

1

The new “Skills and Talents” permit

The “*Skills and Talents*” permit may be granted to a foreign national who is likely to make, by virtue of her or her skills and talents, a significant and lasting contribution to the economic development of France and his or her home country.

Valid for three years, the “Skills and Talents” permit allows the holder to carry out any professional activity of their choice in connection with their project or business.

Only foreign nationals living legally in France or initially residing abroad may apply. It is issued, depending on the case, by the Prefecture or the Consulate.

Applications must be submitted to the French Consulate in the applicant’s country, if he or she lives abroad, or to their local Prefecture if the applicant lives in France.

The employer does not need to contact the *Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle* (French Department of Labour) to obtain the prior endorsement of the employment contract.

Certain foreign nationals, from countries such as Algeria, are not eligible for this arrangement.

The holder’s family members are not subject to the family grouping conditions or procedure. They will be issued with a “*Private and Family Life*” permit allowing them to work.

This permit can be used by French employers to recruit foreign managers or senior executives.

2

You can now recruit foreign labour from outside the European Union for certain professions

Employers can now recruit workers from countries outside the European Union for specific professions experiencing recruitment difficulties.

There are thirty professions in this category. The list of professions (*) is different in each region. Only six professions apply throughout all regions of mainland France.

For these professions, employers are no longer obliged to first seek candidates in the domestic labour market.

The other conditions for the issue of work permits, as set out in the labour code, still apply.

You must request the recruitment of the employee from the *Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle* in the form of an employment contract bearing the individual’s name.

The *Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle* will check the suitability of the foreign candidate’s training for the position for which authorisation is requested. It will also check your firm commitment to employ the foreign national in question only for those professions appearing on the applicable regional list and represented by the production of an employment contract.

(*) *This list is available on the website www.immigration.gouv.fr*

3

The new “Employee on Assignment” permit

To overcome certain recruitment difficulties, a French company may employ a foreign employee of a company based abroad who wishes:

- to be seconded to France, to a different facility within this same company, or to another company belonging to the same group as the individual’s employer abroad
- or to be temporarily hired by a company based in France and belonging to the same group the individual’s employer abroad.

Several conditions must be fulfilled to apply for the issue of an “Employee on Assignment” permit:

- a foreign employee must be able to prove that they have been employed with their company for at least three months and that their assignment in France is temporary
- the foreign employee’s employer must have a real and significant business abroad
- the seconded employee must provide evidence of a specific qualification and technical knowledge.

Finally, the employee must be able provide proof of a gross salary equal to at least 1.5 times the French minimum wage.

Send your recruitment application to the *Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle*.

N.B.: the employer of a foreign worker is obliged to check with the Prefecture that the permit held by the employee being recruited effectively authorises him or her to work. A photocopy of the permit must be sent by fax to the Prefecture or the *Direction Départementale du Travail, de l’Emploi et de la Formation Professionnelle* (DDTEFP), which will respond within 48 hours. The absence of any response at the end of this period is deemed to be implicit agreement.

4

You wish to employ a foreign seasonal worker

If, after actively searching for local labour, you are unable to fill the positions you need, you can recruit foreign seasonal labour.

You must submit a request for the recruitment of foreign seasonal labour, for farming or non farming positions, to the *Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle*, whatever the employee's nationality.

Holders of a seasonal labour contract of at least three months, who commit to maintaining their usual residence outside France, will be issued a residence permit bearing the words "seasonal worker".

This residence permit is granted for maximum period of three years and is renewable thereafter. It allows the holder to stay in France and work, for up to a maximum of 6 months per year, provided that the contract has been endorsed by the *Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle*.

Nationals of the new Member States of the European Union subject to a transitional period (Romania, Bulgaria) are not eligible for the issue of a "seasonal worker" permit.

Comment:
New provisions also apply to other categories: students, scientists. Contact the *Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle* for further details.

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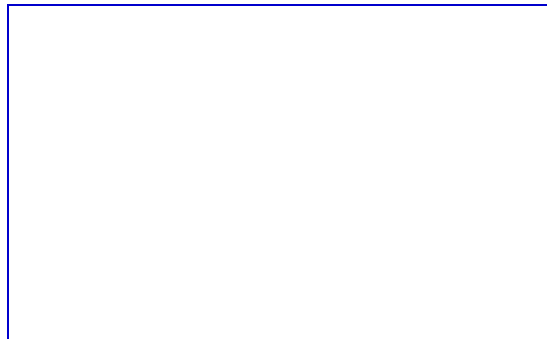
You wish to recruit a foreign manager or senior executive

A simplified recruitment procedure has been introduced to make it easier for French companies belonging to international groups to recruit foreign managers or senior executives already employed in another company within the group.

This concerns executives who hold high responsibilities within the company (managers) and individuals who earn a gross monthly salary greater than or equal to 5,000 euros (senior executive).

- You must request a recruitment pack from the *Direction Départementale du Travail, de l'Emploi et de la Formation Professionnelle* in the place of establishment of the host company.
- On arrival in France, the executive and his or her family (if applicable) are sent to the *Agence Nationale de l'Accueil des Etrangers et des Migrations* for a medical examination and to be issued with their residence and work permits. The executive can take up his or her position on arrival in France, with no need to wait for this medical examination, although this must be taken within a period of three months.

Department stamp



Mission Communication - Juin 2008



BETTER ORGANISATION OF PROFESSIONAL IMMIGRATION

In response to recruitment needs in certain economic sectors, the French government has decided to improve the organisation of professional immigration and make it easier for foreign nationals to enter selected professions.

The arrangements described here are reserved for nationals of countries that do not belong to the European Union or the European Economic Area.