

No. 26857

**FRANCE
and
TUNISIA**

**Agreement in the field of residence and employment. Signed
at Paris on 17 March 1988**

Authentic texts: French and Arabic.

Registered by France on 6 October 1989.

**FRANCE
et
TUNISIE**

**Accord en matière de séjour et de travail. Signé à Paris le
17 mars 1988**

Textes authentiques : français et arabe.

Enregistré par la France le 6 octobre 1989.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TUNISIA AND THE GOVERNMENT OF THE FRENCH REPUBLIC IN THE FIELD OF RESIDENCE AND EMPLOYMENT

The Government of the Republic of Tunisia and

The Government of the French Republic,

Confirming their commitment to the principles set forth in the Labour Agreement of 9 August 1963² and in the Agreement on Economic Relations and the Protection of Investments, as well as in the two exchanges of letters of the same date³ annexed thereto,

Desiring to regulate on a fair and lasting basis the status of French nationals in Tunisia and of Tunisian nationals in France with respect to residence and employment,

Have agreed as follows:

Article 1

Tunisian nationals regularly residing in France who, on the date of the entry into force of this Agreement, are holders of a residence permit valid for a period of three years or more shall, upon expiry of the permit which they hold, receive as of right a residence permit valid for 10 years.

Such permit shall be renewable, as of right, for a period of 10 years and shall entitle the holder to reside in the territory of the French Republic and to engage in any salaried or unsalaried occupation, including a commercial occupation, in the European departments of France.

Tunisian nationals residing in France who provide proof of regular residence for a period of less than three years on the date of the entry into force of this Agreement shall have the period of their residence taken into account for the purposes of the application of the provisions of this Agreement, particularly with respect to the issuance of a residence and work permit valid for 10 years.

Article 2

French nationals residing in Tunisia who provide proof of regular residence for three years or more on the date of the entry into force of this Agreement shall be entitled, as of right, to a residence permit valid for a period of 10 years entitling them to reside in the territory of the Republic of Tunisia, as well as to a work permit valid for the same period allowing them to engage in any salaried or unsalaried occupation, including a commercial occupation.

¹ Came into force on 1 February 1989, i.e., the first day of the second month following the date of receipt of the last of the notifications (of 19 April and 7 December 1988) by which the Parties had informed each other of the completion of the required procedures, in accordance with article 12.

² United Nations, *Treaty Series*, vol. 1565, No. 1-27261.

³ *Ibid.*, No. 1-27260.

Upon their expiry, such residence and work permits shall be renewable as of right for a period of 10 years.

Pending the replacement of the permits which they currently hold, the French nationals referred to in the first paragraph of this article shall enjoy the rights attached to possession of a residence permit valid for 10 years and the right to engage in the occupation of their choice.

French nationals residing in Tunisia who provide proof of regular residence for a period of less than three years on the date of the entry into force of this Agreement shall have the period of their residence taken into account for the purposes of the application of the provisions of this Agreement, particularly with respect to the issuance of a residence and work permit valid for 10 years.

Article 3

Tunisian nationals who wish to engage in a salaried occupation in France for a period of at least one year and who are not covered by the provisions of article 1 of this Agreement shall, after undergoing a medical examination and on presentation of a contract of employment stamped by the competent authorities, receive a residence permit valid for one year which shall be renewable and bear the word "salaried".

After three years of regular residence in France, the Tunisian nationals referred to in the preceding paragraph may obtain a residence permit valid for 10 years. Their request shall be acted upon in the light of the conditions of their employment and their means of livelihood. The provisions of the second paragraph of article 1 shall apply to the renewal of the residence permit after 10 years.

Other Tunisian nationals holding residence permits who are not covered by article 1 of this Agreement may also obtain a residence permit valid for 10 years if they can provide proof of regular residence in France for a period of three years. Their request shall be acted upon in the light of the occupational or other means of livelihood of which they are able to provide proof and, where necessary, such other proof as they are able to provide in support of their request.

Such residence permits shall confer on their holders the right to engage in France in the occupation of their choice and shall be renewable as of right.

Article 4

French nationals who wish to engage in a salaried occupation in Tunisia for a period of at least one year and who are not covered by the provisions of article 2 of this Agreement shall, after undergoing a medical examination and on presentation of an employment contract stamped by the competent authorities, receive a residence permit valid for one year which shall be renewable and bear the word "salaried".

After three years of regular residence in Tunisia, the French nationals referred to in the preceding paragraph may obtain residence and work permits valid for 10 years. Their request shall be acted upon in the light of the conditions of their employment and their means of livelihood. The provisions of the second paragraph of article 2 shall apply to the renewal of the said residence and work permits after 10 years.

Other French nationals holding residence permits who are not covered by the first paragraph of article 2 of this Agreement may also obtain a residence permit valid for 10 years if they can provide proof of regular residence in Tunisia for a

period of three years. Their request shall be acted upon in the light of the occupational or other means of livelihood of which they are able to provide proof and, where necessary, such other proof as they are able to provide in support of their request.

Such residence permits shall confer on their holders the right to engage in Tunisia in the occupation of their choice and shall be renewable as of right.

Article 5

The spouses of persons holding the residence and work permits referred to in the preceding articles, together with their children who have not attained the age of majority in the host country and who have been admitted into the territory of either State in the interests of reuniting families, shall be authorized to reside in the territory of that State under the same conditions as the aforementioned persons.

Article 6

The family members referred to in article 5 above who, in the interests of reuniting families, have been permitted to join a person covered by article 1 or article 2 of this Agreement, shall be permitted to work under the same conditions as those referred to in the aforementioned articles.

Article 7

The family members referred to in article 5 above who, in the interests of reuniting families, have been permitted to join a person covered by article 3 or article 4 of this Agreement, shall be authorized to engage in a salaried occupation on presentation of an employment contract stamped by the competent authority. Such authorization may not be denied on the grounds of the employment situation.

Article 8

Nothing in this Agreement shall be interpreted as prohibiting the nationals of either Party from engaging in a regulated occupation in the territory of the other Party.

The authorization and conditions of employment in such occupation shall, however, be subject to the relevant regulations in force in the country in question.

Article 9

A residence permit and a work permit valid for 10 years shall be issued as of right:

- (a) To a French national who has been married for at least one year to a Tunisian national, provided that the couple actually lives together;
- (b) To the French child of a Tunisian national if that child is under the age of 21 or is dependent on his parents, and to the French ascendants of a Tunisian national and his spouse who are dependent on him;
- (c) To a French national who is the father or mother of a Tunisian child residing in Tunisia, provided that he or she exercises, even partially, parental authority with respect to that child or effectively provides for that child's needs;
- (d) To a French national in receipt of an industrial accident pension from a Tunisian agency who has a degree of permanent disability of 20 per cent or more;

(e) To the French spouse and the minor children of a French national holding a residence and work permit valid for 10 years who are authorized to reside in Tunisia in the interests of reuniting families;

(f) To a French national who can provide proof of any kind that he has had his place of habitual residence in Tunisia since at least the age of 10, or has been regularly residing there for over 10 years, and who has not been definitively sentenced for a crime or misdemeanour to a term of at least six months' imprisonment without suspension or to a suspended term of one year, or to several terms of imprisonment amounting in total to the equivalent of those terms.

Such residence and work permits shall be renewable as of right for a period of 10 years.

Article 10

A residence permit valid for 10 years shall be issued as of right:

(a) To a Tunisian national who has been married for at least one year to a French national provided that the couple actually lives together;

(b) To the Tunisian child of a French national if that child is under the age of 21 or is dependent on his parents, and to the Tunisian ascendants of a French national and his spouse who are dependent on him;

(c) To a Tunisian national who is the father or mother of a French child residing in France, provided that he or she exercises, even partially, parental authority with respect to that child or effectively provides for that child's needs;

(d) To a Tunisian national in receipt of an industrial accident pension from a French agency who has a degree of permanent disability of 20 per cent or more;

(e) To the Tunisian spouse and the minor children of a Tunisian national holding a residence permit valid for 10 years who are authorized to reside in France in the interests of reuniting families;

(f) To a Tunisian national who can provide proof of any kind that he has had his place of habitual residence in France since at least the age of 10, or has been regularly residing there for over 10 years, and who has not been definitively sentenced for a crime or misdemeanour to a term of at least six months' imprisonment without suspension or to a suspended term of one year, or to several terms of imprisonment amounting in total to the equivalent of those terms.

Such residence permit shall be renewable as of right for a period of 10 years.

Article 11

The provisions of this Agreement shall not affect the application of the legislation of the two States relating to the residence of foreigners in respect of all matters not dealt with in the Agreement.

Article 12

Each of the two States shall notify the other when it has completed the formalities required for the entry into force of this Agreement. The notifications concerning the completion of these formalities shall be exchanged as early as possible.

This Agreement shall enter into force on the first day of the second month following the date of receipt of the final notification.

Either of the two Parties may terminate this Agreement at any time by sending to the other Party through the diplomatic channel written notification of termination. In such case, the termination shall take effect one year after the date of receipt of the said notification.

IN WITNESS WHEREOF, the representatives of the two Governments, being duly authorized for this purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Paris, on 17 March 1988.

In two originals, in the French and Arabic languages, both copies being equally authentic.

For the Government
of the Republic of Tunisia:

[Signed — Signé]¹

For the Government
of the French Republic:

[Signed — Signé]²

¹ Signed by Habib Anmar — Signé par Habib Anmar.

² Signed by Charles Pasqua — Signé par Charles Pasqua.