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Temporary suspension of work permits issued in French Polynesia to foreign nationals coming from China or having stayed there since 30 January 2020

The employment of foreigners is governed by sections LP 5321-1 and following and A 5321-1 and following of the Labour Code. Work permits are granted for a period, an employer, a trade and a determined geographical area.

To grant or deny authorization to work, the following is considered:

- The employment situation present or foreseeable in the short term, in the profession of the foreign worker;
- Employer regularity conditions vis-à-vis the rules on work and social protection;
- The employment and pay conditions offered to the foreign worker;
- The family situation of the foreign worker.

The issuance of work permits is a jurisdiction of the Council of Ministers. In a decree dated May 2013, the Council of Ministers also delegated the authority to issue work permits and foreign business cards to the Minister of Employment.

The withdrawal or suspension of a work permit may be taken as a special administrative policy measure that must be justified.

Following the occurrence of cases of respiratory infections caused by a new virus in people who visited a market in Wuhan City, China, a health alert was declared by the Chinese authorities and the World Health Organization.

In this context, since 28 January 2020, the government implemented a series of measures to prevent the entry of the new coronavirus (now called Covid-19) in French Polynesia.

Uncertainties remain about the source of infection, the mode of transmission and the associated risk factors; the main recommendation is to avoid travelling to China and from China.

Currently, French Polynesia has more than 400 valid work permits for Chinese nationals. The Minister of Employment has identified a number of Chinese nationals, employees of French Polynesian companies, who returned to China as part of their annual leave for the festivities of the Chinese New Year. They are almost 200 in this situation, and some of them are planning to return very soon to French Polynesia.

Given the following:

- coronavirus Covid-19 may cause a range of diseases ranging from a common cold to severe lung infection responsible for an acute respiratory distress;
- in the most severe cases, the patient may suffer acute respiratory distress syndrome or a multi-organ failure resulting in death;
- the virus is transmitted from human to human;
- the origin of the virus was identified in the city of WUHAN in China;
- some countries prohibit the entry into their territory to travellers coming from China or having stayed in Chine in the 14 days prior to their travel;
- French Polynesia has so far had no case of Covid-19 coronavirus since the official discovery of the virus 17 January 2020;
- French Polynesia has asked employers to postpone the return of their Chinese employees on leave from the territory since 28 January 2020;
- since 28 January 2020 French Polynesia has suspended examining any new application for work permit for Chinese nationals and any renewal application for work permits for Chinese nationals who are, on the date of their request, in their countries of origin;
- the urgent need to prevent any risk of spreading for an infectious disease that is a threat to public health;
- the fragility of the French Polynesian island territory;

The Council of Ministers has therefore issued an order to increase the degree of vigilance in the fight against the intrusion of Covid-19 in the territory, by suspending work permits for foreign nationals coming from China or having stayed there since 30 January 2020. Individual enforcement decrees will, in addition, be taken by the Ministry of Employment.