

NOTE

There are new provisions regarding international students and researchers intake in France

I. **The new law of March 7, 2016**

The law 2016-274 of March 7, 2016 regarding the rights of foreign nationals in France **entered into force on November 1st, 2016**¹. The law seeks to improve the intake and integration of foreign nationals in France and to attract individuals in mobility internationally acclaimed for their excellence and knowledge. Several provisions directly impact international students and researchers.

1) **Reform of the medical check-up**

a. For students (starting on the January 1st, 2017)

International students are **no longer required to pass a medical check-up with the OFII** to obtain their long term visa used as residence permit (VLS-TS, for "visa long séjour valant titre de séjour"); they will have the opportunity to pass it in the institution where they are registered. They will no longer be required to provide a medical certificate as part of their application for a residence permit. The implementing decree regarding the new disposition has not been published yet. The information has been confirmed by the Legal and Administrative Information Department (Prime Minister) on November 22, 2016.

b. For researchers (starting on the November 1st, 2016)

Foreign researchers who have a "Talent Passport" visa **do not need to pass a medical check-up** and are no longer required to provide a medical certificate as part of their application for a residence permit.

2) **Obligation to justify visa denial**

Since November 1st, 2016, diplomatic and consular authorities have the obligation to **justify any denial of short-stay (<90 days) and long-stay (>=90 days) "student" visas**.

¹ Most of the implementing decrees have been published on October 28, 2016. Decrees 2016-1456 and 2016-1463 define the conditions for application for students and researchers. The law, the decrees and the circular of November 2, 2016 are available online on www.legifrance.gouv.fr (in French).

In case of denial, students may enter an informal appeal with the consulate and/or take the matter to the department's amicable settlement board for entry visa denial decisions in France (CRV) in the two months following the notification of denial.

3) Generalisation of the Plurennial Residence Card (CSP)

a. Overall concept

Any student who has just spent a year in France with a VLS-TS visa or a "Student" temporary residence permit may apply for the renewal of his/her residence permit and obtain a Plurennial Residence Card (CSP). **The duration of validity of the CSP may last from 2 to 4 years but equals the years left to complete the study course** in which the student is registered.

The provision **concerns now all study courses and not only the "Masters" degree anymore.** As such, after the first year in "Licence" course, an international student will be granted a two-years residence permit in order to complete his study course and pass his/her degree. An international student in engineering school will receive a 4-years CSP after his/her first year.

b. Access conditions

Criteria are the same as to be granted a visa: **being registered in an institution, prove sufficient resources** (equivalent to 615 euros per month). The student will also have to prove he/she actually studies in the course and his/her motivation (attendance, transcripts and others). Repetition does not dispute diligence in studies. **If a student repeats his/her first year in France, he/she will receive a one-year "Student" temporary residence permit** before he/she may apply for a plurennial residence permit after his/her repetition.

Application must be filed in a "préfecture" (local police and administration headquarters) **during the two months preceding termination of the visa or residence permit.** Renewal cost is 79 euros (180 euros if application is filed after the deadline) versus 77 euros before.

4) Creation of the "Talent Passport"

a. Overall concept

The "Talent Passport" plurennial residence card is granted for a maximum duration of **4 years** to 10 "profiles"² and **their families**. It gives the **right to work in France without prior authorisation by DIRECCTE**.

² Young qualified graduate employees or employees in a young innovative company; highly qualified workers (European blue card); employees in a mission; researchers; company creators; starters of an economically innovative project; economy investor; corporate officers; performers; foreign nationals with national or international reputation (science, literature, arts, intellectual domain, education or sports).

b. Eligible students and researchers

The "Talent Passport" CSP is delivered:

- *to international students who became employees:*
 - Holder of a **degree at least equivalent to a Master's** or certified as Level I by the "Conférence des Grandes Ecoles" ("**mastères**" and "**master of science**"), who can certify an employment contract of at least 3 months and a **yearly gross wage at least equal to twice the minimum wage (1,466.62 euros gross per month since January 1st, 2016)**;
 - Employed in **company labelled as "innovative"** (same wage conditions, but without degree conditions).

- *to international scientists/researchers/PhD graduates:*
 - Holder of a degree at least equivalent to the Master's;
 - Able to provide a **hosting agreement** in a higher education or research institution.

- *to international students creators of a company:*
 - Holder of a degree at least equivalent to the Master's,
 - Who bring an **investment of at least 30,000€** in their project.

c. Issuance conditions

Application for a "Talent Passport" CSP may be filed:

- from a **foreign country**, at diplomatic and consular authorities:
 - if the **duration of the stay is inferior to 12 months**, a VLS-TS visa with the label "Talent Passport" will be issued to the foreign national who must complete processes required with the OFII, but not the medical check-up;
 - if the **duration of the stay is equal or superior to 12 months**, a visa with the label "Talent Passport" is first delivered to the foreign national who must then go to a "préfecture" (local police and administration headquarters) during the 2 months after his/her arrival in France in order to apply for a residence permit with the "Talent Passport" label of the planned duration of the stay. No attendance at the OFII is required.

- or **directly in France** in a "préfecture" if the applicant already resides in France.

The cost of a "Talent Passport" CSP is **269 euros**. Cost is the same for the applicant's spouse. For researchers who could previously benefit from a "Scientist" residence permit, cost raise is minor (+9 euros).

The difference will be more significant if the researcher chooses to remain in France for longer than expected and if he/she must renew his residence permit: he/she will pay 269 euros instead of 106 or 200 euros before. The "Talent Passport" is plurennial, and renewal applications should be less frequent.

5) Redesign of job access

a. Extension of access conditions to the Provisional Residence Authorization (APS):

- *Overall concept*

The Provisional Residence Authorization ("Autorisation Provisoire de Séjour", APS) allows students under certain conditions to **remain in France after their studies to look for and work in a job without employment in France being deniable**. The APS is valid for 12 months and is not renewable.

Until the conclusion of an employment contract that will serve as a first professional experience in France, international students with an APS are allowed to **work in one or several jobs in France as long as work hours do not exceed 964 hours (60% of annual work time)**.

Issuance of APS is **free**. It is processed in a "préfecture" (local police and administration headquarters) before the termination of a "Student" residence permit.

Note: Algerian students are not included in the APS. They benefit from a specific status regarding residence and employment in France under the French-Algerian agreement of December 27, 1968. Nationals from a country with bilateral agreements with France may benefit from other duration and renewal conditions regarding the APS (Congo, Cameroon, Cape Verde, Gabon, Tunisia, India and more).

- *New dispositions of the law*

Until recently, the APS was exclusively for international students with a degree at least equivalent to the Master³. Now, the APS is also accessible to international students:

- Holders of a **degree labelled as Level I by the "Conférence des Grandes Ecoles", ("Mastères" and "Master of Science")**;
- Holders of a **Professional Licence**;
- **Who want to create their own company**.

After the validity period of the APS, the international student will have to change his status and receive a new residence permit:

- An **"Employee" (salarié) or a "Temporary Worker" (travailleur temporaire) residence permit** for students with an permanent or temporary employment contract approved by the DIRECCTE⁴ and complete with a **wage at least one and a half time the minimum wage** (adjustable depending on the professional field)
- An **"Entrepreneur" or "Talent Passport" residence permit** for international students who have created their company and were able to prove the viability of their project.
- A **"Talent Passport" residence permit** for students engaged in a research activity.

³ The list of degrees equivalent to at least the Master is defined by the decree of May 12, 2011 available on the website legifrance

https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=5C936B1F4C9A8DD605FEE4FD01DB0522.tpdil_a13v_1?idArticle=LEGIARTI000023997506&cidTexte=JORFTEXT000023995338&categorieLien=id&dateTexte=

⁴ DIRECCTE: Directions régionales des entreprises, de la concurrence, de la consommation, du travail et de l'emploi (regional offices for companies, competition, consumption, work and employment).

b. *Access conditions to employment out of the APS scheme*

Employment in France cannot be denied to international students who benefit from a **recruitment commitment** after their studies in relation with their studies, complete with a **wage equal to at least one time and half the minimum wage**. They will receive an "Employee" (salarié) residence permit for a permanent contract or a "Temporary Worker" (travailleur temporaire) residence permit for a temporary contract.

c. *Access to apprenticeship and professionalization contract*

Until now, an international student was forbidden to conclude an apprenticeship or professionalization contract. It is now possible after a first year of stay and without conditions of degree.

6) Working holiday visa

This visa is for the 18-30 year old from countries that have concluded a bilateral agreement regarding working holiday ("vacances-travail") visa with France. Currently, **13 countries or territories are included**: Japan, New Zealand, Australia, Canada, South Korea, Russia, Argentina, Hong Kong, Chile, Colombia, Taiwan, Uruguay and Mexico (entered into force on the September 1st, 2016). An agreement with Brazil should enter into force soon (signed in 2013).

The visa delivered is a temporary long term visa with multiple entries (VLS-T). The maximum duration is one year and it cannot be renewed (unless the bilateral agreement allows so, such as for Canadian nationals). The visa **allows its holder, who may have come to France for touristic and cultural reasons, to work in order to improve his/her financial resources**. Except in the case of nationals from Australia, Japan, New Zealand and Russia, it is no longer necessary to ask for a work permit.

Useful links

Law of March 7, 2016:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264&categorieLien=id>

Implementing decree 2016-1456 of October 28, 2016:

<https://www.legifrance.gouv.fr/eli/decret/2016/10/28/INTV1618858D/jo>

Implementing decree 2016-1463 of October 28, 2016:

<https://www.legifrance.gouv.fr/eli/decret/2016/10/28/INTV1630601D/jo/texte>

Circular of November 2nd, 2016 from the Ministry of Home Affairs:

<http://circulaires.legifrance.gouv.fr/index.php?action=afficherCirculaire&hit=1&retourAccueil=1&r=41477>

II. Visa issuance for studies in French as Foreign Language (FLE)

1) **Expansion of eligible audience**

In accordance with the instructions in the diplomatic note ND-2016-524882 of 21/07/2016, international students now have the opportunity to **obtain a visa to come to France to study French language** without needing a study project after completion of their FLE course. All international students are eligible, **including those living in a French-speaking country and those who have access to FLE trainings in their country of origin.**

2) **Trainings, institutions and qualifications**

There are no conditions regarding hours of class or academic level required in relation with visa issuance.

In order to obtain a short or long stay study visa, the **training studied must grant a qualification recognised at academic or professional level, but not necessarily grant a degree.** However, the FLE centre must have a perfect reputation regarding professionalism and credibility.

If the chosen training doesn't give academic or professional recognition, other types of visas may be delivered (short stay for a private visit, visitor VLS-TS, visitor VLS-T, working holiday)

3) **Promoting FLE trainings with "Immersion France"**

Immersion France is a free and multilingual application listing the best offers of language centres in France: Qualité Français Langue Étrangère (French as Foreign Language Quality) label, Qualité Unosel (Unosel Quality) label, Office quality contract and institutions member of the Campus France Forum.

Immersion France offers:

- support to decide which tailor-made stay to choose;
- an interactive map to discover the French regions;
- over 100 promotion pictures and videos;
- hundreds of stay offers to learn French language and cuisine, discover tourist travels and choose trainings

III. Communication by Campus France

Campus France is in charge of communication in relation with the progresses regarding hosting and stay of international students and researchers in France. Information are available on www.campusfrance.org (60,000 visitors in 2016) in the "Prepare your stay" section ("préparer son séjour"), available in English and Spanish. Information are also published on the France Alumni Website (53,000 members) in English and French. Guides by the Agency entitled "Choose France" and "Studying in France in higher education" will also list the new provisions.

Campus France Agency is currently preparing a guide for international students and researchers to present as clearly and simply as possible the updates in relation with administration processes to come to France to study. The guide will be transferred for

diffusion to the network of 250 Campus France Offices and 341 member institutions of the Campus France Forum.