BILLS

Congo

Text No. 465 (2007-2008) by Mr Bernard KOUCHNER, Minister for Foreign and European Affairs, tabled in the Senate on 15 July 2008

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N° 465

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 **Congo** *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 Congo signed on 25 October 2007 in Brazzaville an agreement on the 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 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 Congo is first and foremost the implementation of the implementation of a global and coherent vision of migration, Integrating security, border control and control of migratory flows. It also aims to facilitate the movement of people and encourage temporary migration based on mobility and the incentive for a return of skills in the country of origin. Finally, it sets up measures specific to promote the enrichment of the country of origin through migration, not only through remittances from migrants, but also through Especially through 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 agreement of 25 October 2007 are as follows:

The **Article 1 er** aims to 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.

It also provides for a visa exemption from Short stay for people with diplomatic passports secured for a period of two years from entry into force of the agreement. The two Parties will consult on time to extend, if necessary, and by exchange of letters, the period of validity of this exemption. At On this occasion, and on the basis of an exchange of letters, the nationals of each Party holding service passports may be exempted from a short visa stay.

Article 2 provides for the creation of in Congo in 2008 of a Campus-France Space (ECF) that will inform the French higher education institutions in the training needs identified by the Government of Congo. This article indicates that Congolese students in France who wish to find a first job will be available on the websites of the National Employment Agency (ANPE) and the Agency for the Employment of Executives (APEC) to available job postings. A provisional authorization of stay valid for nine months not may be issued to those who have successfully completed a training cycle leading to a at least equivalent to a master's degree to enable them to complete their training with a first experience professional. During the term of this provisional authorisation to residence, the holder is authorised to search for a to work in a job related to his or her training and with a remuneration of at least one times and a half the minimum remuneration in force in France. At term of validity of this provisional authorisation for Congolese student with a job or a promise of employment will be authorized, if the above conditions are completed, to stay in France for the exercise of his professional activity, without the situation being opposed to him employment.

France and Congo commit to promoting the application of existing inter-university agreements between the higher education institutions in Congo and the French higher education institutions and and to promote the signing of new agreements. They are committed also to develop the scholarships awarded to Congolese students enrolling in universities French-speaking African women.

The two Contracting Parties undertake, on the basis of the reciprocity, to organize the mobility of young people Congolese or French professionals, aged eighteen at the age of thirty-five, already engaged or entering the working life who travel to the other state to improve their career opportunities through salaried work in a company that carries out a health, social, agricultural, artisanal, industrial, commercial or and deepen their knowledge of society of reception. These young people are allowed to work in the conditions provided for in this article without any consideration being made of the labour market situation. In the case of regulated professions, young professionals are subject to the conditions of exercise defined in the host State. The authorized working time varies from three to twelve months and may be extended for a maximum of eighteen months.

The number of young Congolese professionals and eligible for this measure must not exceed the number of one hundred per year. Any changes to this quota for the following year can be decided by simple Exchange of letters between the competent authorities of the two states before 1 er December of the year in course.

The "Skills and Skills" residence permit talents" may be granted to nationals likely to participate in a meaningful and sustainable way economic development and influence of France and the Congo. This card is granted for a period of three years, renewable once. Both Parties undertake to facilitate the Issue in 2008 of one hundred and fifty cards per year.

The temporary residence permit bearing the mention employee or temporary worker is issued without take into account the employment situation of the Congolese national Holder of an employment contract covered by the AMF competent in the fifteen professions listed in this article.

Article 3 focuses on the establishment of enhanced cooperation between the two countries in the fight against illegal immigration.

France and Congo commit to readmit on their territory, their nationals who are in a situation where in the territory of the other Party, as well as the third-country nationals who have stayed on their territory and being in an irregular situation on the territory of the other Party.

To this end, the practical arrangements identification of their nationals, establishment of the residence of third-country nationals and the issuance of laissez-passer necessary for the removal of persons without identity and travel documents are specified in annexes to the agreement.

Article 4 , dedicated police cooperation, provides that the Government of France will provide its expertise to the Congolese Government in the field of the fight against illegal immigration, security of titles and the fight against fraud documentary.

Article 5 responds to the willingness of both Parties to mobilize, within the framework of a policy of co-development, resources and skills of the Congolese resident in France with a view to actions in favour of the development of their country. These actions concern the co-financing of local development initiated by migrant associations, support for migrants' economic initiatives, support for qualified diasporas for interventions in Congo, support for Development initiatives for Congolese youth living in France.

This article focuses on cooperation in the health, retained by the framework document of the partnership concluded between France and Congo in March 2007 as one of the three sectors of concentration of bilateral cooperation.

France is also committed to supporting the efforts of the of Congo for the modernization of its vocational training system and technical aspects, based on a partnership between the State and the companies in the country's main economic sectors.

Article 6 provides for the creation of a monitoring committee to observe flows and co-development programmes, in the evaluation of the results of the actions mentioned in the this agreement, to the formulation of any useful proposals to improve its effects.

Article 7 contains clauses of Routine procedures for international agreements (entry into force, duration in particular).

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These are the main observations that the agreement calls for between the Government of the French Republic and the Government of the Republic of the Congo of migratory flows and co-development which, containing provisions of a legislative nature, is subject to the Parliament under Article 53 of the Constitution.

BILL

The Prime Minister,

On the report of the Minister of Foreign Affairs foreign and European,

Having regard to Article 39 of the Constitution,

Decrees:

This Bill authorizing the approval of the agreement between the Government of the French Republic and the Government of the Republic of the Congo coordinated migration flows and co-development, deliberated in the Council of Ministers after the opinion of the Council of State, will be presented to the Senate by the Minister for Foreign and European Affairs, who will be charged with expounding the reasons and supporting the discussion.

Single article

The approval of **the agreement between the Government of the Republic of France and the French Republic and the Government of the Republic of the Congo** on the concerted management of flows migration and co-development (together four annexes), signed in Brazzaville on 25 October 2007, and the is annexed to this Act.

Done at Paris, 11 July 2008

Signed: FRANÇOIS FILLON

By the Prime Minister:

The Minister of Foreign Affairs and European

Signed: BERNARD KOUCHNER

THE THEMES ASSOCIATED WITH THIS DOSSIER

Foreign Affairs and Cooperation

Treaties and conventions

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