

Workshop Sciences Po Immigration Law

9 February 2022

Professional activity of non EU nationals studying in France

Working during studies

A non-EU national student can work in France a maximum of 964 hours per year providing that he holds a 12-month residency card as a student

Conditions

- ▶ Valid residency card as a student
- ▶ Quota of 964 hours for a 12-month residency card. If the card is valid for less than 12 months, the number of hours is calculated on a pro- rata basis - For 3 months : 241 hours. For a residency card valid for more than 12 months, 964 hours per year of validity.

Process

Prior Declaration to the Prefecture

- ▶ By the employer
- ▶ At least 2 working days before the beginning of the contract

Specific cases

- In addition to the student residency card, Algerian nationals must apply for a prior work permit (“Autorisation de Travail”) and can only work for 803 hours per year.
- For all non-EU nationals, a prior work permit (“Autorisation Provisoire de Travail”) is required for a contract for professionalism.
- “Contrat d’apprentissage” provided that the contract is approved by the OPCO and the student holds a valid residency card as student is no longer submitted to a work permit
- Algerian nationals remain submitted to a prior work permit

Internship During Studies

For non-EU nationals studying in France and holding a valid residency card as a student; no need for prior agreement.

A Training Agreement “Convention de stage” is required. Its provisions and the conditions of the trainee’s status must respect French legal requirements (specifically academic goal and the internship must match the scope of the studies).

Internship can be mandatory or elective but must be part of the Academic Program:

- ▶ Purposes and methods are provided by the agreement,
- ▶ Reporting by the student and assessment by the school.

Work after the studies / General Case

Application for a change of status (Student to Employee) needs to be submitted to the Prefecture (according to the residency place of the student/employee).

- ▶ Examination of the application
 - ▶ Employment situation to be checked during 3 weeks with “Pôle Emploi” unless:
 - ▶ eligible to specific statuses (RECE, European Blue card, Passport talent Qualified Employees)
 - ▶ Professions listed as facing recruitment difficulties
- ▶ Work permit delivered by ANEF (online process)

Specific case: Holders of a « Recherche d'emploi et création d'entreprise » RECE or an APS “Autorisation Provisoire de Séjour” (few countries Bénin, Burkina Faso, Maurice, Tunisie, Cap Vert, République du Congo (Brazzaville), Gabon et Inde)

RECE (replaces APS) can be granted to non-EU students who obtained a Master degree in France. It aims to allow them to have a first professional experience in France.

Conditions

- ▶ French Master degree or equivalent (list).
Degrees of Level 1 issued by the “Conférence des Grandes Ecoles” and “Licence professionnelle” are also eligible.
- ▶ Degree must have been obtained on the year of application.
- ▶ Request should be submitted to the Prefecture (according to the residence place of applicant) before Student Residency Card expires.

Process

- ▶ RECE valid 1 year (shorter for nationals of some countries, sometimes renewable) allows to work on the basis of 60% part-time job; pro-rata of 964 hours by a period of 12-month validity.
- ▶ Once the holder signs for an employment matching the studies (last degree obtained in France) and a salary of at least 2,404.68 Euros (1,5 minimum wage), he can work on a full-time basis.
- ▶ Prior declaration to the Prefecture (2 working days before the beginning of the contract).
- ▶ Application for a change of status after the conclusion of the employment contract and before the expiration of the APS/RECE.
- ▶ Depending on the required status, the Prefecture can request the approval of the Labor Agency.
- ▶ No employment situation to be checked if the monthly salary exceeds 2,404.68 Euros and the job matches the last degree
- ▶ Time frame depends on the competent Prefecture (according to the residency place of the applicant).

Remarks

- If the conditions previously mentioned are fulfilled but an APS/RECE was not obtained, a change of status remains possible without examination of employment situation if the monthly salary exceeds 2.404,68 Euros and the job matches the last degree
- RECE can lead to new statuses as employee but can also lead to the incorporation of a company.

Change of Status to “Passeport Talent - Salarié qualifié”

Conditions:

- ▶ Students holding a French Master degree or equivalent (list) or a degree of Level 1 issued by the “Conférence des Grandes Ecoles”
- ▶ Job matching the degree and salary amounting to at least 38,474.90 euros per year as from January 1st 2022

Characteristics:

- ▶ No prior work permit to be requested - decision by the Prefecture
- ▶ Residency card for up to 4 years (depending on the duration of the employment contract)

Change of Status to “Passeport talent - Carte Bleue Européenne”

Conditions:

- ▶ Employment contract of at least 1 year
- ▶ Salary amounting to at least 53,836 euros per year
- ▶ University/School degree obtained after 3 years of studies (in France or outside)

Characteristics:

- ▶ No prior work permit - decision by the Prefecture
- ▶ Residency card for up to 4 years (depending on the duration of the employment contract)

British citizens who moved to France after 1 January 2021

- ▶ Submitted to the same rules as non EU nationals
- ▶ Long term visa before moving to France

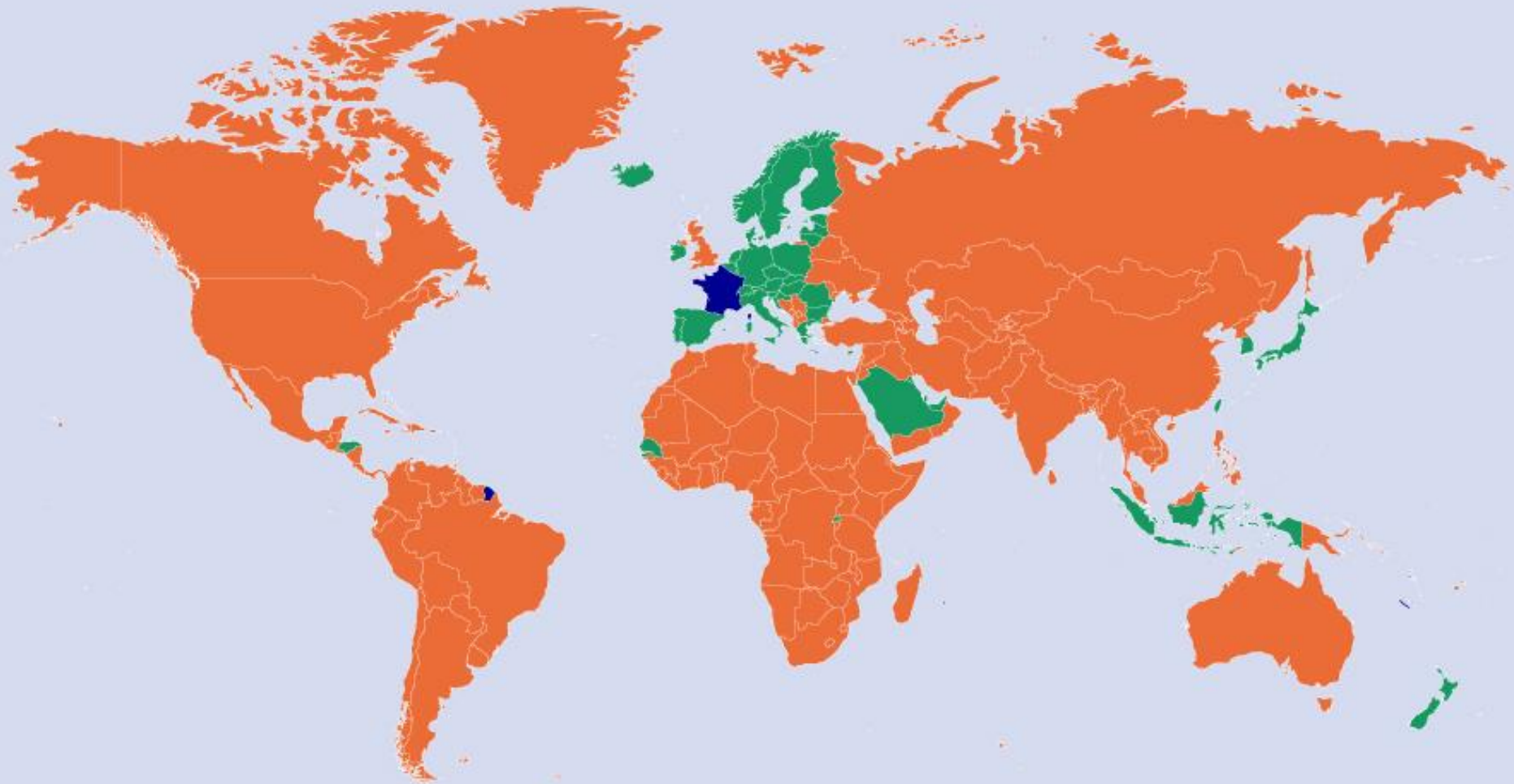
COVID ET TRAVEL

- ▶ To deal with the virus and contain the introduction of its variants, border control measures apply, both on entering and leaving the country.
- ▶ Each time the border is crossed, the traveler will need to comply with the three different regulations which all apply:
 - ▶ Mobility rules: Permitted reasons that allow entry into France.
Strictly limited to compelling reasons for **unvaccinated people** or people entering into France from a non-Green country;
 - ▶ Health control measures: tests prior to and/or on arrival, the absence of symptoms, not having been in contact with a confirmed case, isolation period etc.
 - ▶ Usual rules govern the right to stay: all foreign travelers must present a valid passport at the border, as well as the usually required documents: in case of a short stay (less than 90 days), proof of resources and accommodation, and a short-stay visa if their nationality so requires; in case of plans to settle in France, a long-stay visa; in case of residency in France, a residence permit)

Countries are currently classified as follows:

- ▶ **“Green list” countries and territories:** Countries or territories where no active circulation of the virus is observed and no variant of concern is identified. These are the countries in the European area, plus Bahrain, Honduras, Hong Kong, Indonesia, Japan, Kuwait, New Zealand, Qatar, Rwanda, Saudi Arabia, Senegal, Taiwan, United Arab Emirates, and Vanuatu.
- ▶ **“Orange list” countries:** Countries where active circulation of the virus is observed in controlled proportions, without spread of any variants of concern. These are all countries not included in the “green” and “red” list countries.
- ▶ No more red countries for the moment

COVID-19



Applicable rules depend on the traveler's vaccination status

- ▶ The vaccination schedule is considered complete 28 days after receiving one dose of Janssen vaccine, seven days after a second dose of other vaccines approved by the European Medicines Agency (namely Pfizer/Comirnaty, Moderna, AstraZeneca/Vaxzevria/Covishield) and, for persons who have received all the required doses of a WHO-licensed vaccine not approved by the European Medicines Agency, seven days after receiving an additional dose of a duly approved mRNA vaccine.
- ▶ Since February 1st, 2022, in order to continue to be considered as fully vaccinated, persons aged eighteen or over wishing to enter the national territory must have received a dose of complementary messenger RNA vaccine no later than 9 months following the injection of the last required dose.

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Thank you for your attention!