

The New 24 July 2006 Immigration Act: Main Provisions

September 2006

The new 24 July 2006 immigration act creates new types of temporary residence permits (*cartes de séjour*): “skills and talents”, “employee on assignment”, and “intern”. When it comes into force, it will also modify other basic aspects of human resource work: working hours authorized for students, the reception and integration contract, and the official list of professions for which the employment situation is not grounds for opposition. Below you will find this law’s main provisions.

However, please note that none of the provisions of this new law are yet in force, as the implementation decrees have not yet been published.

1. New temporary residence permits

a. “Skills and talents”

(articles L 311-2 and L 315-1 to -9 of the CESEDA - Entry and Residence in France and Asylum Rights Code)

The new 24 July 2006 immigration act establishes a new residence permit, called “skills and talents”. The permit is valid **three years**. According to the new law, “the ‘skills and talents’ residence permit can be granted to foreign nationals who could use their skills and talents to make a significant and lasting contribution to the economic development or the international intellectual, cultural, humanitarian or sporting influence of France or of the person’s country of nationality”.

To show that he or she meets these criteria, the applicant must present a well-defined project, **that he/she will not be able to change**. If the application is accepted, for the period of validity, the holder of the permit will be able to undertake any professional activity, **within the limitations of the project presented at the time of application**.

Limits:

1. Renewal of the “skills and talents” permit is limited to one time (for a total of six years maximum) for nationals from a country in the “Priority Solidarity Zone”¹
2. If the holder ends up carrying out a professional activity that was not defined in his/her initial project, the authorities could withdraw his/her “skills and talents” residence permit.

¹ A list of countries among those the least developed in the world, established by the French government.

Advantages for the family: The spouse and children of the holder of a “skills and talents” residence permit have the full and immediate right to a “family and private life” residence permit, without being subject to the waiting periods imposed by family reunification procedure. With this permit, the holder’s spouse is authorized to work.

b. “Employee on assignment” (article L 313-10 –5°)

The new law also creates a new residence permit called “employee on assignment”, which is granted for a period of **three years** to foreign nationals **seconded** to France by a firm established outside of France that has a parent company or a subsidiary in France.

To be entitled to this “employee on assignment” residence permit, the foreign national must be paid by his/her foreign employer (and not by the French host company) and must receive gross remuneration at least equal to 1.5 times the minimum wage² (or 1881.42 euros, gross, per month). This residence permit allows the holder to come and go between France and his/her country of origin as many times as is necessary, and therefore to carry out as many secondments as necessary.

If the holder of an “employee on assignment” residence permit resides in France for longer than six months, his/her spouse and children have the full and immediate right to receive a “private and family life” residence permit. With this permit, the holder’s spouse is authorized to work.

c. Interns and students at the end of their study program

See “Students”, below.

2. Other temporary residence permits

a. Long-term visa requirement

Applicants for a temporary residence permit or a “skills and talent” residence permit are required to present a long-term visa (art. L 311-7 of the CESEDA). However, students can be exempt from this requirement (see below).

When a foreign national applies for a long-term **visa** to come to France, from now on the French consulate will issue an official application receipt (*récépissé*) (art. L 211-2-1 of the CESEDA).

² On 1 July 2006, the minimum wage was set at 8.27 euros/hour, or a total of 1254.28 euros a month.

b. Renewal (art. L 313-4 of the CESEDA)

Temporary residence permits can only be renewed for a period of one year, except for foreign students who want to pursue higher studies in France leading to at least a master's degree and for foreign scientists whose research lasts longer than that. In these two cases, permits could be renewed for a maximum period of four years.

c. Withdrawal by the authorities (art. L 311-8 of the CESEDA)

“Employee” and “temporary worker” residence permits can be withdrawn if the holder voluntarily leaves his/her employment. On the other hand, if the holder involuntarily loses his/her employment during the three months that precede the permit's renewal, renewal is granted for one year (art. L 313-10 - 1° of the CESEDA).

3. Reception and integration contract (<i>contrat d'accueil et d'insertion</i>)
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From now on, all foreign nationals who arrive in France must sign a reception and integration contract with the French state. **Foreign nationals already present in France can sign one by choice.**

This reception and integration contract will be given to the signer in a language he/she understands. The foreign national commits to taking civic training and, if necessary, French courses, which are free of charge. The civic training covers the institutions and values of the French Republic, notably equality between men and women and secularism. By signing the reception and integration contract, the foreign national commits to respecting these values.

A residence permit, or a 10-year resident card, can be refused if the terms of the contract are not respected, but the law specified that this only applies if the disrespect is a “clearly demonstrated choice”.

References: articles L 311-9 and L 341-2 of the CESEDA.

4. Students

a. General provisions (art. L 313-7 of the CESEDA)

To get a “student” residence permit, a foreign national must show proof of having sufficient financial means and **registration in a State-recognized establishment**. In some cases, students are not required to have long-term visas. The “student” residence permit allows the student to work up to **60%** of the annually authorized number of working hours (increased from 50%). The authorities will withdraw the student's residence permit if the student works more hours than permitted by this quota (art. L 313-5, paragraph 2, of the CESEDA)!

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b. Interns (art. L 313-7-1 of the CESEDA)

A foreign national who carries out an internship in France as part of his/her studies can be granted a residence permit with the new mention of “intern”. He/she must show proof of sufficient financial resources. Interns may not be required to have long-term visas. If the intern uses an association to find an internship, **the association must be accredited.**

c. End of studies (art. L 311-11 of the CESEDA)

A foreign student nearing the end of his/her study program in France, having reached a level at least equal to a Master’s Degree (five years of higher education), can be granted a residence permit that is valid **six months, authorizing work**, which will allow the student to complete his/her studies with a first professional experience. After these six months, if the student can present a work contract or a letter of intent to hire, he/she can be granted a work permit and a residence permit for that specific job.

5. Work permits

a. When the employment situation is not grounds for opposition (art. L 313-10 - 1° of the CESEDA)

The government has decided to establish a list of professions and geographic areas that are experiencing recruitment difficulties. Trade unions will be consulted to establish this list. The employment situation will not be grounds for refusal of a work permit to a foreign national for the professions and geographic areas found on this official list.

b. Foreign nationals doing business or commerce (art. L 313-10 - 2° of the CESEDA)

For a long time, the government has planned to repeal the foreign business and commercial permit. The new act of 24 July 2006 finally does repeal it, and stipulates that foreign nationals who want to carry out a “commercial, industrial or crafts” profession in France must get a residence permit “that mentions the profession the holder intends to practice”. To get this residence permit, the applicant must prove having “a viable economic activity that is compatible with public safety, health and tranquility”.

c. Seasonal workers (art. L 313-10 - 4° of the CESEDA)

“Seasonal worker” residence permits are delivered for **three years** to foreign nationals hired in France as seasonal workers. This permit gives the right to work and reside in France for a limit of **six months out of twelve**, and this for the full period of three years.

6. European Union nationals

Generally speaking, all nationals of the European Union, the European Economic Area and Switzerland have the right to reside freely in France and are not required to hold a residence permit. However, there are restrictions on nationals from European Union member countries whose accession treaties include transition periods (valid through 2009)³. These people must get a work permit if they want to work as an employee in France and must get a residence permit once they are in France. These restrictions do not apply if the person holds a degree at least equivalent to a Master's degree.

7. Family reunification

The waiting period applicable for family reunification increases to **18 months** (from the previous one year). A foreign national working in France must therefore wait 18 months before being able to bring his/her family to France (and no longer just one year). Once in France, the spouse is allowed to work.

References: Article L 411-1 of the CESEDA.

8. Marriage, residence permits and citizenship

A foreign national married to a French national can receive a 10-year residence permit after only **three years** of marriage, if they have lived together that whole time without interruption (art. L 314-9 of the CESEDA). This 10-year residence permit allows its holder to work.

The foreign national will only be able to become a French citizen after **four years** of marriage, if the couple have lived together without interruption for that period (art. 21-2 of the Civil Code).

Important note: Please note that none of the provisions of this new law are yet in force, as the implementation decrees have not yet been published.

**L'Élan has published more detailed articles concerning all those issues.
Do not hesitate to contact us!**

³ Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.