

## Client Alert

### Professional immigration on its way to be dematerialized 8 December 2017

**Summary:** The French government, in its continual effort to facilitate international professional mobility, is rolling out several digital tools, to simplify entry and work procedures in France for foreign employees. The latest important innovation is the portal "France Visa" which allows applying for visa online. This portal is an addition to a number of other dematerialized applications already in place for registration and declarations relating to the international mobility of foreign employees.

#### **A new online service - "France Visa"**

The portal "France Visas - official website of visas for France" set up since September 2017 is gradually being developed to allow the online application for visas for tourism or professional stays. At this time the portal is a Beta version which is not yet available for all countries and which will evolve.

"France Visa" allows the automated processing of personal data when applying for entry visas in France for short or long stays. The government is seeking to facilitate the processing of visa applications, the tracking of decisions and appeals, and the prevention of fraud and misuse of procedure. The internet platform will provide the information required for a visa application and permit the user to track the application.

The application process will include an automatic consultation of several data basis: the Schengen Information System (SIS II), the Visa Information System (VIS), the wanted persons list (RPF) and Interpol travel document list.

#### **Persons authorized to collect and consult the data**

All data may be collected by French consulates, agents at external border crossing points, prefectures and, outsourced service providers who guarantee data protection in accordance with French law.

#### **Rights of people**

The data retention period is set at five years, either from the expiry date of the visa, or from that of the creation of the file in case of refusal or interruption of the application. The rights of access and rectification of data are governed by the provisions of the French "Data Protection Act".

#### **Online declaration of foreign employees posted to France - "SIPSI"**

Any employer established outside France who sends employees to French territory must send a prior declaration of posting of the employees to the labor inspectorate of the place of performance of the

service before the start of the service in France. The posting declaration provided for in articles R. 1263-3 and R. 1263-4, is sent via the "SIPSI" online service to the Foreign Labor Service (SMOE) of the place where the service is performed. When the service is performed in several locations, the posting declaration is sent to the SMOE where the service is first performed. The "SIPSI" online declaration, first implemented in July 2016, is now fully operational and allows foreign employers posting salaried staff in France to carry out this formality in a simplified manner.

A fee of €40 per application will be charged per application, starting January 2018, to defer the running costs of "SIPSI", as per the decree of 3 May 2017.

It should be noted that the absence of a posting declaration can lead to the suspension of the service, and a fine of 2000 Euros per detached employee not declared.

### **Opening Rights to Social Security - Online Service**

Since November 2017, it is now possible to register foreign employees under the French social security through the AMELI.fr online service. However, at this stage only employees who have entered France under the "Passport Talent" status, foreign employees employed in Ile-de-France, models and foreign language assistants can benefit from this service.

Requests for registration are processed directly by the International Relations Department of Social Security. An employer can open an account on the dedicated website AMELI.fr and proceed with the registration of foreign employees eligible for the online service. A temporary social security number is sent within two days and the certificate of rights in about fifteen days. The service remains for the time being limited to the categories listed above.

In addition to the redesign of residence permits for professional reasons stemming from the law of 7 March 2016, the implementation of dematerialized procedures simplifies the administrative requirements and improves the attractiveness of France in exchange for a reinforced control of foreign employers and employees working in France.

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