Client Alert

30 October 2026

Publication of a Decree amending certain provisions applicable to foreign nationals authorised to work in France

Summary: Decree No. 2026-1001 of 26 October 2026 notably completes the transposition of the EU Blue Card Directive and of the Trade and Cooperation Agreement concluded between the European Union and the United Kingdom. In addition, it amends certain provisions applicable to "temporary worker" residence permits and establishes a minimum salary threshold that applicants for ICT visas and residence permits must meet.

The main measures are set out below.

"Temporary Worker"

Article R.421-4 of the French Code on the Entry and Residence of Foreign Nationals and the Right of Asylum (CESEDA) now safeguards the right to remain in France of foreign nationals holding a "temporary worker" residence permit (a reminder: this permit is issued on the basis of a fixed-term employment contract) where they have involuntarily become unemployed for a total period not exceeding three months during the validity of their residence permit. In such circumstances, their residence permit may not be withdrawn on this ground.

This period is extended by a further three months where the foreign national has been subjected to working conditions involving certain criminal offences under the French Criminal Code (human trafficking, exploitation or abuse of vulnerable persons).

Similarly, where the foreign national finds a new employer during the period of unemployment, they are authorised to remain in France while the new work permit application is being processed.

"EU Blue Card – Talent Residence Permit"

Article R.421-12 of the CESEDA has been amended. It now provides that where an employment contract is concluded for a period of less than two years, the multi-year residence permit must be issued for a period at least equivalent to the duration of the employment contract, plus three months, subject to a maximum validity period of two years. For example, where an employment contract is concluded for a period of 10 months, the residence permit will be valid for 10 months plus three months, i.e. 13 months.

A new Article R.421-24 A has been introduced, providing that where an application for an "EU Blue Card – Talent" residence permit is refused pursuant to Article L.421-11, the Prefect must grant the applicant a period of time in which to seek employment.

Where the refusal results from the employer's failure to comply with its legal obligations, this period must be six months. The temporary extension of the applicant's right to remain in France will result in the

issuance of a temporary residence document enabling the applicant to demonstrate the lawfulness of their stay and authorising them to carry out professional activities.

Furthermore, the Decree reduces from 18 to 12 months the period of lawful residence required in a first EU Member State as an EU Blue Card holder before the holder may undertake their first intra-EU mobility in order to take up highly qualified employment. This period is reduced to six months for subsequent mobility.

"ICT posted employee / Mobile ICT posted employee / ICT Trainee / Mobile ICT Trainee"

Applicants will now be required to meet a minimum salary threshold equivalent to the annual average gross reference salary , to qualify for an ICT status. The applicable amount remains to be confirmed by a ministerial order.

Provision of services by a UK company

The Decree transposes the provisions of Article 143 of the Trade and Cooperation Agreement concluded between the European Union and the United Kingdom on 30 December 2020. This provision grants a work permit exemption to employees of a UK-based company posted to France to provide contractual services for a limited period, namely a maximum cumulative period of 12 months, for certain business activities.

To this end, Article R.5221-2 of the French Labour Code now provides that the seconded employee must demonstrate at least three months of professional experience in the relevant business sector, a university degree or qualification certifying an equivalent level of knowledge, and the professional qualifications legally and statutorily required to carry out the relevant activity.

A ministerial order is expected to be published confirming the type of activities to be covered by this exemption.

Amendments to certain administrative processing deadlines

With a view to reducing administrative processing times, Prefectures must now comply with a maximum period of 90 days, from the date a complete application is submitted, to notify applicants of their decisions. Previously, this deadline was four months. The decision must be notified in writing.

This period may be extended by 30 days in the case of an application "involving particularly complex elements". In such circumstances, the foreign national applicant must be informed of the extension.

Entry into force

These provisions will enter into force on the day following publication of the Decree, i.e. on 30 October 2026.

We will keep you informed as soon as the ministerial orders establishing the new salary threshold applicable to ICT categories and the list of activities exempt from work permit requirements for employees of UK-based companies providing services in France are published.

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