

## Introduction

This country guideline provides general information on the most common corporate immigration processes for France. Please note that immigration processes in every country are subject to frequent change, and also that each case is assessed on its own merits. Therefore, this guideline should be taken as providing general information only. Cases to France are handled by our France office in Paris. For specific, detailed advice, please contact your representative.

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## Immigration Categories

A brief description of corporate immigration categories by assignment type follows. The appropriate immigration category or status for your employees will depend on their specific details and on your company. The most common category for corporate transfers in our experience is the Intra-Company Transfer. For details on non-typical categories not listed below (investors, special programs), please contact your representative.

- **Local or new Hires:** A local labor market search must be conducted to determine whether French nationals and legal residents can fill the position. There is an official list of positions for which this requirement can be waived. Depending on the length of the work contract, the employee will obtain a *salarisé* permit [for a contract of twelve (12) months or more] or a *travailleur temporaire* permit [for a contract of less than twelve (12) months].
- **Intra-Company Transfers:** The intra-company transferee may be locally hired (work contract with the entity in France) or seconded (*détaché* - no local contract). A local labor market search is not a requirement for intra-company transfers. Depending on the specifics of the case, different types can be issued to an intra-company transferee:

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- **Salarié en mission:** This document can be issued to both locally hired and seconded assignees. The assignee should have been employed with the home company for at least three (3) months. The home and host companies must have common ownership and the salary to be paid to the assignee must reach at least one and one-half (1.5) times the French minimum wage (€2199.93 as of January 1st, 2016). The document is valid for up to three (3) years. It may be renewed under certain conditions.
- **Travailleur temporaire:** For assignees with a local contract shorter than twelve (12) months or on secondment who do not meet the conditions to obtain a *salarié en mission* permit. The document is valid for the duration of the assignment and up to one (1) year. It may be renewed.
- **Salarié:** For assignees on a local contract of twelve (12) months or more who do not meet the conditions to obtain a *salarié en mission* permit. The document is valid for one (1) year and renewable.
- **European Union (EU) Blue Card (Carte Bleue Européenne):** Issued to highly qualified local hires. The employment contract with the French company must be for at least twelve (12) months, the salary paid to the employee must be at least one and one-half (1.5) times the average gross annual salary paid in the Member State concerned (€53,836.5 in June 2016 in France) and the employee must have a three (3) year degree or five (5) years of work experience. No labor market test is required. The EU Blue Card is valid for one (1) to three (3) years depending on the duration of the employment contract [three (3) years for an indefinite term contract]. It is renewable.
- **Compétences et talents (skills and talents):** Issued to applicant who, because of his/her skills and talents, can contribute, in a significant and durable manner to the economic development or to the expansion in the intellectual, scientific, cultural, humanitarian or sports fields of France and, directly or indirectly, of his/her country of origin. The *compétences et talents* permit is delivered based on the content and the nature of the applicant's project and also on the benefit the project has for France and the applicant's country of origin. Under certain conditions, this permit can also be issued to an applicant who is appointed as the legal representative of a French company. The *Carte de Séjour compétences et talents* is valid for three (3) years and may be renewed under certain conditions.

## Typical Process Overview

Approximate overall processing time from the time the first step is submitted to the time the employee is legal to work in France is ten (10) to twelve (12) weeks. However, note that lead time for document gathering at the start of the process should be factored in, as should processing time for completion of post arrival formalities. In France, the document gathering stage of the process is particularly labor intensive, as many documents must be translated. We can assist with this if required. See the "[Application Materials](#)" section below for further details. Average processing time for each individual step is noted below.

**Pre-Application:** Local Labor Market Search (where applicable)

**Processing Time:** Three (3) weeks of job advertising

If the employee's proposed position has not already been advertised correctly, the employer in France must do so. This step is NOT required when it is an intra-company transfer or for employees eligible for the EU Blue Card. If this step is required, please add one additional month to the estimated completion time.

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## **Step One:** Work Permit Approval

**Processing Time:** Four (4) to ten (10) weeks, but increases during French vacations (Christmas and summer)

Our France office submits the application and supporting documents to gain approval from the local labour authorities and French Immigration authorities.

## **Step Two:** Long Stay Visa

**Processing Time:** One (1) to fifteen (15) business days

Approval is sent to the French Consulate in the applicant's country of residence or nationality. The applicant must go to the Consulate in person to apply for the visa. In most cases, an appointment must be booked for this application.

## **Step Three:** Immigration Medical (where applicable)

**Processing Time:** One (1) day

The applicant can start working upon arrival in France with the visa. Once the applicant has entered France, an immigration medical exam is carried out.

No medical exam is required for the following categories: *“salarié en mission”*, *EU Blue Card* and *“compétences et talents”*

## **Step Four:** Residence Permit (*Carte de Séjour*)

**Processing Time:** Four (4) to eight (8) weeks, but increases during French vacations (Christmas and summer)

Most applicants entering France with a long stay visa must apply for a residence permit post arrival.

However, some long stay visas act as a residence permit. They are valid for a maximum of one (1) year. If the applicant wants to remain in France after the expiration date of the visa, an actual residence permit will be required.

During the residence permit process, depending on the place of residence in France, applicant might be asked to visit the local police office in order to get fingerprinted.

## Typical Documents Obtained

Following the process described above will result in the obtention of the following immigration documents. Typical validity is noted next to each document name. For details on the renewal process, please see the next section, [“Renewal.”](#)

- **Work Permit (*Autorisation de travail*):** One (1) day to three (3) years
- **Long Stay Visa (Type D) (*Visa de long séjour*):** Three (3) to twelve (12) months
- **Residence Permit (*Carte de Séjour*):** Four (4) to thirty-six (36) months

## Renewal

Renewal is generally possible. However, note that a *salarié en mission* permit issued to a seconded employee (i.e. no local employment contract) is normally not issued for more than three (3) years. Renewal processes usually take four (4) to eight (8) weeks' time. However, please allow two (2) to four (4) weeks' lead time for document gathering.

For local hires, permanent residence applications can be made after residing regularly in France and paying French taxes and social security for five (5) consecutive years. French language knowledge is a requirement of the application. Note that *salarié en mission* permit holders are not eligible for permanent residence.

## Deregistration

France has no deregistration process upon departing the country.

## Dependents

Dependent immigration status approval depends on the immigration status of the principal applicant. Where the principal applicant is in France with a work permit, the following rules apply for dependents:

- **Minimum age (spouses):** Not applicable
- **Maximum age (children):** Eighteen (18) years
- **Unmarried partners:** No
- **Same sex partners:** Yes (if married)
- **Non-traditional dependents (e.g. parents):** No
- **Work authorization granted?** Not usually, but there are some exceptions. The spouse of a *salarié en mission* receives a residence permit with right to work, provided that the *salarié en mission's* French assignment is greater than six (6) months and that he/she resides continuously in France for more than six (6) months per year during the assignment. The spouse of a foreigner holding a *compétences et talents* permit also receives a residence permit with right to work in France as well as the spouse of the holder of a *European Union Blue Card*.

## Application Materials

Application materials vary depending on the immigration category being applied for and on the specifics of the case. We will advise you in detail regarding your specific case; however, general application materials for a work permit are noted below.

- General application materials include current resume (C.V.), copy of passport, birth and marriage certificates, corporate registration certificates, description of the assignment in France, salary information, etc.
- All documentation must be submitted in France. We can assist with the translation requirements where necessary.

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## Business Visitors

- **Name of visa granted:** Short Term Schengen Visa (Type C)
- **Visa waiver:** Some nationals do not need a Schengen visa to visit France on business.
- **Duration of stay:** Ninety (90) out of one hundred eighty (180) days
- **General activities permitted:** “business only”, generally defined as attending business meetings and seminars. If you are unsure whether your assignment may be considered business or not, please contact your representative. Please note that visitors must not undertake any productive activity in France which generates revenue for the visitor or the employer.

## Change of Status

In theory, it is not possible for travelers to change their visa status within France in the first year; applicants arriving in France to work must arrive with the correct visa category.

## Salary and Payroll

Salary and payroll requirements vary depending on the immigration category and on the specifics of the case. In France, there are minimum salary requirements in place. Additionally, payroll location will affect the immigration process.

- Local hires should not be paid less than someone already working for the French company in the same position with the same background.
- Seconded employees (no local contract) should receive at least the minimum wage as stated in the French law (i.e. €1 466.62 gross per month as of January 1st, 2016) or in the applicable French conventional labour regulation if more favorable than the French law. The minimum salary as stated in the conventional labour regulation may be higher than the minimum legal wage. French employment regulations dictate that neither housing, nor food, nor can travel allowances be taken into consideration when calculating the minimum salary of a seconded employee.
- For *salarié en mission* applications, the monthly gross salary to be paid to the assignee should amount to at least one and one-half (1.5) times the French minimum wage (€2199.93 as of January 1st, 2016). One of the above two principles should also be satisfied, depending on whether the *salarié en mission* permit is to be obtained for a local hire or for a seconded (*détaché*) employee.
- For the EU Blue Card, the salary level requirement is €53,836.5 gross annually.

Please your representative for more details for your specific situation.

## Qualifications

Qualification requirements will vary from case to case and will depend on the immigration category under which the application is made. However, in general, the immigration authorities do expect to see a university level degree. In some situations, a strong case may be made for applicants without a degree, provided their level of experience and industry specific qualification is high. Please contact your representative for more details.

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## Red Flags

In our experience, the following points are important to note at the start of the process. If any of the below situations apply to you, contact your representative immediately for further detailed advice.

- Insufficient compensation
- Absence of degree
- Absence of relevant experience
- Domestic/Unmarried partners or non-traditional dependents

## Penalties for Non-Compliance

The government of France takes immigration non-compliance very seriously. Penalties for non-compliance may include fines, deportation, and imprisonment.

### Employee Penalties:

A foreigner without a French residence permit is liable up to one (1) year prison term and a fine of €3,750, including a punishment of banning from the French territory for a maximum period of three (3) years, and subject to a deportation order.

### Employer Penalties:

In the absence of a work permit, the French employer is liable up to five (5) years prison term and a fine of €15,000 to €75,000.

For more details, please contact your representative.

## Bilateral Agreements

- **European Union:** France is a member of the European Union (EU), European Economic Area (EEA), and European Free Trade Area (EFTA). Many EU member countries, EEA member countries, and EFTA countries maintain agreements that allow individuals from member states to travel and work freely within the region without prior authorization. For detailed information on process and requirements for nationals of EU/EEA/EFTA countries traveling to Country, please contact Emigra Worldwide.
- **Schengen Area:** France is a member of the Schengen agreement. Short term (type C) visas, long stay visas (type D) and residence permits for France will allow travel in the rest of the Schengen zone.

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