

No. 9640

**FRANCE
and
ALGERIA**

Agreement concerning the movement, employment and residence of Algerian nationals and their families in France (with annex, protocol and exchange of letters). Signed at Algiers on 27 December 1968

Authentic text: French.

Registered by France on 18 June 1969.

**FRANCE
et
ALGÉRIE**

Accord relatif à la circulation, à l'emploi et au séjour en France des ressortissants algériens et de leurs familles (avec annexe, protocole et échange de lettres). Signé à Alger le 27 décembre 1968

Texte authentique: français.

Enregistré par la France le 18 juin 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA CONCERNING THE MOVEMENT, EMPLOYMENT AND RESIDENCE OF ALGERIAN NATIONALS AND THEIR FAMILIES IN FRANCE

In accordance with the Declaration of Principles concerning Economic and Financial Co-operation² contained in the Evian agreement,

The Government of the French Republic and

The Government of the Democratic and Popular Republic of Algeria,

Desiring to reach a complete and lasting solution of the problems relating to the movement, employment and residence of Algerian nationals in French territory;

Aware of the need to maintain a steady flow of workers, taking into account the usual number of Algerians emigrating to France;

Desiring to facilitate the occupational and social advancement of Algerian workers,

— to improve their living and working conditions,

— to encourage the full employment of Algerian workers who are already residing in France or who are directed there by the National Labour Office, under a quota determined by mutual agreement for a certain number of years;

Convinced of the desirability of guaranteeing and ensuring the unimpeded movement of Algerian nationals who enter France without intending to engage in a salaried occupation there,

Have agreed as follows:

Article 1

The quota of Algerian workers entering France for the purpose of accepting employment shall be established by mutual agreement at 35,000 per year, for a period of three years. A new quota of Algerian workers shall be established by mutual agreement as from the fourth year.

¹ Came into force on 27 December 1958 by signature, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 507, p. 57.

Article 2

Under the quota established in article 1, persons holding a card issued by the Algerian National Labour Office bearing the embossed stamp of the French Medical Mission shall be admitted to France and shall be authorized to remain there for a period of nine months from the date of their entry into French territory, for the purpose of seeking employment.

At the end of that period, they shall receive a residence certificate in accordance with the conditions specified in article 7 (a).

Article 3

A special effort shall be made, making use of greater resources, to develop adult education and vocational pre-training and training for Algerian workers and open up promotion opportunities for them, and to ensure the continuous improvement of their living and housing conditions.

The Joint Commission established under article 12 of this Agreement shall supervise all activities in these various fields. It shall follow the development of such activities and, to that end, shall receive reports every six months on the results obtained and the programmes established.

Article 4

The head of household's spouse, minor children under eighteen years of age or dependent children who settle in France shall be provided with a residence certificate valid for the same period as his own.

However, a residence certificate shall be issued only on presentation of a housing certificate issued by the French authorities and a medical certificate issued either by the French Medical Mission serving with the Algerian National Labour Office or, in France, by physicians accredited by the National Immigration Office. The public health standards shall be those specified in the annex to this Agreement.

Article 5

Following the customary medical examination, and on presenting proof, as appropriate, that they are listed in the commercial register, are registered craftsmen, are members of a professional order or possess adequate means of subsistence, Algerian nationals settling in France in a capacity other than that

of salaried worker shall receive a temporary residence certificate valid for nine months from the date of issue. Upon the expiry of this period, they shall receive a residence certificate in accordance with the conditions set forth in article 7 (b).

Following a medical examination and on presentation of a housing certificate, the head of household's spouse, minor children under eighteen years of age or dependent children who settle in France shall be provided with a residence certificate valid for the same period as his own.

Article 6

Algerian nationals residing in France prior to the date of application of this Agreement shall automatically be issued a residence certificate.

Article 7

Residence certificates issued pursuant to articles 2, 4, 5 and 6 above shall be valid for a period of:

- (a) five years, in the case of persons holding a card from the Algerian National Labour Office constituting proof of employment;
- (b) five years, in the case of Algerian nationals engaging in an unsalaried occupation or possessing adequate means of subsistence;
- (c) five years, in the case of Algerian nationals residing in France less than three years prior to the date on which this Agreement enters into force;
- (d) ten years, in the case of those who submit proof, in any form, of residence for more than three years prior to the date on which this Agreement enters into force.

The residence certificates in question shall be issued free of charge to Algerian nationals by administrative authorities, such as the mayor's office, on presentation of a document showing proof of identity. Such residence certificates shall be valid throughout French territory and shall allow the bearer to engage in any salaried or unsalaried occupation, as the case may be.

Residence certificates shall be renewed automatically.

When residence certificates as specified in sub-paragraphs (a) and (c) of this article are renewed for the first time the period of validity may be limited, to a minimum of twelve months, if the worker has been involuntarily unemployed for more than twelve consecutive months.

The same shall apply to Algerian nationals resident in France in a capacity other than that of salaried worker who, after more than twelve consecutive months, no longer fulfil the requirements specified in sub-paragraph (b) of this article.

Article 8

Algerian nationals holding residence certificates who depart from French territory for a period exceeding six consecutive months shall, if they return, be considered new immigrants.

However, they shall be permitted to request an extension of the period mentioned in the first paragraph either prior to their departure from France or through French embassies or consulates.

Article 9

Algerian nationals entering France for a purpose other than to engage in a salaried occupation shall, on presentation of a passport, be permitted to reside in French territory without any formalities for a period not exceeding three months.

Article 10

The provisions of article 7 notwithstanding, and apart from cases of expulsion, residence certificates may be revoked in the case, exclusively, of Algerian nationals considered to be idle because they have been in France for more than six consecutive months without employment or means. They may be repatriated by the French Government. The Algerian consulate having territorial competence shall be informed of the decision to repatriate at least twenty-one days prior to the date on which the decision is to be carried out.

Article 11

This Agreement shall enter into force on the date of its signature.

The provisions of articles 1, 2, 9 and 10 shall take effect as from 1 January 1969.

The application of the provisions concerning the issuance of residence certificates shall take place over a period of one year as from 1 January 1969.

Article 12

A Joint Commission shall be responsible for supervising the application of this Agreement and considering any difficulties which may arise with a view to reaching satisfactory solutions.

The members of the Commission shall be appointed, respectively, by each of the two Governments.

The Commission shall meet semi-annually or, in exceptional circumstances, at the request of one of the Contracting Parties, alternately in Algeria and France.

DONE at Algiers in duplicate, on 27 December 1968.

For the Government
of the French Republic:

Jean BASDEVANT

For the Government
of the Democratic and Popular
Republic of Algeria:

Abdelaziz BOUTEFLIKA

ANNEX

A. Diseases which may endanger public health:

1. Quarantinable diseases specified in World Health Organization Sanitary Regulation No. 2 of 25 May 1951;
2. Active or progressive tuberculosis of the respiratory tract;
3. Syphilis;
4. Other infectious diseases or contagious parasitic diseases against which the host country takes measures to protect its nationals;

B. Diseases or infirmities which may constitute a threat to the peace or to public safety:

1. Drug addiction;
2. Severe psychological and mental disorders; manifest psychoses characterized by agitation, delirium or hallucinations, and confusion.

PROTOCOL

In the course of negotiations conducted at Algiers from 21 to 25 October 1968, the French and Algerian delegations agreed upon the provisions set forth in the present Protocol annexed to the Agreement concerning the movement, employment and residence of Algerian nationals and their families in France.

TITLE I

MOVEMENT OF INDIVIDUALS

The following shall be permitted to move freely between Algeria and France, without any restrictions, on presentation of a national identity card:

(a) Algerian workers holding a card from the Algerian National Labour Office visaed upon their entry into France by the French authorities.

The date of entry and duration of the stay specified in article 2 of the Agreement shall be rubber-stamped thereon, without further formalities.

(b) Persons holding a valid residence certificate.

(c) During the period of transition and in the case of Algerian nationals now in France:

— workers and their families who return to France after spending leave in Algeria, on presentation of proof of submission of a statement of earnings;

- tradesmen and craftsmen producing proof that they are listed in the commercial register or are registered craftsmen;
- members of the liberal professions who belong to a professional order.

The Algerian authorities shall maintain the existing regulations governing the departure of Algerian nationals for France, at least during the period of transition.

TITLE 2

DEPARTURE OF FAMILIES

Dependents shall be persons for whom a document issued by the Algerian authorities is produced certifying that they are dependent on the worker or that they live with him in Algeria.

Cases of ascendants of a worker who wish to reside in France shall be considered individually.

TITLE 3

MEDICAL EXAMINATION CENTRES FOR EMIGRANTS

The French Government shall take steps, before the end of 1968 and within the context of technical and cultural co-operation, to ensure the smooth operation of medical examination centres for emigrants, including those already in existence and those to be established.

The number of doctors at the centres shall at all times be sufficient to ensure their normal operation.

New medical examination centres for emigrants shall have at their disposal the necessary embossed stamps.

Defective embossed stamps shall be replaced.

The competent Algerian authorities shall assure the Chief of the French Medical Mission that the requisite conditions for the smooth operation of the medical examination centres for emigrants will be maintained.

TITLE 4

SOJOURN OF STUDENTS, TRAINEES, OFFICIALS AND AGENTS OF ALGERIAN AGENCIES, SEASONAL WORKERS AND SICK PERSONS

Residence certificates shall be issued to Algerian nationals sojourning in France as students, trainees, officials or agents of Algerian agencies, or seasonal labourers.

The period of validity of such certificates shall be:

- one year, renewable, in the case of students and trainees, on presentation either of a certificate of enrolment in a French higher educational establishment or of a training certificate;
 - two years, renewable, in the case of officials or agents of Algerian agencies, on presentation of a certificate issued by the competent Algerian authority;
 - the same as that of the contract, in the case of seasonal workers, but in no case a full year.
- However, an additional period of one month shall be allowed as travel time.
- Algerians admitted as patients to French medical institutions may reside in French territory for the duration of their treatment, plus an additional three months, on obtaining a certificate from the institutions concerned.

TITLE 5

MISCELLANEOUS PROVISIONS

1. Algerian nationals residing in France shall not be issued residence certificates before they have reached the age of sixteen years.

2. The residence certificates provided for in the Agreement and this Protocol shall be issued on notification of the applicant's address and occupation.

DONE at Algiers in duplicate, on 27 December 1968.

For the Government
of the French Republic:

Jean BASDEVANT

For the Government
of the Democratic and Popular
Republic of Algeria:

Abdelaziz BOUTEFLIKA

EXCHANGE OF LETTERS

I

Algiers, 27 December 1968

Sir,

I have the honour to refer to article 1 of the Agreement which we have signed on this day establishing the quota of Algerian workers.

We agreed that, should a severe crisis occur which seriously affects the employment situation in France, the established quota figure shall be subject to review by the Joint Commission provided for in the Agreement.

I should be grateful if you would confirm your Government's agreement to the foregoing.

Accept, Sir, etc.

Jean BASDEVANT

His Excellency Abdelaziz Bouteflika
Minister for Foreign Affairs
of the Democratic and Popular Republic of Algeria

II

Algiers, 27 December 1968

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter I]

I wish to inform you that the Algerian Government agrees to the terms of this letter.

Accept, Sir, etc.

Abdelaziz BOUTEFLIKA

His Excellency Jean Basdevant
Ambassador Extraordinary and Plenipotentiary
High Commissioner of the French Republic in Algeria

III

Algiers, 27 December 1968

Sir,

I have the honour to refer to article 10 of the Agreement which we have signed on this day.

I am in a position to assure you that the French Government does not intend, when issuing residence certificates or thereafter, to increase the rate of repatriation above that prevailing during the past two years.

Accept, Sir, etc.

Jean BASDEVANT

His Excellency Abdelaziz Bouteflika
Minister for Foreign Affairs
of the Democratic and Popular Republic of Algeria

IV

Algiers, 27 December 1968

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

[See letter III]

I wish to inform you that the Algerian Government has taken note of the terms of this letter.

Accept, Sir, etc.

Abdelaziz BOUTEFLIKA

His Excellency Jean Basdevant
Ambassador Extraordinary and Plenipotentiary
High Commissioner of the French Republic in Algeria