

# Business Immigration in France: Overview

by Stéphane Coulaux and Valérie Maricot, [CMG Legal](#)

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A Q&A guide to business immigration in France.

This Q&A gives an overview of the key factors affecting business immigration, including information on the jurisdiction's sources of immigration law; relevant government entities; requirements for unsponsored and sponsored immigration; requirements for sponsors; civil and criminal penalties for sponsors; common issues and concerns; dependants; settlement and citizenship; recent trends and proposals for reform.

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## Relevant Governmental Entities

1. What are the relevant government entities (agencies, departments, branches, bodies, and so on) relating to immigration in your jurisdiction?

### Administration

France is divided into regions, which are sub-divided into administrative districts (departments). Various authorities are involved in immigration management at different stages. These are the:

- Directorate-General for foreign nationals in France (*Direction Générale des Etrangers en France*) (DGEF). The DGEF operates within the Ministry of the Interior for immigration and asylum policy and French citizenship. The DGEF implements the guidance set by the Minister and drafts statutory provisions.

The DGEF operates publicly through the:

- French office for the protection of refugees and Stateless People (*Office français de protection des réfugiés et apatrides*) (OPFRA); and
- French Office of Immigration and Integration (*Office Français de l'immigration et de l'intégration*) (OFII) in charge of the reception and support of foreign nationals authorised to reside permanently in France.

The DGEF is made up of directorates and services and relies on the prefecture network in France, and on the consular network abroad.

- Directorate for immigration (*Direction de l'Immigration*) (DIMM). The DIMM:

- oversees the development of public policies regarding the entry, residence and work of foreign nationals;
- deals with illegal immigration;
- develops regulation regarding the entry and residence of foreigners and work authorisations; and
- manages border control, the expulsion of illegal foreign nationals and illegal labour and identity fraud.

The DIMM has 3 sub-directorates:

- sub-directorate for visas;
  - sub-directorate for residence and work; and
  - sub-directorate for illegal immigration.
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- Directorate of integration and access to citizenship (*direction de l'intégration et de l'accès à la nationalité*) (DIAN). The DIAN is in charge of designing and implementing public policy for integration of foreign nationals in France and for access to French citizenship.

Consulates abroad are responsible for processing visa applications.

Prefectures (the Departments' administrative centres) are responsible for issuing residence permits for foreign nationals entering France and for processing changes of status and extensions of immigration status.

## **Enforcement**

The Ministry of Foreign Affairs and the Ministry of Interior oversee the issuance of visas to foreign nationals through their consulates abroad. Border police officers verify immigration compliance on entry into France.

Prefectures oversee the stay of foreign individuals and are responsible for issuing residence permits.

## **Legislative**

French immigration laws are issued by the French Parliament (a bicameral legislature consisting of the Senate and the National Assembly).

The Prime Minister issues implementing decrees which apply laws.

Laws and decrees can be supplemented by ministerial circulars and bulletins issued by French administrative bodies, which provide further guidance on the implementation of laws.

## **Sources and Conflicts of Law**

### **Sources of Law**

2. What are the principal sources of law relating to immigration in your jurisdiction?

The main sources of law relating to immigration in France are the:

- Immigration and Asylum Code, which governs immigration generally (including visas, residence permits, work permits, and so on).
- Labour Code, which regulates work permits (such as type of work permits, employee rights, and so on).
- Civil Code, which governs nationality matters.
- Regulation (EC) 810/2009 on establishing a Community Code on Visas (Visa Code), which governs the EU common visa policy (for example, on Schengen visas).
- EU directives on various immigration topics.
- Bilateral or multilateral treaties with specific countries, where relevant.

## Conflicts of Law

3. What potential conflicts (if any) arise between the various sources of law?

Some French national provisions may potentially conflict with some EU provisions due to different interpretations by the EU courts of EU provisions implemented in France (mainly regarding the civil status of families and children). However, in most cases, French provisions do not conflict with other immigration provisions, especially those relating to business immigration.

## Business Immigration

### Un-sponsored Business-Related Immigration

4. What are the primary options available for unsponsored work and investment in your jurisdiction?

## What Routes are Available for Unsponsored Immigration?

Unless the applicant is covered by a visa waiver programme, for example US or Canadian nationals, admission to and residence in France requires a visa issued by the French consulate of the applicant's place of residence abroad. The category of visa is primarily determined by the duration and purposes of residence. The main visa categories for business immigration are the:

- Short-stay visa (up to 90 days), which is commonly referred to as the Schengen visa.
- Long-stay visa (more than 90 days).

A Schengen visa can be issued for a maximum 90 days over any period of 180 consecutive days. The circulation visa is a specific type of Schengen visa issued for a total of one to five years, but subject to the same maximum 90-day stay within any period of 180 consecutive days.

A Schengen visa does not allow the holder to perform activities requiring a work permit or other activities that are subject to specific authorisation. For work activities, an appropriate visa and/or work permit must be applied for.

Unsponsored business-related immigration covers:

- Independent business people performing commercial, industrial, craft industry or intellectual activities either as self-employed individuals or through a company.
- Investors.
- Business visitors.

Immigration procedures in France depend on the type and form of activity to be conducted.

The Law on Rights of Foreigners of 7 March 2016 includes various categories for unsponsored business immigration to attract and help investors expand their business in France. These come under the talent passport (*passport talent*) umbrella (*see below*).

## Investors

**Talent passport - business investor (*investisseur économique*).** This is issued for up to four years and is renewable (replacing the previous "exceptional economic contribution" category). It is available for foreign nationals making a direct economic investment in France and wishing to settle in France to monitor the progress of their investment. Purely financial (passive) investments do not fall within the scope of this category.

To be eligible, the investor must:

- Be investing at least EUR300,000 in fixed tangible or intangible assets.
- Be investing either directly or through a company in which the applicant has at least a 30% shareholding.
- Own at least 10% of the company in which applicant is which the investment is being made.

- Create or protect jobs within the four years following the investment in France (or commit to a yearly job creation/protection and investment plan).

## Business Ventures

**Talent passport - new business (*création d'entreprise*).** This is issued for up to four years and is renewable. It is available for foreign nationals planning to set up a new business in France. The planned business venture can take various forms, such as a business in the foreign national's own name, a French company or an establishment of a foreign entity, for example. To be eligible, the applicant must have:

- A qualification corresponding to a master's degree or equivalent, or at least five years' professional experience of a comparable level.
- Proof of a real and serious plan to form an economically viable business in France.
- Proof of an investment of at least EUR30,000 in the planned business.
- Proof of sufficient financial resources during the stay of at least the statutory national minimum wage (*salaire minimum interprofessionnel de croissance*) (SMIC) (EUR18,655 per year in 2021).

**Talent passport - innovative business project (*projet économique innovant*).** This is issued for up to four years, is renewable and is available for foreign nationals with an innovative business project which they want to develop in France and which has been recognised by a public-sector body.

## Company Directors

**Talent passport - company director (*mandataire social*).** This is issued for up to four years, is renewable and is available for foreign nationals wishing to serve as a company's legal representative in France. To be eligible, the person must:

- Be appointed as legal representative of an entity/company set up and doing business in France.
- Have at least three months' experience as an employee or company director in an entity or affiliated company belonging to the same corporate group.
- Receive annual remuneration of at least three times the SMIC (EUR55,965 per year in 2021).

## Self-Employment

If the foreign national is not eligible for a talent passport, they can alternatively apply for a standard business activity visa, the "entrepreneur/professional services visa", as long as the activity is economically viable and can provide adequate resources for himself or herself (of at least the SMIC, EUR18,655 per year in 2021).

Before submitting the visa application, the applicant must request an opinion on the economic viability of the business creation project on the *government website*.

The visa is valid for one year and is issued for the first year by the French consulate abroad. After the first year, the applicant can apply for annual extensions, based on the business activity.

## Business Visitors

Business visitors who do not fall into the business activity category (*see above, [Self-employment](#)*) or have any other type of work permit for work done in France are allowed to undertake certain restricted and non-productive/non-billable activities in France. This is generally limited to the following activities, and only when no service is provided to a French-based client and when the service is not billed in France:

- Attending punctual business meetings, discussions and negotiations.
- Making sales calls to potential European clients, if the business visitor acts on behalf of a commercial entity located outside France.
- Attending seminars and conferences.

Business visitor status is not appropriate for visits aimed at:

- Training.
- Advising or providing technical assistance.
- Repairing machinery, computer software or equipment.
- Performing other technical duties at either an affiliated company or a client site.

For these activities, a work permit (for salaried employees) or a specific professional visa (for independent individuals) is required.

Unless the visa waiver programme applies (*see [Question 4](#)*), any non-EU/EEA national must apply for a short-stay Schengen visa for any intended stay of up to 90 days in 180 days (*see [Question 4](#)*).

When the applicant is a company's employee, some French consulates limit the length of the business visa to a maximum of ten to 15 days, on the grounds that a longer stay would involve a salaried activity subject to a work permit (this policy is currently applied, for example, by French consulates in India).

A circulation visa, which falls into the Schengen visa category (and is therefore subject to the 90-day limit), is available for foreign nationals intending to enter France regularly and can be granted for a total of one to five years.

## Students

Student visas can be issued by French consulates to foreign students in most countries after prior validation from the French national agency "Campus France" based on their planned admission to study in France.

There are different types of French student visas:

- Schengen short-stay student visas for study programmes for up to three months.
- Student "*concours*" visas for sitting entrance exams.
- Temporary long-stay student visas for between three and six months.

- Standard long-stay student visas for students who want to study in France for longer than six months.

Holders of a student visa/residence permit are allowed to work, while on the course, for a maximum 964 hours per year of visa/residence permit validity without having to get a work permit approval.

Those holding a master's degree, a degree accredited as level 1 by the *Conférence des Grandes Ecoles* or a professional licence can apply for a "Job hunting" residence permit (*Titre de séjour Recherche d'emploi/creation d'entreprise*) that is a one-year, non-renewable temporary residence permit for searching for a first full-time job or to create a business. Once they have found a job, they must apply for a change of status to get a residence permit card allowing the new professional activity (talent passport categories or standard work permit categories, *see above*).

Other applicants can seek a change of status also subject, for salaried employment, to a prior work permit approval (to be submitted online by the host entity/French employer on the *government website*, which applies a labour market test to check whether the applicant/employer evidence that the required skills are not available on the French job market.

The employer must first advertise the job position in France for at least three weeks with the French official agencies Pole Emploi or APEC and then, after analysing the candidates received, prepare a request for recruitment of a foreign worker explaining why French candidates have not fulfilled the relevant conditions. The job position advertisement and this request must be uploaded in the online system when applying for the work permit.

France also has bilateral agreements with 14 countries for work holiday visas and youth mobility programmes.

## Others

**The international or national fame talent passport.** This is issued for up to four years and is renewable. It is available for foreign nationals planning to engage in an activity in France linked to their national or international reputation.

To be eligible the person must:

- Have proof of national or international reputation.
- Plan to engage in France in an activity in a scientific, literary, artistic, intellectual, educational or sport field for more than three months.
- Have proof of sufficient financial resources during the stay of at least the statutory national minimum wage (EUR18,655 a year in 2021).

The researcher talent passport. This is issued for up to four years. It allows doctoral students and other researchers who hold at least a master's degree to stay in France to conduct research or teach at a university.

5. What approvals (visas or work permits) are required for unsponsored foreign nationals?

## Visa Procedure

**Visa required.** For short-stays (up to 90 days), unless the applicant is covered by a visa waiver programme, for example US or Canadian nationals, a Schengen visa is required to enter France.

For long-stays (more than 90 days), a long-stay visa is required and a residence permit card on entry in France. The French consulates abroad are in charge of issuing visas. The applicant must submit their application at the French consulate in their country of citizenship or residence.

**Issuing authority.** The French consulates abroad are the issuing authorities of the visas, under the control of the Ministry of Foreign Affairs.

**Cost.** The cost for a Schengen visa is of EUR80. The cost for a long-stay visa is of EUR99 and the average cost for the residence permit card is of EUR225.

**Duration of application.** The average processing time for a visa, as from submission date at the French consulate, is between five and 30 business days, depending on the type of visa and where the application is submitted abroad. Usually, the French consulates keep the applicant's passport during the whole processing time.

**Expiry and renewal.** A Schengen visa (short-stays) cannot be renewed. A new Schengen visa must be applied for, abroad, to receive a new Schengen visa.

There are various types of long-stay visas.

- VLS-TS visas are issued for the whole duration requested (up to one year), with a requirement to validate it online on entry into France. This can then be renewed by a residence permit card in France.
- Standard long-stay visas are issued for three months with the requirement to apply for the corresponding residence permit card on entry into France. They can be renewed.

## Work Permit Procedure

**Work permit (or equivalent) required.** Un-sponsored immigration in France relates to self-independent workers (versus employees). There is no work permit procedure for independent workers; the right to work in France is included in the visa delivered. The work permit procedure is only for employees (under an employment contract) sponsored by a company.

## Sponsored Business-Related Immigration

6. What options are available for sponsored employment in your jurisdiction?

## General Requirements for Sponsored Employment Visas



Unless a non-EU foreign employee is covered by a visa waiver programme (*see Question 4*), admission to and residence in France for less than 90 days requires a visa issued by the French consulate of the employee's place of residence abroad. Any non-EU foreign employee wishing to enter France for more than 90 days must apply for a long-stay visa and may additionally have to apply for a residence permit on entry into France.

The category of visa is primarily determined by the duration and purposes of residence. The main visas for business immigration are the:

- Short-stay visa (Schengen visa) (up to 90 days).
- Long-stay visa (more than 90 days).

When a company wishes to send or receive a foreign employee in France for an assignment of less than three months, a short-term temporary work permit is in principle required in addition to a Schengen visa. The employee can either be on secondment or on local hire. A temporary work permit is issued for a maximum period of three months and is not renewable.

A short-term work permit exemption applies for stays of three months or less of foreign nationals who are not already residing in France and who are sent to France for specific salaried paid activities in the following fields:

- Sporting, cultural, artistic and scientific events.
- Conferences, seminars and trade shows.
- Film, audio-visual, entertainment and phonographic publishing production and distribution when the employee is an entertainer, artist or part of technical personnel directly attached to production or direction of a work.
- Modelling and artistic posing.
- Domestic workers during the stay in France of their employer.
- Educational activities performed on an occasional basis by invited professors.

The exemption also applies to employees performing an audit/expert assignment in IT/computing, management, finance, insurance, architecture and/or engineering, when they are posted:

- In performance of a service agreement between their foreign employer and the beneficiary of the services in France.
- For an intra-company assignment at an affiliate company/establishment of the same corporate group.
- For an assignment on their employer's own behalf with no contractual beneficiary in France.

When a company wishes to send or receive a foreign employee in France for an assignment exceeding 90 days, a long-stay visa and appropriate long-term work permit are required. A long-stay visa is in principle valid for three months. On entry into France, the visa holder must submit a residence permit application. However, certain categories of foreign nationals are directly issued a long-stay visa equivalent to a residence permit valid from three to 12 months, meaning that the holder need not apply for a residence permit on entry in France for the first year.

## Types of Sponsored Employment Visas

Immigration procedures for long stays in France depend on the type of activity conducted, the duration of the mission and the conditions of employment.

**No labour market test.** The Law on Rights of Foreigners of 7 March 2016 implemented multi-year residence permit cards (talent passports) for several sponsor-based, long-stay employment visas and Intra-company Transfer (ICT) visa categories that allow non-EU-foreign employees to reside and work in France without being subject to a prior labour market test and work permit requirement. The categories below are directly processed by the French consulate abroad:

- **European blue card (*carte bleue Européenne*) talent passport.** This is issued for up to four years and renewable. It is designed for highly skilled employees who have:
  - a degree certifying at least three years of higher education, or at least five years of professional experience;
  - an employment contract with a French company for at least one year; and
  - a gross annual salary of at least 1.5 times the average annual gross salary set by decree (EUR53,837 in 2021).
- **Employee on intra-company transfer (*salaré en mission – activité salariée*).** This talent passport is issued for up to four years. It is designed for highly skilled employees of a foreign affiliate company belonging to the same corporate group who are temporarily transferred to France and who have:
  - seniority of at least three months with the company group/employer established outside France;
  - employment contract of more than three months with an affiliate company of the same corporate group established in France; and
  - gross annual remuneration of at least equal to 1.8 times the SMIC (EUR33,579 per year in 2021).
- **Young qualified graduate employee/employee of an innovative company (*salaré qualifié/entreprise innovante*) talent passport.** This is issued for up to four years and is renewable. It is designed for:
  - employees with a French advanced master's degree or equivalent (accredited by the *Conférence des Grandes Ecoles*) issued no more than a year before the application by a nationally authorised higher education institution with an employment contract of more than three months and a salary of at least twice the SMIC (EUR37,310 a year in 2021); and
  - employees under the same conditions of employment contract and salary when hired by a French young innovative company (*jeune entreprise innovante*) (JEI) (certified as such by the French tax code) for a job position directly linked to the company's research and development project.
- **ICT *seconded/salaré détaché* visa/residence permit.** This is issued for a maximum of three years and is not renewable. It is designed for employees seconded (where there is no local employment contract in France) by a foreign home employer to an affiliate company in France in a senior management position or to provide temporary expertise and subject to the following conditions:
  - at least six months' employment with the company group/employer established outside France; and
  - an intra-company secondment in France for up to three years maximum for a senior management position or contribution of expertise.

- When the considered duration of stay is 12 months or less, the foreign employee is granted a long-stay visa equivalent to a residence permit (*visa de long séjour valant titre de séjour*) (VLS-TS) visa for the duration of the intra-company mission.

**Labour market test.** The other categories that allow non-EU-foreign employees to reside and work in France are subject to a prior labour market test and a prior work permit approval.

The French Government issues a list of jobs in demand (per sector and region), last updated in April 2021. If the job being offered is on this list, the employer is subject to a prior labour market test and can directly submit the work permit application online. For other positions that are not on this list, the employer must first advertise the job in France for at least three weeks with the official agencies Pole Emploi or APEC and then, after analysing the applications received, prepare a justified request for recruitment of a foreign worker by explaining why such candidates did not fulfil the relevant conditions.

The job advert and this request must be uploaded on the online system when applying for the work permit. However, this does not guarantee that the work permit application will be approved. The French authorities can still reject the request on the grounds of employment levels.

If the work permit is granted (with an average processing time of two months), the applicant can submit their visa application at the French consulate abroad.

The following visa types exist:

- **Employee temporary visa/residence permit.** This long-stay work visa, which is equivalent to a residence permit (salaried employee VLS-TS visa), is intended for employees to be hired by a company located in France for one year or more. At the end of the first year, the employee must apply in France for an extension of the visa, which is replaced by a one-year renewable residence permit. At the expiry of the visa, an extension application can be filed with the French authorities to obtain a temporary residence permit for the remaining duration of the fixed-term contract.
- **Temporary worker temporary visa/residence permit.** This long-stay work visa, which is also equivalent to a temporary residence permit (temporary worker VLS-TS), is intended for foreign nationals who will be:
  - hired by a company in France under a fixed-term contract of three to 12 months; and
  - seconded in France by their foreign employer for a fixed period of three to 12 months to provide services at a client company.

At the expiry of the visa, an extension application can be filed with the French authorities to obtain a temporary residence permit for the extension period of the secondment.

This type of visa can also be used for employees on intra-group mobility who cannot benefit from either a talent passport or an IT secondee permit.

7. What approvals (visas or work permits) are required for sponsored foreign nationals?

## Visa Procedure

**Visa required.** For short-stays (up to 90 days), unless the applicant is covered by a visa waiver programme, for example US or Canadian nationals, a Schengen visa is required to enter France. A work permit may be required before the visa process (for those who are not eligible for an ICT visa or a passport-talent visa).

For long-stays (more than 90 days), a long-stay visa is required. A work permit may be required (as above). A residence permit card must be obtained on entry into France. The French consulates abroad are in charge of issuing visas: the applicant must submit the application at the French consulate in their country of citizenship or residence.

**Issuing authority.** The French consulates abroad are the issuing authorities, under the control of the Ministry of Foreign Affairs.

**Cost.** The cost of a:

- Schengen visa is EUR80.
- Long-stay visa is EUR99
- Residence permit card is (on average) EUR225.

**Duration of application.** The average processing time from submission date at the French consulate is between five and 30 business days, depending on the type of visa and where the application is submitted abroad. Consulates usually keep the passport for the whole processing time.

**Expiry and renewal.** The duration of the work/residence permit depends on each visa category. Most work/residence permit categories can be renewed (except specific ones such as the long-stay ICT visa valid for a maximum of three years, not renewable).

## Work Permit Procedure

**Work permit (or equivalent) required.** Except for specific visa categories (long-stay ICT visas and Passport-talent visas), a work permit is required, before the visa submission.

See also *Question 6, [General Requirements for Sponsored Employment Visas: Labour market test](#)*.

If the work permit is granted (with an average processing time of 2 months), the applicant can submit their visa application at the French consulate abroad.

**Issuing authority.** The DGEF is responsible, within the Ministry of the Interior, for issuance of work permits. Since 1 April 2021, the work permit is issued by an online platform and received by the applicant/host company in France in PDF format by email.

**Cost.** There is no work permit fee for ICT and passport talent visas.

For standards worker visas, the employer in France received a request to pay a work permit OFII fee, of between EUR74 and EUR2,138 (depending on the duration of the contract).

**Duration of application.** When a work permit is required, the average processing time, from online submission after the three-week labour market test, is two months.

**Expiry and renewal.** The duration of the work/residence permit depends on each visa category. Most work/residence permit categories can be renewed (except specific ones such as the long-stay ICT visa).

8. What are the requirements for becoming a sponsor to employ migrants? What is their role, and what are their reporting and record-keeping duties?

The sponsor company cannot be an agency or third party with no direct link to the activities to be performed in France.

For foreign employees to be employed under a French employment contract (including indefinite or fixed-term, intra-company or not), the foreign employee must be sponsored and hired by a company with an entity established and duly registered in France.

For foreign employees seconded to France by a foreign employer (without a French employment contract), the work permit/visa application must be sponsored by the home employer company.

### **Role and Reporting Duties of Sponsors**

The sponsor must prepare and submit the prior work permit application, if applicable, on behalf of the employee. The sponsor company must sign the supporting documentation submitted with the application.

The French hosting company sponsor or the legal representative of the foreign employer are responsible for the payment of the applicable government fees related to the processing of the work permit application.

For seconded employees (regardless of citizenship) posted to France by their home foreign employer, the home sponsoring company must submit a prior declaration of secondment to the French authorities and designate in this posting declaration a legal representative on French territory for the duration of the secondment, to comply with all the requirements on the employer's behalf.

### **Record-Keeping Duties of Sponsors**

Foreign employers seconding employees in France must ensure that the legal representative they appoint on the French territory for the assignment period holds and maintain all required documentation relating to this secondment for the whole period. This legal representative in France is the sponsor's legal contact with the French authorities in case of inspection and must present any documents on request.

Documents relating to the employee and working conditions in France must be provided, including the:

- Passport information page of employee.
- French work permit approval of employee (when applicable).

- French visa/residence permit card (when applicable).
- Home employment contract/employment certificate of employee (or any document evidencing law applying to the contract, home employer details, hire date of employee, job position, home place of work).
- The document giving proof of an equivalent medical check-up in the home country to the one practised in France (showing capacity to perform the job functions).
- When the posting is of one month or more, the payslips of the posted employee or any equivalent document including the following information:
  - gross salary (including overtime) in euros;
  - working hours and periods (showing salary for hours up to 35 hours per week and salary for overtime hours);
  - vacation days and public days and related remuneration; and
  - name of collective bargaining agreement (when applicable).
- Timesheets mentioning the start, end and duration of the daily working time of employee.
- Approved social security certificate of coverage of employee.
- Assignment letter detailing the working conditions in France of posted employee.
- Copy of the posting declaration notified online on the SIPSI portal ([www.sipsi.travail.gouv.fr](http://www.sipsi.travail.gouv.fr)).

Documents relating specifically to the home employer:

- Any document evidencing the number of contracts performed and amount of turnover/revenue achieved by the home posting company in its country and in the French territory.
- Any document evidencing that home employer's social security situation is in order (for companies based outside of EU).

## Civil and Criminal Penalties for Sponsors

9. What are the types of sanctions, civil and criminal penalties that sponsors (or employers) can face for non-compliance with the rules?

The company/individual who, directly or indirectly, engages or employs in France a foreign employee without proper immigration authorisations is liable to any combination of the following:

- Imprisonment for up to five years.
- Fine of up to EUR15,000 for each employee involved, payable by a physical individual/representative of the company.
- Fine of up to EUR75,000 payable by the company

Intentionally providing false information when applying for a work permit can result in imprisonment for up to one year and a fine of up to EUR3,000. Additionally, if a document granting rights is issued on the basis of fraudulent declarations, the person who made the declarations can be liable to two years' imprisonment and to a fine of up to EUR30,000 (*Criminal Code*).

An employer who employs a foreign worker in breach of the applicable provisions can also be liable to the following penalties:

- Prohibition from pursuing the business that gave rise to the violation and from carrying out certain activities.
- Confiscation of assets used in, or resulting from, the commission of the offence.
- Closing part or all of the company's offices used to commit the offence.
- Publication of the conviction in the press.
- Exclusion from government contracts.
- Payment of the costs of the employee's return to their home country.
- Ban on a foreign employer from entering France for up to ten years or permanently.

The foreign individual who entered France and worked on the French territory without appropriate authorisation can be ordered to leave the French territory and not allowed entry for up to three years.

Failure to comply with the posting declaration of workers, where applicable, is subject to administrative fines amounting to up to EUR4,000 per posted worker and by breach (EUR8,000 in the case of a repeated offence), capped at EUR500,000.

## Common Issues or Concerns for Business Immigration

10. What common issues or concerns can arise under business immigration in your jurisdiction?

A foreign national working in France, regardless of their immigration status, must earn a gross salary equivalent to the gross salary that a local employee in a similar position would receive (peer salary). The peer salary can be determined based on the collective bargaining agreement applicable to the employee's position in France.

Any foreign employer sending an employee to France, whether on secondment or under a French employment contract, must comply with minimum labour law requirements (such as health and safety, working time and paid holiday requirements).

Additionally, a foreign national working in France must have valid social security coverage. Unless there is a social security agreement between France and the employee's country, the foreign employee must provide French social security coverage.

## Dependants

11. What persons qualify as dependants (for example, family members)? What are the general requirements and restrictions for bringing dependants into your jurisdiction for sponsored and unsponsored business-related immigration?

### Persons Qualifying as Dependants

Minor children and spouses qualify as dependants.

A spouse must be married (France recognises same-sex marriages but does not recognise civil partnerships).

### General Requirements and Restrictions

**Specific accompanying family scheme for limited categories.** This specific scheme applies in the framework of the talent passport holders (*see [Question 4](#) and [Question 5](#)*) and other specific limited categories:

- Dependants of talent passport card holders.
- Dependants of ICT secondee employees.

The spouse of the holder of any of the permits above is automatically granted a residence permit for the same duration as the worker's permit and allows the spouse to perform any professional activity in France.

Children under the age 18 of the holder of any of the permits above obtain a long-stay visa to enter France. Once in France, children under 18 do not need a residence permit, but can apply for a circulation document to be able to travel and re-enter France after the expiration of their entry visa.

The accompanying family scheme is not available to family members of other foreign individuals.

**Family reunion procedure.** Any dependant of a foreign individual sent to France must normally make an application under the standard family reunion procedure, if eligible under this procedure.

To qualify for the family reunion procedure, the holder of the residence permit must have resided legally in France for at least 18 months on a regular basis. The application must be filed with the French authorities of the place of residence of the permit holder. The processing time is at least six months (and in practice up to 12 months).

Alternatively, these dependants can apply to the French consulate of their place of residence for a long-stay visitor visa. However, the decision to grant the visa is at the discretion of the French consulate. Most consulates will reject these applications for dependants of salaried employees under a French contract on the ground that the applicable procedure is the family reunion procedure.



Dependants of the holder of a temporary worker residence permit can apply for a visitor visa at the French consulate of their place of residence. However, the decision to grant the visa is at the discretion of the French consulate and subject to evidence of:

- Financial means.
- Conditions and purposes of the intended stay.
- Intention to leave France before the expiry of the visa.

If the conditions for family reunion are satisfied, family members will be issued a visitor long-stay visa equivalent to a residence permit. This visa does not authorise any professional activity in France.

## Entitlement to Work

Dependants of talent passport holders and dependents of ICT permits benefit from the right to work in France.

Other categories do not, except where they can apply separately and on their own for a category allowing work in France.

## Settlement and Citizenship

12. What is the general time frame and processes for obtaining permanent residence and citizenship in your jurisdiction for sponsored and unsponsored business-related immigration?

### General Process and Timeframe for Obtaining Permanent Residence

The holder of a settlement permit (*carte de resident*) can stay in France and conduct any professional activities without restrictions. A permit is issued for ten years and is renewable. Once granted, the ten-year permit remains valid provided that the holder does not leave France for more than three consecutive years. On request, a settlement permit can be automatically granted without the need to satisfy the applicable minimum residence requirements to specific and limited categories, including foreign investors eligible under the exceptional economic contribution residence permit (which is valid for ten years).

Other foreign nationals can apply for a settlement permit if they:

- Entered France with a valid visa.
- Have lived in France under specific residence permit categories for at least three years without interruption (for example, employees seconded to France (not on local hire) are not eligible).
- Prove that they have regular and sufficient financial means.
- Demonstrate their integration into the French society and a sufficient level of fluency in the French language.

EU blue card holders and their spouse are eligible for an EU long-term resident permit of ten years after five years of residence under the blue card in the EU, of which only the last two years must be in France.

Holders of temporary worker and intra-company salaried employee permits are not eligible for a settlement permit, as their period of stay in France does not entitle them to a ten-year permit.

An application for a settlement permit must be filed with the competent French authorities at the place of residence of the applicant. The processing time is usually about four months.

## General Process and Timeframe for Obtaining Citizenship

French citizenship can be obtained by parentage, marriage or naturalisation (that is, by decision of the French authorities).

**Obtaining citizenship by marriage.** A foreign national can apply for French citizenship if their spouse is French and either:

- The couple has been married for five years and live together.
- The couple has been married for four years and the French spouse has been registered for at least four years with the local French consulate of their spouse's place of residence.

**Obtaining French citizenship by naturalisation.** To apply for French citizenship by naturalisation, an applicant must both:

- Hold a valid residence permit.
- Have resided in France for at least five years before filing the application.

In addition, the applicant must have had their primary source of income in France during the five-year period.

The residency requirement is reduced to two years for applicants who either:

- Successfully studied for two years and obtained a diploma issued by a French university or equivalent French institute.
- Rendered or could render important services to France due to special skills and talent.

The residency requirement can be completely waived in the following cases:

- Citizens of countries where French is one of the official languages.
- Persons:
  - whose mother tongue is French;
  - who spent at least five years in a French school;
  - who have rendered exceptional services to France; and
  - whose naturalisation would be of exceptional interest to France.

Naturalisation will only be successful for persons who:

- Are judged to have integrated into French society (that is, through language skills and understanding of the rights and responsibilities of a French citizen), to be demonstrated during an interview with the French authorities.
- Show loyalty to French institutions.

French authorities must process an application within 18 months from the date of receipt.

Dual nationality is not expressly provided for by French law. However, French law does not require a foreigner becoming French to renounce their original nationality, or a person to renounce French nationality when being conferred a foreign nationality.

## Recent Trends and Future Legislation

### Recent Trends

13. What are the recent trends, both political and social, that have impacted your jurisdiction with regard to immigration policy and law?

Current trends aim at developing migration policy that is more selective and focused on business immigration, with the aim of attracting qualified foreign workers and investment into France and to simplify immigration procedures for these categories.

This policy has already resulted in practical changes that have translated into more attractive work permit categories or processes designed for selected third-country workers and investors.

While working towards a more attractive and flexible immigration system, steps are being taken to ensure heightened scrutiny and sanctions, specifically for prevention of illegal immigration and fraudulent secondments (*see also [Question 12](#)*).

The Government also aims to conduct more on-site controls every month and is recruiting agents and officers to carry these out as part of the policy of tackling illegal employment and "social dumping".

From 25 May 2021, France opened an online service for residence permit card requests for holders of talent passport visas. These visa holders must now submit their application on the online platform instead of having to attend a local Prefecture.

Since April 2021, France has changed work permit application procedures, aiming to make the process more efficient:

- The labour department (*Direction Régionale des Entreprises, de la Concurrence, de la Consommation, du Travail et de l'Emploi (DIRECCTE)*) is no longer in charge of processing work permit applications. Employers can no longer submit applications at local labour department offices.
- Employers must now submit work permit applications on a dedicated online platform. This system aims at:

- allowing a better distribution of work permit applications and standardisation of practices between regions; and
- simplifying the list of documents to be provided.

On April 2021, the government updated the list of jobs in demand (per region) for which there is no prior labor market test (no requirement to first advertise the position for at least three weeks with the French official agencies and so on, *see [Question 6](#)*). This list will be updated regularly.

## Future Legislation

14. Are there any anticipated changes in the immigration laws of your jurisdiction or other law reform that impacts on immigration law?

The online system implemented by the French authorities for students and talent passport visa holders aims is expected to be extended to other residence permit categories in the near future.

### Contributor Profiles

#### Stéphane Coulaux, Partner

**CMG Legal**

T +33 158 052 040

F +33 158 052 041

E [coulaux@cmglegal.net](mailto:coulaux@cmglegal.net)

W [www.cmglegal.net](http://www.cmglegal.net)

**Professional and academic qualifications.** Paris Bar, 1997; Law degree, Universities of Paris, France; University of Kent, Canterbury, UK

**Areas of practice.** Corporate immigration; regulatory matters; international litigation.

**Professional associations/memberships.** International Bar Association (IBA); National Representative for France of the Immigration Committee; regularly appears on panels for the IBA, the American Immigration Lawyers Association (AILA).

#### Valérie Maricot, Partner

**CMG Legal**

**T** +33 158 052 040

**F** +33 158 052 041

**E** [maricot@cmglegal.net](mailto:maricot@cmglegal.net)

**W** [www.cmglegal.net](http://www.cmglegal.net)

**Professional and academic qualifications.** Paris Bar, 2001; Law degree, University of Paris, France

**Areas of practice.** Employment, corporate immigration.

**Professional associations/memberships.** International Bar Association (IBA), the American Immigration Lawyers Association (AILA).

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