

No. 11554

**FRANCE
and
PORTUGAL**

**Protocol concerning the immigration and social status of
Portuguese workers and their families in France
(with annex). Signed at Lisbon on 29 July 1971**

Authentic texts: French and Portuguese.

Registered by France on 2 February 1972.

**FRANCE
et
PORTUGAL**

**Protocole sur l'immigration et la situation sociale en
France des travailleurs portugais et de leurs familles
(avec annexe). Signé à Lisbonne le 29 juillet 1971**

Textes authentiques: français et portugais.

Enregistré par la France le 2 février 1972.

[TRANSLATION — TRADUCTION]

PROTOCOL ¹ CONCERNING THE IMMIGRATION AND
SOCIAL STATUS OF PORTUGUESE WORKERS AND
THEIR FAMILIES IN FRANCE

The French Government and the Portuguese Government,

Conscious of the importance of the problems connected with the emigration of Portuguese workers to France,

Wishing to normalize their relations in this field, in the interests of the two countries and of the workers and their families,

Have agreed as follows:

1. The two Governments agree to set the number of Portuguese workers who may enter France each year to take up employment there at 65,000.

2. They also agree that the recruitment in Portugal and the entry into France of Portuguese workers shall be effected in accordance with the due procedures agreed upon by the two Governments.

3. With regard to paragraph 2 above, there shall be established a transitional period of one year during which:

(a) The Portuguese authorities for their part shall expedite the formalities enabling Portuguese workers to be recruited for employment in France under the due procedures agreed upon between the two Governments, in accordance with the terms of annex I.

The French authorities for their part shall promote to the greatest possible extent, from the very beginning of the aforesaid period, the full development of immigration under the due procedures, in particular by transmitting to the Mission of the National Immigration Office (*Office nationale d'immigration*) in Portugal the greatest possible number of offers of employment from French employers and by adopting, as and when necessary, additional measures.

(b) In any event, the French authorities shall ensure that, once attained, the total annual quota of Portuguese workers prescribed in paragraph 1 is not exceeded.

If, before the end of the aforementioned period, one of the Parties deems it necessary, contact shall be established between the two Govern-

¹ Came into force on 1 September 1971, in accordance with its provisions.

ments in order to determine whether there is any need to extend the transitional period or to revise the obligations entered into.

4. A Joint Commission shall meet at the end of an initial six-month period and once a year thereafter in order to assess the results obtained and, as appropriate, to submit proposals to the two Governments.

5. In keeping with the spirit of co-operation which exists between the two Governments, the French Government shall intensify its social activities in favour of the Portuguese workers and their families, particularly in the matter of housing.

6. The two Governments are conscious of the importance of vocational training for the social advancement of Portuguese workers in France. The French Government shall, *inter alia*, take steps to encourage an increase in the number of Portuguese workers admitted to vocational training centres in France. The Joint Commission established under paragraph 4 above shall follow the development of this activity.

7. The French Government is prepared to give the most sympathetic consideration, on a case-by-case basis, to any requests submitted to it for the organization by the Portuguese authorities, outside normal school hours, of courses in the language and civilization of Portugal, in French State schools.

This Protocol shall enter into force on 1 September 1971.

DONE at Lisbon on 29 July 1971, in duplicate, in the French and Portuguese languages, both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

JACQUES W. TINÉ

[SEAL]

For the Government
of the Portuguese State:

[Signed]

RUI PATRICIO

[SEAL]

ANNEX I

TITLE I

OPEN RECRUITMENT

Article 1

The French Mission shall transmit each month to the National Emigration Bureau (Secretariado Nacional da Emigração) estimates of the requirements of the French economy in respect of Portuguese manpower. The information given shall

relate, *inter alia*, to the branches of activity, occupations and categories for which recruitment may be anticipated, average remuneration, social security payments, working conditions, housing conditions and cost of living.

Article 2

In response to the above-mentioned communication, the National Emigration Bureau shall inform the French Mission of the extent to which it believes the estimated requirements can be met.

Article 3

The French Mission shall inform the competent Portuguese authorities of the particulars of offers of employment by means of a chart containing precise information concerning the number of vacancies, the nature or type of employment and its duration, the level of remuneration, housing conditions and eating arrangements. The details pertaining to particular applications such as promotion opportunities, age limits and working conditions shall also be specified.

An order of priority as between the various applications may be indicated.

Article 4

The age limit shall be fixed:

- In the case of agricultural workers, at 45 years;
- In the case of mine workers, at 35 years;
- In the case of other categories of workers, at 40 years.

Exceptions may be made in the case of workers with special skills or workers with large families consisting of children between the ages of 5 and 20.

Article 5

Within 48 hours from the date of the communication referred to in article 3, the National Emigration Bureau shall designate places where the Mission of the National Immigration Office may proceed to select workers.

The medical selection shall be made, to the extent that local facilities permit, at the same time as the occupational selection.

The medical requirements shall be transmitted to the National Emigration Bureau.

Article 6

As soon as the communication referred to in the preceding article is received, the French Mission, in consultation with the competent Portuguese authorities, shall set a date for the selection of workers. It shall also indicate the daily rate of selection.

This selection process must begin within eight days from the date of the aforementioned communication, unless the Portuguese authorities stipulate a shorter period.

Article 7

Workers who are declared acceptable following the occupational and medical selection shall be given a certificate of acceptability.

In addition, a list of the successful applicants shall be transmitted each day to the competent Portuguese authorities.

The National Emigration Bureau shall transmit to the French Mission a list of the workers who hold passports.

Article 8

The Portuguese authorities shall carry out all the operations for which they are responsible, including the granting of passports, within 21 days from the date of receipt of the chart referred to in article 3.

Passports shall be issued within 10 days from the preparation of the list of acceptable persons referred to in article 7, once the Portuguese authorities have presented applicants on the basis of the average daily rate of selection indicated by the French Mission in accordance with article 6.

Article 9

The workers, provided with their passports, shall be summoned by the French Mission, where they shall receive their respective contracts of employment, having first signed them.

The contract of employment, signed by the employer and certified by the competent authorities of the French Ministry of Labour, shall contain the fullest possible particulars of the terms of employment, the work to be done, and any special skills required of the workers concerned.

After the contracts are signed and before they are handed over to the workers concerned, the Portuguese authorities may inspect the said contracts on the premises of the Mission and, as appropriate, provide the workers with further clarification. Such action shall not have the effect of delaying the departure of the workers.

Article 10

Before their departure, workers shall receive from the French Mission and the National Emigration Bureau all necessary information concerning their travel, the transfer of their savings, the issuance of residence and work permits and the emigration of their families to France.

TITLE II

INDIVIDUAL RECRUITMENT

Recruitment, selection and travel to France shall be effected in accordance with the following rules.

Article 1

Individual requests from French employers shall be transmitted by the French Mission to the workers concerned and to the National Emigration Bureau, concurrently.

The Bureau shall inform the French Mission of any individual cases in which it is opposed to the emigration of a worker requested by name.

Article 2

Medical control and travel to the place of employment in France shall be effected in the same manner as in the case of open recruitment.

The worker shall receive, on the premises of the French Mission, a contract of employment drawn up in the manner prescribed in article 5 of the Agreement.

In addition to the surnames and given names of the worker and the employer, the contract shall specify any special conditions attaching to the contract, notably its duration, the remuneration and the relevant skills.

TITLE III

GENERAL PROVISIONS

Article 1

The French authorities shall take all necessary action to ensure that Portuguese workers are made welcome in France, especially as regards transport, accommodation and assistance.

Article 2

The cost of the medical examinations carried out by the Portuguese authorities, of applicants' travel from their place of residence to the places in Portugal where such examinations are held, and of their board and lodging while at the said examination centres shall be borne by Portugal.

The medical control and occupational selection costs incurred by the Office shall be borne by France.

The cost of the travel of recruited workers from their point of departure in Portugal to their place of employment in France shall be borne by the Office.

* * *

As from 1 September 1971, the provisions of this annex shall replace those of annex I to the Agreement of 31 December 1963¹ between the French Government and the Portuguese Government concerning the migration, recruitment and employment of Portuguese workers in France.

¹ See p. 253 of this volume.