

# TOWARDS A PARTNERSHIP APPROACH TO LABOUR MIGRATION?



LABOUR MARKET ACCESS IN  
FRANCE'S BILATERAL  
MIGRATION AGREEMENTS:  
RELAXING ENT THROUGH  
SHORTAGE OCCUPATION LISTS



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# “Partnerships”

- **Definition:** “The notion of partnership has positive connotations and is associated with a **desirable, voluntary, inherently positive** form of **cooperation** among **equals**, pursuing **common goals** based on **mutual respect**” (Kunz 2010).
- Initially used in **different fields of cooperation**: peace, development, economics, aid, security.
- Since 2005 entered the field of **migration policy** (GCIM, EU Global Approach to Migration, UN-HLD, IOM).
- ➔ **Paradigm shift: When? / Why? / How?**
- ➔ New approach based on **shared advantages** and **shared responsibility** in migration management.

# New generation of BMAs

- Are the new BMAs **real balanced partnerships** or are they the reflection of **unbalanced relations of power**?
- **Trilateral design** reflecting the new approach:
  - “Legal” **(labour)** migration
  - Fight against **irregular** migration
  - Migration-related **development** issues
- Mainly with **West-African & Eastern-European** countries
- ➔ New BMAs **asymmetrically tilted** in favour of the **interests of destination countries**.
- ➔ **Tools** to intensify the relationships with former colonies and new partners, with a view to optimally compete in the “**global hunt for talent**” and for **readmission** quotas.

# Partnership indicators

- **Initiator**: France or partner country?
- **Selection of partners**:
  - **historical ties** (e.g. former colonies),
  - **political & economic** interests,
  - previous & current **agreements**: security & military, trade, development aid, migration (labour, guest-worker, movement, establishment, readmission)
- Categories of **occupations liberalised** (cf. special focus)
- Degree of **equality & reciprocity**
- **Development priorities & “aid conditionality”**

# Focus: Liberalisation of the labour market (1)

## Overview of the French system of labour market admission

- Principle of “**opposability of the labour market situation**” = **ENTs** or **LMTs** i.e. no candidates residing in France or in the EU (*Community preference*) with the required profile and wishing to work.
- **Common law exceptions**: lists of **shortage occupations** open to 3rd-country nationals (30) and NMS (150) (by region).
- **Skills: High-skill bias** → 30 (21 HSK & 9 SK); 150 (48 HSK, 63 SK & 39 LSK).

# Focus: Liberalisation of the labour market (2)

## New BMAs

- **Additional occupations** open outside the 30 (3rd-cies)
- Mainly from the list of 150 (NMS) but **rarely low-skilled**
- Open at **national level** (mainland France)

## Categories of occupations liberalised

- **Jointly or unilaterally** determined? E.g. Mauritius
- Implication of **employer unions**
- **Skills levels** (risk of “brain-drain”?)
- Role of “**quotas**”: correctives to high-skilled bias of unilateral law?