

# GMS Flash Alert

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## France – New Types of Residence Permits

A new French immigration law was enacted on March 7, 2016, intended, among other things, to better accommodate foreigners legally living in France and to improve the appeal of France as a place that welcomes and nurtures global talent.<sup>1</sup> Starting November 1, 2016, decrees of application are in force.<sup>2</sup>

Some of the key measures affecting individuals relocating to France and globally mobile employees are briefly described below.

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### WHY THIS MATTERS

Individuals relocating to France (e.g., entrepreneurs, investors, people in the country temporarily for short-term activities) and employees assigned to work in France, their immigration counsel, and their global mobility advisers, should take note of these recent immigration developments. The changes create opportunities for inbound individuals bringing expertise, investments, and talent to France; however, it is important to be aware of what has changed – and will be changing – so that (i) a determination can be made with respect to what is the most appropriate residence permit (if any) to apply for, (ii) the required steps can be taken in advance of applying for the desired permits, and (iii) individuals (and their employers) are in compliance with the rules.

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### Creation of Multi-Year Residence Permit

This type of residence permit will be available to an individual who has already obtained a one-year residence permit in France. The residence permit will be valid for up to four years. Specific conditions must be met:

- The individual making the application must justify/prove the seriousness of his or her participation in training prescribed by the French government with a certificate to be given by the administration during the training.
- The individual making the application must also justify/prove that he or she will continue to fulfill the conditions of issuance of the residence permit which he or she has already obtained.

The multi-year residence permit will be renewable if the individual continues to fulfill the conditions noted above.

## Creation of Residence Permit “Passport Talent”

This type of residence permit will be valid for four years from the date of entry into France and is intended to appeal to the type of talent it is believed should help broaden and boost the French economy. It will cover previously existing residence permit categories as well as create new ones (which are shown in *italics*):

- *Local hire with a Master degree or local hire in a new start-up innovative company;*
- Blue Card holders;
- Intra-company transferees under a French contract;
- Researchers;
- *Creators of new businesses;*
- *Innovative/Entrepreneurial business project participants;*
- *Investors;*
- Legal representatives;
- *Artists;*
- *Foreign nationals with established national or international renown.*

Please note that a specific level of remuneration, as defined in the decrees of application, has to be met depending on the category of permit.

## Creation of Residence Permit for Assignees Who Are Intra-Company Transfers

This type of residence permit will be valid up to three years and an assignee seconded to France within a corporate group must have at least three months of seniority in the group to obtain it. The employee with a comparable residence permit in a European Union (EU) member state will be authorized to work in France for up to 90 days. A notification form will have to be sent to the relevant Police Administration Office by the employer or its service provider. The usual residence permit will be required for an employee who will be working for more than 90 days in France and up to three years.

## Creation of Residence Permit for Intra-Company Trainees

This category of residence permit will allow a trainee who has a seniority of at least three months within the corporate group and sufficient financial means to be transferred to a company of the group in France for training purposes. The maximum length of stay will be one year. The trainee with a comparable residence permit in an EU member state will be authorized to work in France for up to 90 days. A residence permit will be required for a traineeship in France of longer than three months and up to one year.

## Work Permit Exemption

No work permit will be required for foreign nationals working less than three months in France in the following fields or activities:

- Sports, cultural, artistic, and scientific events;
- Professional conferences, seminars, and workshops;
- Film, audio-visual, entertainment and Phonographic publishing production and distribution, if the employee is an artist or technical personnel directly part of the production or project;
- Modelling;
- Home-care services and domestic workers employed during the assignment in France of their private employers;
- Teaching classes given occasionally by visiting professors;
- Audit- and expertise-related assignments in: information technology (IT), management, finance, insurance, architecture, and engineering when the employee is seconded to France by his or her foreign employer.

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## FIDAL NOTE

From a practical point of view, updated forms are expected and French civil servants have not received all the instructions to proceed with the new applications.

Given the state of flux in this area, employers should consult with their qualified immigration counsel and global mobility advisers.

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## FOOTNOTES:

1 *Loi n°2016-274 du 7 mars 2016 relative au droit des étrangers en France.*

2 *Décret n°2016-1456 du 28 octobre 2016 pris pour l'application de la loi n°2016 -274 du 7 mars 2016 et portant diverses dispositions relatives à l'entrée, au séjour et au travail des étrangers en France.*

## Contact us

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**The information contained in this newsletter was submitted by FIDAL Direction Internationale in France.**

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