

**Client Alert
18 March 2019**

Presentation of the main measures that came into force on 1 March 2019 following the publication of several orders and decrees implementing the law of 10 September 10 2018 known as "Loi Collomb"

Summary: The last provisions of the law of 10 September 2018 on residence and integration entered into force on 1 March 2019. Six orders, a circular and three decrees have been issued to date concerning the application of these provisions. The measures impacting professional immigration and related family immigration are presented here.

The following provisions apply to applications filed after March 1, 2019.

Measures concerning ICT seconded employees and ICT trainees (intra-group mobility)

Modification of the conditions for issuing ICT residence permits

- The seniority of the employee within the group of companies, prior to the temporary transfer to France, increases from three to six months.
- The seconded employee must respect a waiting period of six months outside the European Union between the end of an intragroup temporary transfer in France and a new request under the ICT system.
- The visa application can only be filed in a country outside the European Union.

Transposition of the (EU) 2016/801 Student / Researcher Directive, adopted on 11 May 2016

Replacement of the APS issued at the end of studies by a residence permit mention «recherche job or business creation »

This temporary residence permit issued for the purpose of job search or business creation will be valid for one year.

The beneficiaries of this card are:

- researchers residing in France providing proof that they have completed their research work
- students residing in France who have obtained a diploma equivalent to the degree of master or appearing on a list fixed by decree in France.
- former students who left the national territory, up to four years after graduation equivalent to the degree of master or on a list fixed by decree in France.

This card allows the exercise of any professional activity and to find a job or to create a company related to studies or research.

The conditions relating to the change of status remain the same as under the APS, in particular concerning the exemption from labour market test.

Creation of a multi-year residence permit entitled "mobility program" for students and researchers

This residence permit can be issued to foreign students and researchers in a mobility program in the EU. At the same time, foreign students and researchers admitted to stay in another EU Member State on a mobility program can stay in France for up to a year without having to apply for a residence permit.

Enlargement and security of residence cards mention «Passport Talent»

Securing the right to stay of the talent passport holder with the issuance of an APS:
Any foreigner holding a long-stay visa marked "passport talent" will now be issued a Provisional Temporary Residence Permit (APS) for a period of 6 months, allowing him to return to France in case of international travel between expiry of his visa and the actual surrender of his residence permit.

Extension of the status "talent passport - qualified employee / innovative company":
The system allowing the recruitment of foreign talent by companies recognized as innovative is extended to companies that do not have the status of a young innovative company within the meaning of Article 44 sexies-0 of the French Tax Code.

The company meeting the criteria will be issued by the Ministry of the Economy a certificate, which must be provided to the applicant for his visa application and / or residence permit.

In addition, the candidate's duties need not necessarily be linked to the company's research and development project, but can also, more generally, be linked to the economic, social, international and environmental development of the said project.

Extension of status "talent passport - national or international renown":
The residence permit "passport talent - national or international renown" may be issued abroad whose national or international reputation is established, and hence, likely to participate significantly and sustainably in economic development, management of territory or the influence of France.
The activity carried out in France may be in the artisanal domain, in addition to previous areas already authorized (scientific, literary, artistic, intellectual, educational or sports).

Provisions relating to family immigration

Reform of travel documents issued to minor aliens:
The DCEM (Minor Child Travel Document) is now the only travel document for foreign minors. The TIR (Republican Identity Title) which was reserved for foreign children born in France is deleted.
The period of validity of the document may be adjusted according to the duration of the residence permit held by the parent.

Expansion of beneficiaries of the accompanying family procedure for the statuses "talent passport" and "ICT":
The notion of family member has been extended to allow the couple's children and not only the children of the main holder of the talent passport or ICT status to benefit from the "Family" card.

Extension of rights for holders of a four-year residence permit

An alien who files an application for renewal of his four year residence permit before its expiry date, may for three months from that date, justify the legality of his stay by presenting his expired card. During this period, he retains all of his social rights and his right to pursue a professional activity.

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