l'approbation de l'accord entre le Gouvernement de la République française et le Gouvernement de la République du Bénin relatif à la gestion concertée des flux migratoires et au codéveloppement, délibéré en Conseil des ministres après avis du Conseil d'État, sera présenté au Sénat par le ministre des affaires étrangères et européennes, qui sera chargé d'en exposer les motifs et d'en soutenir la discussion.

Article unique

Est autorisée l'approbation de **l'accord entre le Gouvernement de la République française et le Gouvernement de la République du Bénin** relatif à la gestion concertée des flux migratoires et au codéveloppement (ensemble cinq annexes), signé à Cotonou le 28 novembre 2007, et dont le texte est annexé à la présente loi.

Fait à Paris, le 11 juillet 2008

Signé : FRANÇOIS FILLON

Par le Premier ministre :

Le ministre des affaires étrangères et européennes,

Signé : BERNARD KOUCHNER

LES THÈMES ASSOCIÉS À CE DOSSIER

Affaires étrangères et coopération

Traités et conventions

Page mise à jour le 7 avril 2023