

France has further simplified visa procedures for group executives

March 2004 reform expedites visa processing

The French government's latest effort to attract foreign investment and ease in managing international groups is Circular DPM/MDI 2 no. 2004/9) dated March 26, 2004, making only one authority, the French Immigration Office (OMI) the sole regulatory authority to review visa requests. Indeed, prior to enactment of the Circular, non-European Union executives hired by the French company member of the corporate group for which he/she has worked were already subject to a favourable visa category which exempted such executive employees from posting a job offer at the local unemployment office. However, such files were often subject to some delay to the extent that the local French labor office (*Direction Départementale du Travail et de la Formation Professionnelle* DDTEFP) and welfare offices (*Direction Départementale des Affaires Sociales et Sanitaires* DDASS) (when accompanying family is involved) were to be presented with the file first, before it was sent to the French Immigration Office, and then to the French Consulate situated abroad.

The process is now much simpler. The very purpose of the Circular of March 26, 2004 was to substantially reduce visa processing times in light of the needs of international groups, notably by removing local jurisdiction over the petition by the DDTEFP and DAS. Henceforth, the petition (and accompanying family petitions) is made directly to the local French Immigration Office.

Who may benefit*

This simplified procedure only applies to persons who qualify under the managing executive (*cadre de direction*) category established by Circular DPM/DM no. 96-256 dated April 15, 1996. The individual concerned must have been employed in another company of the group for at least one year to benefit from these provisions, and the group's parent company must satisfy certain conditions provided in the Circular. The executive concerned must have responsibilities of some importance, implying a great deal of independence. They are independent decision-makers, and they must receive substantial remuneration, greater than or equal to a gross amount of 5,000 euros per month. The executive may be accompanied by his/her spouse and children.

The simplified procedure

Henceforth, the French Immigration Office (OMI) is the French company's sole interlocutor. The French company makes the request and provides an original copy of the employment contract, accompanied by an undertaking to pay the OMI contribution. Documentary evidence of the existence of a group relationship must also be provided, as well as evidence that the individual was already an employee of the group and shall be acting in a decision-making capacity. Documentation regarding the accompanying family members must also be provided. When the OMI gives its approval, the person concerned shall apply for a visa and *carte de séjour* at the foreign (in the U.S., for instance) French Consulate where he/she resides.

Consequences

These persons, upon issuance of their visas, may become employees of the French company, and hence be fully employed under the French labour system and not merely transferred by foreign (U.S.) company for whom he/she works. They therefore are affiliated to French social security. Furthermore, the French employment contract may provide for an undetermined duration, hence allowing for continued renewals of the visa.

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**Other French visa categories may be used where the employee does not receive sufficient compensation under the above-mentioned category, or where the individual is not the employee of a corporate group. It is also possible to obtain French work visa status for short-term transfers of employees, where the individual would remain subject to his employment relationship with the foreign (U.S.) employer and not be paid by the French host company. This is however not our subject here. For more information on French work visas, contact Goff & Wilson P.A.*