

Residence Permits (« titres de séjour »)

October 2004

If a foreign national intends to remain in France for more than three months, he has to obtain a residence permit (“*titre de séjour*”) from the French administration. There are two kinds of residence permits: the “*carte de séjour temporaire*” (temporary, or short-term, residence card) and the “*carte de résident*” (long-term residence card). The following comments relate to each of them:

The temporary, or short-term, residence card

1. Different kinds of temporary residence cards

There are several kinds of temporary residence cards (issued for a maximum duration of one year, but renewable under certain conditions), corresponding to specific situations:

➤ **Temporary residence card with the mention “*visiteur*” (visitor)**

This card can be issued to a foreign national intending to reside in France for more than three months, **as long as he does not carry out a salaried activity**. To qualify for it, the applicant must prove that he has the means for his sustenance, and present a long-stay visa obtained before his departure from the French consular authorities in his country of origin. He must also undertake not to carry out any salaried professional activities, although some non-salaried activities may be permitted upon demand.

This is often the residence status granted to impatriates’ dependents, especially their spouses.

➤ **Temporary residence card with the mention “*travailleur temporaire*” (temporary worker)**

This type of card is issued to foreign nationals authorized by the French administration to carry out a salaried activity in France under a fixed term contract, or as a seconded worker. It is valid only for the employer and the duration of the activity specified in the original application. In order to qualify for it, the foreign national must present a long-stay visa.

➤ **Temporary residence card with the mention “*salarie*” (permanent worker)**

This type of card is issued to foreign nationals authorized by the French administration to carry out a salaried activity in France under a permanent contract (“*contrat à durée indéterminée*”). It is valid only for the employer mentioned in the original application. In order to qualify for it, the foreign national must present a long-stay visa.

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➤ **Temporary residence card with the mention “*scientifique*” (researcher)**

This type of card is issued to foreign scientists who come to France with a long-stay visa to carry out research activities or teach in an institution of higher learning. The applicant will have to present an agreement between his original institution and the French host institution.

Exceptionally, the **renewal** of this type of residence card can be approved for **four years** instead of a single year.

➤ **Temporary residence card with the mention “*profession artistique et culturelle*” (cultural and artistic professions)**

This type of card is issued to performing artists and literary or artistic authors with a contract of more than three months, and covered by a long-stay visa.

➤ **Temporary residence card with the mention “*étudiant*” (student)**

This card is issued to foreign students effectively registered in an institution of higher learning, who can prove that they have means of sustenance equivalent to at least 430.50 Euro per month. To obtain this card, the students must present a long-stay visa, or a short-stay visa with the mention “*étudiant-concours*” (i.e. “student admitted for an examination or competition”).

➤ **Temporary residence card with the mention “*vie privée et familiale*” (family regrouping)**

This type of card allows the foreign national to carry out any salaried activity without the need for a work permit. It is issued as a matter of law to:

- minors who can establish that they have habitually (“*de façon habituelle*”) lived in France from not more than 13 years of age;
- foreign nationals who can establish that they have habitually (but not necessarily regularly) lived in France for more than 10 years;
- students who can establish that they have regularly lived in France for more than 15 years;
- any foreign national married to a French citizen, who has entered France in a regular manner (“*de façon régulière*”), provided that their community of living has not been discontinued (except for marital violence inflicted by the French spouse);
- the foreign parent of a French child whose education he has been taking care of since the child’s birth, or for more than one year;
- foreign nationals who have strong family and personal links in France (the conclusion of a civil union – “PACS” – can be considered as one of these criteria);
- foreign nationals who have entered France in a regular manner, whose non-French spouses have a temporary residence card with the mention “*scientifique*” (scientist);

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- a foreign national who is awarded an allowance for a professional accident, provided that the rate of incapacity is at least 20 %;
- stateless persons, their family and children.

Note that the residence card with the mention “*vie privée et familiale*” can be refused where the public order may be endangered, or in cases of polygamy.

Where the *préfet* intends to reject an application for a temporary “*vie privée et familiale*” residence card on the ground that the conditions for its issuance are not met, the matter is submitted to a special commission for residence permits (“*commission du titre de séjour*”). The commission calls the applicant for a hearing, in which the latter may be assisted by a person of his choice, and call upon the services of an interpreter.

If the commission confirms the rejection, the applicant has two months to file an appeal with the competent administrative tribunal.

2. Exemptions

The following foreign nationals are exempted from the requirement of a temporary residence card:

- Foreign nationals remaining in France less than three months;
- Foreign nationals remaining in France between three and six months under a long-stay visa bearing the mention “*dispense temporaire de carte de séjour*” (temporary dispensation from the residence card);
- Nationals of the European Union (except nationals of the eight formerly communist countries admitted to the EU on May 1, 2004, who come to France to work), as well as nationals of EEE countries.
- Members of diplomatic missions, their spouses and children, who are given a special card issued by the Ministry of Foreign Affairs.

3. Application

The application for a residence card must be filed within two months of the foreign national’s arrival in France. Its renewal is not due as a matter of law, and must be requested no later than two months before the current card expires.

Supporting documents to be submitted with the application:

- data establishing the civil status of the applicant, his/her spouse and children;
- Long-stay visa;
- proof (“*Justificatif*”) of domicile;
- identity photos (their number may vary depending on the office involved)

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...and whenever required:

- proof of the means of sustenance
- registration certificate in an institute of higher learning or work contract, as required by the French administration;
- proof of medical and accident insurance coverage
- apprenticeship agreement.

The application must be filed with the *préfecture*, *sous-préfecture* or *mairie* (town hall). In Paris, it must be filed with the *préfecture de police*.

4. Revocation of the permit by the French administration:

The temporary residence card may be revoked for the following reasons:

- procuring and soliciting
- obtaining funds under threat
- illicit sale or offer of narcotic drugs
- slave trade
- exploitation of begging
- theft in public transports
- hiring foreign workers without a work permit
- working without work permit.

The long-term residence card

The long-term residence card, issued for a period of validity of 10 years, allows its foreign holder to reside in France and to exercise any activity – whether or not salaried – without a work permit. Nor is its holder required to obtain a “*commerçant étranger*” (“foreign trader”) card where this would otherwise be the case.

1. By whom can the card be obtained?

The conditions for the issuance of a long-term residence card have been modified by the so-called “Sarkozy law” of November 26, 2003¹. In general terms:

¹ Law No. 2033-1119 on “The control of immigration, the residence of foreign nationals in France, and the nationality.”

A foreign national lawfully present (“*en situation régulière*”) in France can now request the status of resident only after **five years** (previously three) of uninterrupted presence in France. This waiting period is reduced to **two years** (previously one) in case of family regrouping or marriage. Moreover, the issuance of the long-term residence card is conditional upon the applicant’s so-called “*intégration républicaine*” (“republican integration”) in French society, and upon his intent to reside permanently in France.

By “republican integration” the law understands a sufficient knowledge of the French language and of the principles governing the French Republic (including in particular those relating to church and state separation, and to the prohibition of polygamy).

It is incumbent upon the *préfet* to ascertain whether the conditions of “republican integration” are met. Where appropriate, the *préfet* may consult the mayor of the municipality where the applicant is living.

More specifically, the modalities for the issuance of a long-term resident card include the following:

a. Foreigners entitled to the issuance of the long-term residence card as a matter of law:

Some foreign nationals are entitled as a matter of law to the issuance of a long-term residence card, except where they do not reside in France on a continuous basis, or if they represent a danger for public order. This is the case for:

- The foreign child of a French citizen, if the child is less than 21 years old, or is dependent upon his parents;
- Parents who are dependents of a French citizen or his spouse;
- Foreign nationals married to a French citizen for at least two years, as long as their community of living has not been terminated;
- Foreign nationals entitled to a work accident allowance, where the ratio of incapacity exceeds 20 %;
- Foreign nationals -- other than students – who have been living in France on a regular status for at least ten years;
- Foreign nationals who served in a combat unit of the French armed forces or of an allied army.
- Foreign nationals who served in the FFI (the French resistance forces in World War II)
- Foreign nationals awarded and serving in the *Légion d’Honneur* for at least three years;
- Foreign nationals who have been granted the status of refugees, as well as their spouses and children when the marriage had taken place before the foreign national acquired the status of refugee, or since more than one year;
- Stateless persons who have been living in France on a regular status for at least three years, as well as their spouses and children.

b. Foreigners entitled to apply, but to whom the issuance of a long-term residence card may be refused.

Other foreign nationals may apply for a long-term resident card, but their application may be rejected, especially if their “republican integration” in French society has not been confirmed. This concerns:

- **Foreign nationals who have lived in France on a regular status for at least five years**, provided that they have the means for their sustenance, and that they intend to reside there durably;
- **Parents** of a French citizen living in France, who have joined the French child, to whose education they effectively contribute, for at least **two years** in the context of a **family regrouping**;
- **The spouse and minor children** of a foreign national holding a long-term residence card, when they have joined their spouse or parent in the context of a **family regrouping** since at least **two years**.

2. Procedures

The application for a long-term residence card must be filed with the competent *préfecture, sous-préfecture, mairie* (town hall) or *commissariat*, or, in Paris, at the *préfecture de police*.

The following supporting documents must be presented:

- data establishing the civil status of the applicant, his spouse and children;
- residence card about to expire
- data concerning the means of sustenance
- where the country of origin authorizes polygamous marriages, a formal declaration (“*attestation sur l’honneur*”) that the applicant does not live in a status of polygamy;
- any other documents proving, where this is the case, that the applicant is entitled as a matter of law to a long-term residence card.

3. Renewal of the long-term residence card

The long-term residence card is renewed as a matter of law, except where the foreign national has left France for more than three years, where he lives in a status of polygamy, or where he represents a danger for the public order.

When applying for renewal, the applicant must furnish a formal declaration (“*déclaration sur l’honneur*”) that he has not resided outside France for more than three consecutive years, and his current residence card about to expire.

4. Rejection of the application for a long-term residence card

Where the *préfet* intends to reject an application for a long-term residence card to which the applicant would normally be entitled as a matter of law, the decision to reject is submitted to a special commission for residence permits (“*commission du titre de séjour*”). The commission calls the applicant for a hearing, in which the latter may be assisted by a person of his choice, and call upon the services of an interpreter.

If the commission confirms the rejection, the applicant has two months to file an appeal with the competent administrative tribunal.

5. Revocation of the long-term residence card by the French administration

The foreign national’s long-term residence card may be revoked where he is subject to a prohibition to remain on French territory (“*interdiction du territoire*”, e.g. where the person concerned has hired foreign nationals who do not have a work permit), as well as when the person has been absent from France for more than three years, or in cases of polygamy.

The long-term residence card is also revoked when the foreign national acquires French citizenship.

Legal provisions governing temporary and long-term residence cards:

- Ordinance No. 45-2658 of November 2, 1945 on the conditions of entry and residence of foreigners in France, Articles 12 quarter and 14 to 18,
- Decree No.46-1574 of June 30, 1946, regulating the conditions of entry and residence of foreigners in France, Articles 10 to 12,
- Decree No. 99-566 of July 6, 1999 on the family regrouping of foreigners.