

Do Companies Get a Say in French Migration Policy Making?

– Executive Summary –

In the early 00s, French President Nicolas Sarkozy launched a policy of “selective immigration” (“immigration choisie”). This policy catered directly to the needs of the business sector, as it aimed to attract migrants whose skills and expertise were needed by French companies. However, **companies only marginally participated in public debates, and their opinion on the issue remains largely unknown.** Why has the voice of French industry not been heard in this debate, and what can be done about it? **Can migration policies be effective without the participation of companies in their design?**

This paper shows that, in the decade from 2002 to 2012, **companies had little influence in defining immigration policies.** They were consulted only sporadically by the government, often in reaction to specific events, while professional organisations did not play an effective role in conveying the needs of the business sector to political representatives.

One of the reasons for this private sector “silence” is the political context. The issue of labour migration, and more largely immigration, is very sensitive politically, and **companies feel that they are taking a risk by expressing their opinions.** They fear for their public image, as companies recruiting foreign workers can be perceived as “rogue” employers exploiting a precarious population, and they also fear political repercussions: in most cases, companies and governments will defend different, and sometimes opposite interests when it comes to migration policy.

In certain circumstances, and under certain conditions, however, companies do take action. On two accounts, between 2002 and 2012, a number of companies demanded that the government regulate the administrative status of their undocumented workers. A larger protest movement also emerged in the spring of 2011 in reaction to the publication of a bill (the « circulaire Guéant ») that stiffened the conditions for the recruitment of a foreign student at the end of his studies.

A number of factors can be summoned to explain these mobilisations, but a decisive one seems to have been the ability for firms to **diminish the risks associated with their mobilisation, notably through the creation of – sometimes unexpected – partnerships with other types of actors.**

Recommendations

The issue of the participation of the business sector in migration policy-making **bears a specific urgency today**, as the current government rekindles the idea of a migration policy matching labour market needs. In order to design and implement an effective policy, **it is highly desirable to create the conditions that encourage the participation of private sector actors.**

1. Inform and clarify

Companies need to have a sufficient knowledge of the texts and regulations relative to the recruitment and retention of foreign workers in order to participate in policy making. Clarification of administrative procedures are amongst the objectives of the current ministry of Home affairs, but **legal texts remain little known or poorly understood by companies**, and strong discrepancies in the implementation of such texts subsist between Prefectures.

- **Communicate on procedures**
Relevant ministries should work to facilitate access to information relative to the recruitment and retention of foreign workers.
- **Improve the predictability of procedures for the obtainment of residence and/or work permits**
The ministry of Home affairs should limit the interpretive power of the actors in charge of the implementation of migration policy (for example by limiting the use of infra-legislative texts) and should ensure that regulations are faithfully and homogeneously implemented throughout the territory.
- **Develop knowledge hubs within companies**
Companies have an interest in improving the management of their employees' experience and knowledge with regards to migration procedures. Professional organisations could take on this new task, creating and developing poles of expertise on these issues.

2. Consult

There is no formal and regular consultation process on the issue of migration policy in France today.

- **Create a consultation framework on migration policy issues**

Such a system should bear, a *minima*, the following characteristics:

- Representation of all stakeholders (ministries of Home affairs, Employment and Education; political parties; companies; professional organisations; trade-unions; NGOs; universities; researchers);
 - Regular meetings;
 - An agenda dissociated from the electoral one.
- **Strengthen the transmission role of professional organisations.**
Professional organisations should create internal working groups on migration policy, as is the case for other issues, and develop a plan of action that includes engaging in negotiations with the government.

3. Reduce the risks associated with companies' participation in public debates

- **Communicate on the decriminalization of administrative procedures.**
The legal risk incurred by companies who have legally recruited an undocumented worker has been reduced, but successive discourses on the fight against “rogue” employers have left their mark, and the fear of a sanction still acts as a deterrent for companies.
- **Change the terms of the debates**
In order to create a migration policy aligned with labour market needs, the government, as well as various stakeholders, must ensure that information and discourses that stress migration’s positive contributions to the French economy are made widely accessible. This discourse should also highlight the positive role that companies play in securing a successful life trajectory for migrants.