



Managerial staff, scientists and accompanying family Two new circulars

June 2006

Two new circulars dated 15 March 2006 provide details related to foreign managerial staff and scientists coming to France. Below you will find the main provisions for the executives and the scientists themselves as well as for their families.

1. Senior executives

In March 2004, formalities were simplified for foreign senior executives coming to France. DPM/DMI2 circular no. 2006-132 of 15 March 2006 provides details related to this formality:

The criteria regarding the employer (capital, duration in existence, etc.) **were abolished.**

To use the simplified procedure when there is an internal transfer, the senior executive must prove **six months of seniority in the firm** (rather than the previously required one year). The minimum remuneration required is still **5,000 euros**.

The new circular specifies the required documents (that until now varied depending on the administrative offices):

- The firm's statutes, certificate of registration or incorporation (K bis), account certificate from URSSAF (agency responsible for recovery of social contributions)
- Cerfa work contract no. 9661-02, duly filled out, along with the detailed work contract
- Commitment to pay dues owed to the ANAEM (National Agency for the Reception of Foreigners and Migration) (Cerfa form no. 12424-01 or 12425-02)
- Copy of passport
- Two envelopes prepaid for "express" shipping between competent administrative offices:
 - o one envelope is used to send the approved work contract and civil registry documents to the consulate
 - o the other is used to speed up sending the applications for residence permits and travel documents for minor children between the consulate and the competent government administrative offices (*Préfecture*)

For an accompanying family application, where applicable (see below):

- Marriage certificate of official family record book
- Full birth certificates for minor children
- Where applicable, divorce ruling stipulating child custody, with authorization from the other parent to leave the country
- Completed information sheet

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The new circular reiterates that processing the application should not take longer than 10 days, that the employer's sole administrative contact is the ANAEM and that, once in France, the senior executive and his/her family must get their residence permit from the ANAEM after their medical visit (and not from the *Préfecture*, as for other foreign nationals).

2. Families of managerial staff

a. "Accompanying family" formalities

Another circular, the DPM/DMI2 no. 2006-133 of 15 March 2006, specifies that families of managerial staff (senior or not) can have recourse to the formalities for "accompanying family", allowing them to avoid the hassles of "family reunification" formalities.

When a foreign national has authorization to work in France, the normal procedure to follow to bring one's family is "family reunification". The procedure is long: the foreign worker must first reside in France for a year before he/she can bring immediate family to France. He/she must, at this point, prove that he/she has sufficient means and adequate housing for the family.

Managerial staff are exempted from this long procedure and, as part of the "accompanying family" procedure, they can bring their families to France as soon as they arrive here.

The following can use the "accompanying family" procedure:

- **Senior executives** as defined by DPM/DMI2 circular no. 143 of 26 March 2004, whose gross monthly remuneration is higher than **5,000 euros**
- Executives whose remuneration is equal to 1,300 the minimum guarantee, or **4,043 euros** on 1 July 2005.

Spouses and minor children of these people are authorized to come to France at the same time as the foreign worker (there is no need to wait one year or to prove having adequate housing, as required by the family reunification procedure).

The employer must file the application for the accompanying family at the same time as the foreign worker's introduction application. For senior executives, the application is filed with the ANAEM. For regular executives, the application is filed with the DDTEFP labour authority office, which sends it to the ANAEM. The DDASS health and social services office is no longer involved in processing the application.

b. Changing status

Once in France, the spouse receives a “visitor” residence permit, which does not authorize work. But if the spouse finds a job, it is possible to **“change status”**. The employment situation is grounds for opposition for spouses of regular executives. On the other hand, if the spouse of a senior executive finds employment that pays a gross monthly salary of more than 2,000 euros, the employment situation cannot be grounds for refusal.

c. Family reunification

After being in France for a year, the family of an executive (senior or not) can apply for “family reunification”, which authorizes the spouse to work as he/she chooses and allows the family to receive family allowances. In order to do so, the family must prove having adequate housing, but **does not have to return to the country of origin**.

d. Special cases: spouses of senior executives who find work before coming to France

If the spouse of a senior executive wants to work in France and finds a job before coming to France, the spouse can file an introduction application as a “salaried employee” or a “temporary worker”. This makes it possible to avoid filing an “accompanying family” application and then requesting a change of status once in France. If the spouse finds a job that pays more than 5,000 gross per month, he/she can use the simplified formalities for senior executives for him/herself.

3. Families of scientists

Scientists face a slightly different situation: as soon as the foreign scientist arrives in France, his/her family can get a “private and family” residence permit, which allows the spouse to work as he/she chooses and the family to receive family allowances.

This procedure, which only applies to the families of scientists, is more advantageous than the accompanying family procedure that applies to managerial staff.