

Introduction of a foreign salaried employee into France

January 2005

Any French company that wishes to **hire** a foreign worker as one of its **salaried** employees has to go through a so-called “introduction” procedure (*procédure d'introduction*) to obtain the requisite approval.

This requirement of an introduction procedure does not, however, apply to nationals of the original fifteen member states of the European Union, or of the European Economic Space (EEE)¹. On the other hand, it continues to apply to the nationals of the former communist countries recently admitted to the EU, if the company that wishes to employ them is French.

“Introduction” or secondment?

There is a difference between the “introduction procedure” and a secondment. Whenever a foreign worker is sent to France by a foreign employer to whom he remains subordinated, the operation is considered a secondment. On the other hand, when the foreign worker is subordinated (“*retient un lien de subordination*”) with a French firm, he becomes a **salaried** employee of the latter. He must thus be hired under the rules established by the French labor code, which calls for a work permit obtained through the “introduction” procedure.

1. Documents to be submitted to the DDTEFP²

The introduction procedure is handled by the DDTEFP competent for the French employer, and includes numerous documents which must either be written in French or be translated.

a. general documents

- a CERFA work contract, in triplicate
- two payment commitments to the OMI (do not submit checks with the file)
- a questionnaire concerning the living accommodations for the foreign national
- a questionnaire concerning the foreign national's social security coverage
- attestation proving that the job has been advertised, and that the requisite contacts have been followed up

¹ The exhaustive list of the countries whose nationals are exempted from the introduction procedure includes Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the United Kingdom (i.e. the 15 original EEC members), as well as Iceland, Liechtenstein and Norway (i.e. the members of the EEE), Cyprus, Malta and Switzerland.

² *Direction Départementale du Travail de l'Emploi et de la Formation Professionnelle*, or Office of Work, Employment and Professional Training.

- two questionnaires on the “Introduction of a foreign worker requested by name”

b. documents relating to the employer

- K.BIS or K. excerpt, or craftsman certificate [“*certificat d’artisan*”] (not older than one year), or the association declaration receipt from the *préfecture*;
- charter (where appropriate)
- mention of the applicable collective convention or accord
- copy of the two last pages of the personnel register [“*registre unique du personnel*”], or copy of the three last declarations of personnel movement for firms with more than 50 salaried employees
- copies of the two last monthly or quarterly statements submitted to the URSSAF
- copies of the last two receipts for the payment of the contribution for paid leave of construction workers or public works, as the case may be;
- copies of the two last monthly or quarterly tax returns.

c. documents relating to the foreign national

- copy of the passport (including document number and validity)
- copy of the work contract or promise to hire
- detailed resume
- copies of diplomas, with official translation into French
- detailed explanatory letter giving the reasons for hiring the particular worker, specifying the precise functions he would be expected to exercise in the firm, as well as his level in the appropriate customary ranking scale
- where the transfer to France of a salaried worker employed by the same group is concerned, an attestation of the job held with the foreign-based firm, or the initial work contract, the addendum to that contract relating to the transfer to France, and the last three pay slips by the foreign-based employer
- four recent identity photographs.

NB: a simplified procedure applies where the internal transfer of a senior or high-level executive with a gross monthly salary of more than 5.000 Euros is concerned.

2. The procedure must be initiated while the worker is still in the foreign country

The introduction procedure operates only when the foreign worker is outside the French territory. An information note of the Office of Foreign Workers in the Paris DDTEFP³ specifies in fact that “where the foreign national is already present on French territory, he must return to his country of origin or residence in order to qualify for an introduction application”.

³ Intro/MOE75/042004

Moreover, “the foreign national must remain in his country of origin or place of residence until the visa is granted”. Such a visa will not be issued unless the DDTEFP has given its approval to the application for a work permit.

This same information note points out that “since the worker is not in France, all the procedural steps must be taken by the employer.” It goes on to stress that “the employer must accomplish all the formalities required by the Labor Code with regard to the hiring of the worker,” and that “the worker’s salary must be paid in Euros by the firm that hires him”.

3. Procedural steps

The DDTEFP decides upon the application for a work permit once it is in possession of the complete file. In case of approval, it informs the OMI, which will in turn refer the matter for verification to the Ministry of Interior. As soon as the approval of the Ministry is received, the OMI informs the French consulate of the worker’s place of residence, as well as the employer. The worker himself is not informed by the French administration; that task is left to the employer.

The French consulate will thereupon contact the foreign worker and issue him the visa that will allow him to come to France. **Note: three months are generally needed** between the submission of the file to the DDTEFP, and the issuance to the foreign worker of his long term visa by the French consulate in the country concerned.

As soon as the foreign worker receives his visa, the OMI advises the employer, who will in turn advise the OMI of the date when the worker will arrive in France.

Upon his arrival in France, the foreign worker will be called by the OMI for a medical visit, upon the completion of which he will receive the signed work contract. If the result of the medical visit is positive, the worker must apply with the *préfecture* of his domicile for the issuance of a temporary resident card. To that end, he must present his visa, the certified [“*visé*”] work contract and the medical certificate to the *préfecture*.

At that time, the employer must also pay the applicable fee to the OMI.

4. Renewal of the temporary resident card

The temporary resident card is issued for a maximum of one year. Three months before it expires, its holder may apply for its renewal with the *préfecture* of his domicile. This application must reach the *préfecture* not later than two months before the date on which the card expires. Four possible cases must be considered in that connexion:

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- a. **Where the worker continues in the same employment**, he must present the following documents:
- an attestation of presence by the employer
 - the three last pay slips
 - copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the Urssaf have been paid
 - where applicable, copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the paid leave fund [*“caisse des congés payés”*] for construction workers or public works employees, as the case may be, have been paid.
- b. **Where the worker has moved to a different employment**, the following documents must be presented:
- (i) **documents relating to the previous employment:**
- letter of dismissal, or letter of the foreign worker giving his reasons for leaving the job
 - the three last pay slips and work certificate
 - copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the Urssaf have been paid
 - where applicable, copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the paid leave fund [*“caisse des congés payés”*] for construction workers or public works employees, as the case may be, have been paid.
- (ii) **documents relating to the present job**
- work contract, and the six last pay slips
 - copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the Urssaf have been paid
 - where applicable, copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the paid leave fund [*“caisse des congés payés”*] for construction workers or public works employees, as the case may be, have been paid.
- c. **Where the worker is in the course of moving to a different employment**, he must present the following documents:
- hiring promise
 - attestation that the offer of employment has been filed with the ANPE
 - charter of the legal person, where such a charter exists, except where it has been granted for less than one year, and has not undergone significant changes
 - specification of the applicable accord or collective convention

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- copy of the last two pages of the personnel register [*“registre unique de personnel”*], or, where firms with more than 50 employees are concerned, copy of the three last declarations of personnel movements
- copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions have been paid
- where applicable, copy of the two last receipts [*“bordereaux de versement”*] proving that the social contributions to the paid leave fund [*“caisse des congés payés”*] for construction workers or public works employees, as the case may be, have been paid.

d. **Where the worker is unemployed**, the following documents must be presented:

- letter of dismissal, or letter of the foreign worker giving his reasons for leaving the job
- work certificate
- attestation of the body by which unemployment benefits are paid specifying the remaining period for which the foreign worker is still covered by it.