

**Client Alert  
19 October 2021**

**Summary: The main points of legal news 2021 in the law of foreigners and international professional mobility: travel restrictions, Brexit, overhaul of the CESEDA, reform of the labor code and on-line process for professional immigration procedures.**

**I - Brief reminder of the entry conditions to date on French territory in connection with the Covid-19 pandemic.**

The decree of 1 June 2021 established the conditions for entry into the territory according to the countries of origin, which are classified into three zones (green, orange and red). In addition to the conditions depending on the area of origin, travelers entering the territory must certify that they do not show any symptoms and that they have not been in contact with a confirmed case. The restrictions, except proof of absence of symptoms, are lifted for people with a complete vaccination schedule with a vaccine recognized by the European Medicines Agency.

**II - Brexit: closure of the online service and postponement of the obligation to hold a residence permit** (Interior Ministry, Communiqué, 28 Sept. 2021 - Decree of 27 Sept. 2021).

The online residence permit application service dedicated to Britons living in France before 1 January 2021 closed on 4 October 2021. British nationals who have not made their request must contact their prefecture. The obligation to obtain a residence permit is postponed to 1 January 2022.

**III - Overhaul of the Code of Entry and Residence of Foreigners and the Right of Asylum (CESEDA)** (Ordinance and Decree of 16 December 2020).

An ordinance and a decree of 16 December 2020 reorganized the legislative and regulatory parts of CESEDA. A new wording, with constant law, entered into force on 1 May 2021. This new codification aims to enhance the clarity and accessibility of the provisions of the code.

**IV - Reform of the employment of foreign employees: simplification and dematerialization** (Decree of March 31, 2021).

The terms of employment of foreign employees were reformed on 1 April 2021 on following points:

- The on-line process of work authorization (see below). The request is made by the employer. In the event of secondment of an employee, the request can be submitted by the principal in France or by the user company. The request can also be made by an agent.
- Work permit applications have been filed on-line since 6 April 2021. They are no longer processed by the Labor Directorates in each department but by the Ministry of the Interior, via one of the six interregional platforms in charge of foreign workers. Any new employment contract must be the subject to a new application for a work authorization for the "employee" and "temporary worker" status
- The examination of applications is refocused on "the opposability of the employment situation, the level of remuneration and the company's compliance with its legal obligations".
- The distinction between documents and residence permits allowing to exercise a professional activity, without requesting a work permit, those allowing work but subject to a request for a prior work permit, and those which must be accompanied by a work permit.
- The renewal of the work permit to be filed in the course of the second month (and no longer in the course of the two months) preceding its expiration.

An interministerial note dated 12 July 2021 provided details on changes in status and the enforceability of the employment situation in cases of change of employer.

#### **V - Extension of the on-line process to residence permits**

The decree of 24 March 2021 also sets up an on-line process for submitting the application for a residence permit by means. The on-line process which first concerned student residence permits, Talent Passport, visitors, travel documents for foreign minors, must be deployed according to the following schedule:

- in December 2021 or by the first quarter of 2022 for residence cards, "private and family life" permits and applications for residence permits for citizens of the European Union
- in the second quarter of 2022 for certain applications for professional immigration ("ICT, seasonal ...")
- in the third or fourth quarter of 2022 for other procedures (internship, sick foreigner, victim of human trafficking, exceptional admission to stay, etc.).

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