Fourth focussed study 2014

Admitting third-country nationals for business purposes

*French Contact Point for the European Migration Network*

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ADMITTING THIRD-COUNTRY NATIONALS FOR BUSINESS PURPOSES

Study conducted by the French Contact Point for the European Migration Network (EMN)

January 2015

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LIST OF ACRONYMS

- AFII : Invest in France Agency (Agence française pour les investissements internationaux)
- CAI: Reception and Integration Contract (Contrat d'Accueil et d'Intégration)
- CESEDA: Code on Entry and Residence of Foreign nationals and Right of Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile)
- CFE : Business start-up centre (Centre de formalités des entreprises)
- CST : Temporary residence permit (Carte de séjour temporaire)
- DIRECCTE : Regional Office for Companies, Competition, Consumption, Work and Employment (Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi)
- EPIC : Public Industrial and Commercial Establishment (Etablissement public à caractère industriel et commercial)
- OFII : French Office for Immigration and Integration (Office français de l’immigration et de l’intégration)
- SME : Small and medium-sized enterprises
- RCS : Companies’ Registry (Registre du commerce et des sociétés)
- SMIC: Statutory Minimum Wage (Salaire minimum interprofessionnel de croissance)
- VLS-TS: Long-stay visa equivalent to a residence permit (visa de long séjour valant titre de séjour)
SUMMARY

EXECUTIVE SUMMARY .............................................................................................................. 6

SECTION 1: NATIONAL FRAMEWORKS FOR ADMITTING THIRD-COUNTRY NATIONALS FOR BUSINESS PURPOSES .................................................................................................................. 9

Section 1.1 Immigrant investors: overview of national policies .................................................. 9
Section 1.2 Immigrant investors national policies: pre-arrival stage (admission criteria) and stay (renewal) .............................................................................................................................. 18
Section 1.3 Immigrant business owners: overview of national policies .................................... 22
Section 1.4 Immigrant business owners national policies: pre-arrival stage (admission criteria) and stay (renewal) .............................................................................................................. 29
Section 1.5 Other business persons: overview of national policies ......................................... 35
Section 1.6 Other business persons national policies: pre-arrival stage (admission criteria) and stay (renewal) ....................................................................................................................... 39

SECTION 2: MEASURES TO PREVENT MISUSE AND ABUSE OF IMMIGRATION CHANNELS FOR BUSINESS PURPOSES ............................................................................................................. 43

SECTION 3: EVALUATION OF POLICIES TO ADMIT THIRD-COUNTRY NATIONALS FOR BUSINESS PURPOSES, CHALLENGES AND BARRIERS .............................................................. 48

Section 3.1 Immigrant investors ................................................................................................. 48
Section 3.2 Immigrant business owners ....................................................................................... 48
Section 3.3 Other business persons ............................................................................................ 52
Section 3.4 Challenges and obstacles to admitting third-country nationals for business purposes 53

SECTION 4: GOOD PRACTICES AND LESSONS LEARNED .................................................................................................................. 58

CONCLUSION .................................................................................................................................. 60

ANNEXES ...................................................................................................................................... 61

ANNEX 1: STATISTICS .................................................................................................................. 61
ANNEX 2: LIST OF BILATERAL AGREEMENTS .......................................................................... 67
ANNEX 3: LIST OF INTERVIEWS CARRIED OUT OR PEOPLE WHO HAVE CONTRIBUTED TO THE STUDY .................................................................................................................. 68
ANNEX 4. BIBLIOGRAPHY ........................................................................................................... 70
EXECUTIVE SUMMARY

Adopted in 2012, the "Entrepreneurship 2020" Action Plan\(^1\) highlights the need to promote business creation and make the environment more favourable for existing entrepreneurs, as entrepreneurship is a powerful driver for economic growth and job creation. In its Action Plan, the European Commission considers that migrants already present in Member States represent an important pool of potential entrepreneurs for the EU, and undertakes to propose initiatives to attract migrant entrepreneurs.

Whilst Member States have implemented strategies to attract investors, business owners and other business people, there are wide variations in national policies and rules concerning the admission of third-country nationals for business purposes. The aim of this EMN study is, therefore, to provide an analysis and better understanding of the conditions of admission of third-country nationals for business purposes in the EU Member States. The study specifically aims to analyse the rules and policies implemented in Member States to attract and facilitate the entry of third-country nationals for business purposes, whilst safeguarding against abuse.

In a context of increasing internationalisation of business, Member States' admission systems need to be responsive to the realities and needs of the business sector. The challenge is to facilitate admission of these categories as part of a more business- and economy-oriented strategy for the Member State, whilst maintaining controls to safeguard against all types of abuse in the migratory process.

The scope of the study focuses on third-country nationals who are not yet present/resident in an EU Member State, and in particular, three migrant categories: foreign investors, foreign business owners and other categories of third-country nationals who have come to the EU for business purposes. Whilst the first two categories concern third-country nationals admitted for long stay, the last one also includes those travelling under Schengen short-stay visas. In this case, the aim is to study the temporary movements of natural persons who do not require a work authorisation.

One of the difficulties of this study is that the contours of the definitions of investor and business owner are not always clearly defined. For this reason, each EMN National Contact Point will use a common definition of these terms for this study, so that a comparative analysis is possible at the European level. According to the common template, an immigrant investor is defined as a third-country national meeting the criteria set by a Member State, and admitted to reside in the territory (holding a long-stay visa) for the purpose of making a (substantial) financial investment either in financial products or in business, but without being involved in its day-to-day operations or management.

An immigrant business owner is a third-country national meeting the criteria set by a Member State and admitted to reside on the territory (holding a long-stay visa) to 1) set up a business and be involved in its management; 2) take over the running of a business and be involved in its management, or 3) for self-employment.

With regard to the third category studied - other business persons - the study will be based on the six "Mode 4" categories, as defined by the General Agreement on Trade in Services (GATS), again with the aim of facilitating the comparison of data at a European level. Commercial agreements can represent a useful tool in defining the third category of this study. The temporary movement of

\(^1\) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - "Entrepreneurship 2020" Action Plan - Reigniting the entrepreneurial spirit in Europe, 9 January 2013, COM (2012) 795 final
natural persons (TMNP), also known as "Mode 4", is one of the four modes of international service supply under the GATS. It corresponds to the temporary movement of natural persons for the purpose of supplying a service\(^2\). Consequently, it is important to underline that it does not concern people seeking access to the employment market in the host country, nor does it affect measures regarding citizenship, residence or employment on a permanent basis. Six "Mode 4" categories of "natural persons" are explicitly identified, each defined by a prescribed length of stay. Four of these categories include a longer-term perspective (admitted on long-stay visa). Amongst these, the first two are covered by the recently adopted Directive on Intra-Corporate Transferees\(^3\):  
- workers posted within the framework of intra-corporate mobility, or employees on assignment,  
- graduate trainees,  
- contractual service providers,  
- independent professionals.

The remaining two categories are eligible for short-term movements only (admitted on short-stay visa):  
- business visitors,  
- business service sellers.

The study will also look at holders of a EU Blue Card.

The study will firstly examine the legislation and national policies implemented to facilitate the admission of investors, business owners and other business persons. One of the main characteristics of the French situation is that there are no specific programmes dedicated to each of these categories. The existing measures bring together either a broader group, that does not just target foreign investors and business owners - for example the "skills and talents" (compétences et talents) residence permit - or a narrower group, intended for a precise category of investors or business owners, who meet certain criteria, such as the "business activity" (commerçant) residence permit or the exceptional economic contribution residence permit. The challenge of the study is, therefore, to identify and analyse the different residence permits that can be issued to investors, business owners and other business persons, depending on the entrepreneurship or investment project.  

Whilst there are no programmes that specifically target these groups, several measures have been implemented to attract these categories as part of broader policies to facilitate the admission of high potential foreign workers. An EMN study\(^4\), looking at policies to attract qualified third-country nationals within the EU, was carried out in 2013.  

The study will also aim to identify the possible abuse and misuse of immigration channels for business purposes, as well as analysing the preventive measures implemented. Checks are carried out by the administrative authorities during the admission and renewal phases for residence permits. It would appear that few cases of abuses are noted in this area. However, some cases of misuse have been observed, either by lack of knowledge of the rules, or to circumvent procedures considered too complex.

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\(^2\) In accordance with article 1.2(d), the GATS focuses on the supply of a service [...] by a service supplier of one Member, through the presence of natural persons of a Member in the territory of another Member (Mode 4 - Presence of Natural Persons).  
\(^4\) European Migration Network Study, Attracting qualified third-country nationals to France, July 2013
Finally, the study will aim to **evaluate the policies implemented**, to not only identify the **challenges and obstacles**, but also **good practices**. Before arriving in France and during their stay, candidates can be confronted with a series of - mainly administrative - challenges. The complexity of the regulations and procedures, along with processing times, are the main obstacles encountered by these categories, when their activities require rapid procedures. Fully aware of this issue, the government has implemented several measures to facilitate their admission.

This study is based on **varied information sources**, in particular, reports and surveys carried out at national, European and international levels. It is also based on a series of interviews and questionnaires conducted with different actors involved in the question of admission of third-country nationals for business purposes. It was important to consult both representatives of administrations and the business world.

This study is conducted in the context of a **series of discussions and a reform movement with the aim of enhancing France’s attractiveness**. The draft law on immigration, presented in the Council of Ministers on 23 July 2014, should be introduced in 2015. In a world of strong economic competition, the aim is to improve the reception of qualified foreign workers, in particular through the creation of a new dedicated residence permit, grouping several existing provisions. The National Pact for Growth, Competitiveness and Employment (**Pacte national pour la croissance, la compétitivité et l’emploi**), announced by the French Prime Minister on 6 November 2012, is centred on 8 competitiveness levers and 35 decisions. It aims to enhance France’s attractiveness for foreign investors, by responding to their concerns and expectations in at least four areas: decrease in taxes and costs for businesses, access to effective, local financing, enhanced incentives and support for innovation, and the simplification and stabilisation of the regulatory, administrative and fiscal environment. The Strategic Council for Attractiveness (**Conseil stratégique de l’attractivité**) (CSA), which was held twice in 2014⁵, brought together the French President and directors of international companies, with the aim of "building a long-term dynamic of exchange with CEOs and investors worldwide".

The synthesis report, conducted at a European level based on national EMN National Contact Point studies, will present an overview of policies and measures implemented by Member States to facilitate the admission of third-country nationals for business purposes. It will enable the identification of efforts to be continued to enhance the attractiveness of the EU, whilst highlighting good practices already in place.

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⁵ The Strategic Council for Attractiveness (**Conseil stratégique de l’attractivité**) was organised for the first time on 17 February 2014. The second edition took place on 19 October 2014.
Section 1: National frameworks for admitting third-country nationals for business purposes

This section aims to study national policies destined for immigrant investors, business owners and other categories of third-country business persons. As there are no specific schemes for these categories, it is important, firstly, to identify the different provisions according to the categories of investors, business owners and other migrant business persons. Some residence permits can address a narrow group within these categories, such as the exceptional economic contribution residence permit, whilst others, such as the "skills and talents" ("compétences et talents") residence permit, target a broader group. In France, the policies aimed at promoting professional immigration primarily target qualified foreign nationals\(^6\), that can include these different categories.

Faced with the variety of entrepreneurship and investment projects, different residence permits may be applicable to applicants.

Section 1.1 Immigrant investors: overview of national policies

This section will look at the national institutional framework and the main policy objectives with regard to immigrant investors.

For the sake of comparability at the European level, a common definition for all the National Contact Points is provided for this study. An immigrant investor is defined as a third-country national meeting the criteria set by a Member State, and admitted to reside in the territory (long-stay visa) for the purpose of making a (substantial) financial investment either in financial products or in business, but without being involved in its day-to-day operations or management.

Q1. Definition of immigrant investors in national legislation

The national legislation does not have a precise definition of immigrant investors. It does, however, specify the criteria required for each provision intended for them:
- The exceptional economic contribution residence permit can be issued to a third-country national who intends to create or save at least fifty jobs or make an investment of over ten million Euros.

Due to the required criteria, this permit targets a particularly restrictive category of investors. In 2013, 4 third-country nationals held this permit\(^7\).
- The "skills and talents" ("compétences et talents") temporary residence permit can be issued to a foreign national wishing to participate, through their skills and expertise and in a significant and durable way, in the economic development of France and their country of nationality. On average, this permit is issued to fewer than 300 people per year\(^8\).

Article R.153-1 of the monetary and financial code provides a definition of "a third-country foreign investor". A foreign investor from a third-country is defined as follows:
"1) Taking over a company whose head office is located in France, under article L.233-3 of the Commercial Code;

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\(^6\) See the European Migration Network Study, Attracting qualified third-country nationals to France, July 2013
\(^7\) Source: Department for Statistics, Studies and Documentation (DSED)/DGEF (Département des statistiques, des études et de la documentation..) It is important to note that the 2013 data are provisional.
\(^8\) Source : DSED/DGEF
2) Acquiring all or part of a branch of activity of a company whose head office is located in France;
3) Crossing the threshold of 33.33 % of capital or voting rights for a company whose head office is located in France."

Q2a. Specific policies, programmes or schemes for immigrant investors

Several measures are aimed at foreign investors in France. It is, however, important to note that no policies or programmes can be identified as being solely dedicated to this category. Some measures do not specifically target this category, but group a wider public, including, for example, business owners and highly qualified migrants. Others are aimed at investors, but in an extremely restrictive way.

Q2b. Presentation of provisions

Two possibilities are available for foreign investors in France: the exceptional economic contribution residence permit and the "skills and talents" temporary residence permit.

- **Exceptional Economic Contribution residence permit**

  a) **Name of policy/programme and legal basis**


  The residence permit issued for an exceptional economic contribution is aimed at third-country nationals who plan to make an investment of at least ten million Euros in France or create or save at least fifty jobs.

  It is important to note that this residence permit does not apply to Algerian nationals.

  b) **Main policy objectives**

  The law on the modernisation of the economy (modernisation de l’économie) of 4 August 2008 inserted article L.314-15 into the CESEDA, providing the possibility of issuing a 10-year residence permit to "the foreign national who makes an exceptional economic contribution to France". This provision aims to facilitate and encourage the stay of investors in France. More precisely, the aim is to enhance France's economic attractiveness for certain categories, such as CEOs of foreign subsidiaries established in France or major individual investors. Compared to the skills and talents permit, the one for exceptional economic contribution targets individual investors with higher investment totals.

  Since the law of 16 June 2011, the foreign national's spouse has a right to the same residence permit. This provision is intended to enhance the attractiveness of this permit.

  c) **Type of investment**

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9 The right to residence of Algerian nationals comes entirely under the provisions of the Franco-Algerian agreement of 27 December 1968 (modified)
In accordance with article R.314-6 of the CESEDA, this permit can be issued to a third-country national who, personally or via the intermediary of a company that they direct or in which they hold at least 30% of the capital, meets one of the following two conditions:
- the creation or safeguarding, or the commitment to create or safeguard at least fifty jobs on the French territory;
- an investment or commitment to invest in tangible or intangible goods of at least ten million Euros.

d) Priority economic sectors/geographical areas/countries of origin

Whilst the legislation does not indicate specific priorities, it states that there are exceptions to the required conditions, in view of the consequences of the investment in the employment area (Article R.314-6 of the CESEDA): "However, when it is considered that the economic contribution made by the applicant or to which they are committed, whilst it does not reach the thresholds of the two previous paragraphs, is of an exceptional nature, given the specific characteristics of the employment area concerned, the Prefect can issue the residence permit." For example, the residence permit may be issued if the projected or actual investment, whilst not reaching the fixed thresholds, allows the safeguarding in the medium term of a site threatened with closure by explicit competition with another site located abroad.\(^\text{10}\)

e) Quotas

This mechanism is not subject to quotas aimed at regulating the number of entries or permits issued to foreign investors.

- Temporary "Skills and talents" residence permit

The "Skills and talents" residence permit is a provision that aims to facilitate the admission of foreign "talent" with a project that contributes to the economic development and outreach of France and the country of which they are nationals. Within the framework of this study, it includes the sections dealing with investors and business owners.

a) Name of policy/programme and legal basis

The provisions concerning the "skills and talents" residence permit are stipulated in articles L.315-1 to L.315-9 and R.315-4 to R.315-11 of the CESEDA. The permit is issued for a professional project, which can be employed, industrial, commercial, craft or independent work.

It is important to note that this permit does not apply to Algerian nationals, who come under the Franco-Algerian agreement of 27 December 1968. In addition, some nationalities are subject to specific conditions, due to the "specific situation of countries in the zone" and France's wish to avoid "brain drain\(^\text{11}\). In accordance with article L.315-2 of the CESEDA, nationals from countries in the priority solidarity zone can benefit from a skills and talents permit on the condition that they undertake to return to their country within a maximum of 6 years. In other words, the residence permit with a validity of three years issued to one of these

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\(^{10}\) Circular NOR IMIM1000117C of 2 August 2010 on the issue of the exceptional economic contribution residence permit

\(^{11}\) Circular NOR IMIG0800017C of 1\(^{st}\) February 2008 on the conditions of issue of the "skills and talents" residence permit
nationals is only renewable once. This condition does not, however, apply to countries with which France has signed a co-development partnership (this is the case for Benin, Congo, Gabon, Mali and Senegal).

b) Main policy objectives

Created by the law of 24 July 2006 on immigration and integration, with the aim of attracting **highly qualified migrants** or **“high potential personalities”**, the "skills and talents" permit is issued to third-country nationals "likely to participate, through their skills and talents, in a significant and durable way, in the economic development, territorial development or outreach of France, in particular intellectual, scientific, cultural, humanitarian or sporting and directly or indirectly in the country whose nationality they hold". The applicants must meet the following conditions:

- be able to present a **project that contributes to the economic development and outreach of France and their country of origin**;
- be able to establish their **ability to carry it out**.

Initially, the "skills and talents" residence permit was designed as a "diplomatic tool", as the Ambassador or Consul decided whether to grant it. This permit can be issued to personalities who are already prominent, in particular high-level artists and sports persons. However, it is now more often aimed at foreign "qualified workers" with around 60% of the permits being issued to investors or corporate officers.

c) Type of investment

The legislation does not indicate the type of investment required.

d) Priority economic sectors/geographical areas/countries of origin

The legislation does not specify priorities. In general, the "skills and talents" permit is not based on a set of objective defined criteria. When the residence permit was created, the National Commission for skills and talents (Commission nationale des compétences et des talents) was given the task of fixing the criteria for attribution of the permit, by meeting at least twice a year. For example, in the first meeting on 11 December 200712, the National Commission determined the following criteria:

"The "skills and talents" residence permit may be issued to an activity-creating investor with one of the following economic projects:

- a **project resulting in the creation of at least two jobs including that of the project carrier or the safeguarding of at least two jobs**;
- a **project including an investment in tangible goods (including acquisition of land, buildings, machinery) or intangible goods (including technology transfers, rights, patents, licences, know-how or non-patented technical knowledge) of at least €300,000**;
- a **project carried out by a foreign company that has existed for at least two years or is already located in France."

However, the National Commission for skills and talents was removed by the decree of 17 February 2014 deleting consultative administrative commissions (article 16).

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e) Quotas

This scheme is not subject to quotas.

Q3a. Main actors and institutions involved in the development of policies to attract immigrant investors: coordination between the different actors and official mandates (for example, an action plan) governing the involvement of these authorities

- The Directorate-General for Foreign Nationals in France of the Ministry of the Interior (Direction générale des étrangers en France du ministère de l'Intérieur)\(^ {13}\) is active in a number of areas covering the migrant’s complete administrative path. It is competent for visa regulations and the general rules for the entry, stay and exercise of a professional activity in France by foreign nationals.

- The Ministry of the Economy, Industry and Digital Industries\(^ {14}\) is competent for the policies on growth and competitiveness of the French economy, direct foreign investment and the attractiveness of the territory.

- The Ministry of Finance and Public Accounts\(^ {15}\) is competent for European and International monetary, economic and financial affairs, in liaison with the other Ministries.

Q3b. Actor responsible for the promotion of the policy with the target group

The Invest in France Agency (Agence française pour les investissements internationaux) (AFII)\(^ {16}\) is the national agency responsible for promoting, prospecting and welcoming international investments in France. Within the framework of this study, the AFII’s tasks described below concern both foreign investors and business owners.

- **Presentation of the AFII and its main tasks**

  Created in 2001, this Public Industrial and Commercial Establishment (établissement public à caractère industriel et commercial) (EPIC) comes under the joint management of the Ministries of the Economy and of Territorial Development. Its main role is to attract foreign investors, of all nationalities, whose projects enable the creation of jobs on the French territory. The AFII is supported by a national, international and territorial network, in close partnership with the regional economic development agencies.

  The Agency has the task of:
  - informing and supporting foreign investors in France;
  - promoting the economic image and attractiveness of France abroad;
  - proposing to the government measures likely to enhance France's attractiveness\(^ {17}\);
  - and analysing the competitive environment for flows of foreign investments.

\(^ {13}\) Decree n° 2013-728 of 12 August 2013 on the organisation of the central administration of the Ministry of the Interior and the Ministry of Overseas Territories

\(^ {14}\) Decree n° 2014-1033 of 11 September 2014 on the role of the Ministry of the Economy, Industry and Digital Industries

\(^ {15}\) Decree n° 2014-403 of 16 April 2014 on the role of the Ministry of Finance and Public Accounts

\(^ {16}\) Sources : interview carried out with representatives of the expertise and attractiveness poles of the AFII ; AFII presentation brochure

\(^ {17}\) In particular, the AFII proposes improvements to the regulatory framework as part of the Strategic Council for Attractiveness (Conseil stratégique de l'attractivité) (CSA) which was held twice in 2014. It can also propose ideas for improvements to the regulations and reception of foreign nationals to the central administrations involved.
In February 2014, on the basis of a decision by the French President and Prime Minister, the merger was announced between the AFII and UBIFRANCE - the EPIC responsible for supporting exporting French companies. The creation of the new agency, which should be launched in January 2015 is part of the framework for strengthening the current policy on France's attractiveness.

- **Promotion and prospection actions by the AFII offices abroad**
  Spread over 22 countries, the AFII offices abroad are responsible for prospecting foreign investors, by geographical sector and by activity, mainly with companies that are not yet present in France. Promotional activities include business seminars and visits by foreign journalists to France.

- **Role of information and support for foreign investors in France**
  Responsible for informing and assisting investors during the different stages of their projects, the AFII acts as a facilitator for foreign investors. During the project set-up phase, meetings can be organised with legal advisers and financial partners in France, through the "Club AFII Partenaires" (“IFA Partners), grouping banks, financial institutions, accountants and audit companies.
  In France, the AFII works in partnership with local authorities. In collaboration with the regional economic development agencies, the AFII assists the investor by proposing locations suitable for the project and its requirements. The Committee for the Orientation and Monitoring of Foreign Projects (Comité d’Orientation et de Suivi des Projets Étrangers) (COSPE) is responsible for studying the list of investment projects identified by the AFII and circulating each week a summary report of projects to eligible regions, who can then propose an offer.
  Visits to regions can be organised, to bring together foreign investors and local authorities, site owners and competitiveness ‘poles’. The AFII, with the territorial economic development agencies, form a network dedicated to the reception of foreign companies in France.
  The Agency also provides information to foreign investors via an internet site translated into numerous languages and a guide on the business environment in France, "Doing Business in France", available in French and English, and aimed at foreign company directors who wish to set up in France. In parallel, it organises meetings with directors of companies located in France, and from the same foreign country. These "country clubs" ("clubs pays") enable France’s strengths to be presented to business communities from certain countries, by providing examples of success stories and circulating information on immigration, public aid and labour law in France.

**Q4a. Specific measures to attract immigrant investors to France**

In France, several measures aim to attract immigrant investors. They are, however, reserved for specific categories. These measures are detailed in the table below.

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18 At the date of drafting of this study, the merger had not yet been announced.
21 The countries concerned are Japan, China, Brazil, South Korea, India and Russia.
Q4b. Presentation of the measures to attract immigrant investors to France

<table>
<thead>
<tr>
<th>Measures</th>
<th>Brief description of the measure</th>
</tr>
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<tbody>
<tr>
<td><strong>Description of these measures</strong> (active promotion, information dissemination, information campaigns, events in the third countries...)</td>
<td>With regard to the &quot;skills and talents&quot; permit, the CESEDA specifies that promotional missions can be organised abroad(^\text{22}) (Article R.315-11). The promotion of the &quot;skills and talents&quot; permit is carried out abroad by the economic departments of the French Consulates, by OFII representations and by AFII offices abroad. As part of other provisions for foreign investors, actions can also be carried out by these different organisations abroad, even though this is not mentioned in the legislation. The policy officers for AFII offices abroad have the task of prospection and promotion, by geographical sector and by activity, with the aim of highlighting the advantages of relocating to France(^\text{23}).</td>
</tr>
<tr>
<td><strong>Specific procedural facilitations for admission</strong> (examples: reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required, renewal, etc)</td>
<td>Yes, facilitated admission procedures are implemented for some categories of investors. More broadly, these are procedures destined for qualified and highly qualified third-country nationals. - Exemption from the medical examination with the OFII: With the aim of facilitating administrative procedures on entry into France, some categories of third-country nationals are exempted from the medical examination carried out by the OFII. In accordance with article R.313-4 of the CESEDA, modified by the decree n°2014-921 of 18 August 2014, several categories of third-country nationals have been recently added to the list of people exempt from the requirement to produce a medical certificate as part of a residence permit application. These are, more specifically, expatriate employees (saliériés en mission), holders of a &quot;skills and talents&quot; residence permit and beneficiaries of a EU Blue Card, as well as members of their family. - Exemption from signing a reception and integration contract (contrat d'accueil et d'intégration)(^\text{24}) Some categories are exempted from the signature of a CAI, in particular, holders of an exceptional economic contribution residence permit, a &quot;skills and talents&quot; residence permit, &quot;expatriate employees&quot; and holders of a EU Blue Card as well as members of their family.</td>
</tr>
<tr>
<td><strong>Tax incentives</strong></td>
<td>Yes, there are several tax incentives in favour of investors and business creators(^\text{25}). However, it is important to note that these measures are not designed to specifically attract third-country nationals, but concern all</td>
</tr>
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\(^{22}\) Article R.315-11 of the CESEDA : "The Minister for Foreign Affairs, the Minister for Immigration and the Minister for the Economy can authorise a legal person to carry out promotional missions for the "skills and talents" residence permit abroad and search for people likely to benefit from it. "

\(^{23}\) Interview carried out with two representatives of the AFII

\(^{24}\) The reception and integration contract, signed with the French state, aims to promote the integration of third-country nationals admitted for the first time to stay in France, and who wish to reside there for the long term. They must follow certain mandatory courses (French lessons, civic lessons and courses on life in France).

\(^{25}\) Source : Invest in France Agency (Agence française pour les investissements internationaux), *Doing Business in France*, January 2014
investors and business creators present in France. In addition, it would seem that tax incentives do not represent a decisive factor in the choice of locating in France, but are perceived as more of an advantage once the decision has been taken\textsuperscript{26}.

- **Tax credits:** Research tax credit (Crédit d’impôt recherche), Competitiveness and Employment tax credit (Crédit d’impôt pour la compétitivité et l’emploi) (CICE), Family tax credit (Crédit d’impôt familles), Audiovisual or cinema tax credit (Crédit d’impôt cinéma ou audiovisuel), Video games tax credit (Crédit d’impôt jeux vidéo).

The French research tax credit (CIR) is a particularly attractive incentive. Manufacturing, commercial or agricultural companies that spend money on research are eligible to receive a tax credit which can then be offset against their corporate tax liability. If they do not owe any tax due to a lack of profits, they will receive the research tax credit (crédit d’impôt recherche) (CIR) in the form of a cash rebate after a three-year period. SMEs, innovative new companies, start-ups and ailing companies qualify for an immediate research tax credit rebate.

- **Temporary exemption from the Territorial Economic Contribution (contribution économique territoriale) (CET) available in ailing regions:**
In certain ailing areas, local authorities have the right to grant full or partial temporary exemptions from the contribution économique territoriale (CET) to companies that set up or expand their operations or take over ailing businesses.

- **Temporary exemption from corporate tax (impôt sur les sociétés) (IS) for new companies:**
Subject to certain conditions, companies created before 31 December 2014 and located in certain areas may qualify for a temporary exemption from corporate tax, diminishing over time.
In addition, specific measures exist to help innovative new companies (jeunes entreprises innovantes) (JEI) whose research and development spending accounts for at least 15% of their tax-deductible costs. The latter are entitled to generous tax advantages (tax exemption subject to certain conditions).

<table>
<thead>
<tr>
<th><strong>Possibility of being accompanied by family members and access to the labour market</strong></th>
<th><strong>Access to work for spouses</strong> is one of the main political measures implemented to attract foreign investors.</th>
</tr>
</thead>
</table>

- **"Exceptional economic contribution" residence permit:**
Family members are granted a residence permit, with a validity of ten years (Article L.314-15 of the CESEDA). They are exempted from signing a reception and integration contract (contrat d’accueil et d’intégration)

- **Skills and talents residence permit**
Family members are granted a "private and family life" temporary residence permit, issued for the same duration as the "skills and expertise" residence permit. They can benefit from the simplified "accompanying family"

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\textsuperscript{26} Interview carried out with representatives of the AFII
procedure, which stipulates the arrival in France of the beneficiary and their family at the same time.
The private and family life residence permit entitles the person to exercise all professional activities. Holders are exempt from the requirement to hold a work authorisation. They are also exempted from signing a reception and integration contract (CAI).

<table>
<thead>
<tr>
<th>Access to social benefits</th>
<th>Yes. As long as they are legally staying and working, third-country nationals globally benefit from the same rights as French citizens.</th>
</tr>
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<tbody>
<tr>
<td>Access to French nationality</td>
<td>Yes, foreign investors can have access to French nationality, subject to meeting the required conditions. However, in some cases, third-country nationals who do not meet all the conditions can be granted French nationality, such as French-speaking third-country nationals who contribute through their actions to the outreach of France and the prosperity of its economic and social actions. In accordance with article 21-18 of the Civil Code, the duration of the habitual residence in France is reduced to two years, instead of the five usually required.</td>
</tr>
</tbody>
</table>

The consequences of the suppression of the medical examination on the 'one-stop shop’ (Guichet unique)27

In France, a procedure of one-stop shop (guichet unique)28, with the aim of facilitating the procedures and improving application treatment times for certain categories, was implemented in eight départements29 en 2012. Coordinated by the OFII through its territorial directorates, this one-stop shop is intended for people eligible for "expatriate employees", "skills and talents" and "EU Blue Card" residence permits as well as members of their family. At a national level, it also concerns young professionals and employees as part of the Franco-Russian agreement.

The role of the one-stop shop (guichet unique) was recently modified by the decree n° 2014-921 of 18 August 201430, removing the medical examination carried out by the OFII for certain categories of foreign workers31. Consequently, the application procedure and issue of the residence permit no longer involves the OFII. The residence permit is now issued in the Prefecture. Whilst the organisation was initially established as a one-stop shop (guichet unique) for the deposit of applications and the issue of residence permits, the decree limits the OFII's one-stop shop procedure to the deposit of work authorisation applications. However, discussions are on-going with the Prefectures concerned to continue to receive "qualified workers".

27 See EMN study, Attracting Foreign Talents, July 2013
28 The modalities of treatment of applications as part of the one-stop shop (guichet unique) (GU) are specified in the circular NOR INTV1231400C of 3 August 2012, on the one-stop shop procedure with the OFII for certain categories of foreign workers.
29 The one-stop shop (guichet unique) has been set up in eight départements, with significant activity in this area: Haute-Garonne (31), Hauts-de-Seine (92), Isère (38), Nord (59), Paris (75), Puy-de-Dôme (63), Rhône (69) and Yvelines (78).
30 Decree n° 2014-921 of 18 August 2014 modifying different provisions on the right to stay and work for foreign nationals
31 The categories concerned by the suppression of the medical examination at the OFII are as follows: "research scientists" and family members, "artistic and cultural professions", "expatriate employee", "skills and expertise", family members of "expatriate employees", "skills and talents" and "EU blue card".
Q5a. Bilateral or other agreements in place between France and Third Countries to attract immigrant investors

The France has signed bilateral agreements on the concerted management of migratory flows or professional mobility with the following countries: Benin, Burkina-Faso, Cape Verde, Congo, Gabon, Georgia, Mauritius, Montenegro, Russia, Senegal, Serbia, Tunisia, Cameroon, Georgia, Lebanon, Macedonia, and Bosnia and Herzegovina.

The agreements on the concerted management of migratory flows are based on the three components of the migratory policy: the organisation of legal migration, the fight against irregular immigration and supportive development. Whilst these agreements were not signed with the aim of specifically attracting the people targeted by this study, they include provisions on the circulation of people and professional immigration, which aim, in particular, to facilitate the issue of short-stay, multiple entry visas, known as circulation visas to certain categories and the issue of the "skills and talents" residence permit.

Whilst the basic fabric of the agreements is identical, the text is subject to specific negotiations adapted to the needs and migratory profile of each partner country. These agreements are based on the concept of circular migration. To avoid brain drain, the number of residence permits issued can be limited each year.

The provisions for the "skills and talents" residence permit, specifying an annual quota, are stipulated in the agreements on the concerted management of migratory flows signed with Benin, Cape Verde, Mauritius, the Republic of Congo, Tunisia, Burkina Faso, Cameroon, Gabon and Senegal. These provisions are also written in the agreements on professional migrations and/or youth mobility, signed with Bosnia and Herzegovina, Macedonia, Montenegro and Lebanon. The two signatory parties undertake to issue this residence permit to the nationals concerned, so that their experience in France can be profitable on their return, specifically with a view to creating businesses. The permit is valid for 3 years, renewable once.

Q5b. Information sharing between France and other Member States and consultations on the issuing of residence permits to immigrant investors

France does not share information with other Member States as part of the EU Blue Card scheme, a residence permit created by the European Directive 2009/50/EC of 25 May 2009. The other professional residence permits are exclusively governed by national legislation, and information sharing would make no sense.

Section 1.2 Immigrant investors national policies: pre-arrival stage (admission criteria) and stay (renewal)

This section aims to provide an overview of the admission criteria applied to immigrant investors in France, including investment plans. It also examines the criteria linked to the renewal of the residence permit.

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32 This concerns, in particular, business people and traders "who actively participate in the economic, commercial [...] relations between the two countries". These visas enable stays not exceeding three months per 180-day period and are valid for one to five years, depending on the quality of the application presented, the duration of activities planned in the country and the validity of the person’s passport.

33 This point is detailed in Q13b
Q6a. Admission criteria for immigrant investors in France

The admission criteria for foreign investors depend on the residence permit requested (exceptional economic contribution residence permit or "skills and talents" residence permit).

<table>
<thead>
<tr>
<th>Admission criteria</th>
<th>Explanation</th>
<th>Do the same criteria apply to third-country nationals present in the French territory who wish to change their status to that of investor?</th>
</tr>
</thead>
</table>
| **Minimum financial amount to invest**                                            | - Exceptional economic contribution residence permit: minimum of ten million Euros.  
- "Skills and talents" residence permit: project including an investment in property, plant or equipment of at least €300,000\(^{34}\). | Yes, the same criteria apply to third-country nationals admitted for other reasons and who wish to change status.                                                                                     |
| **Investment plan**                                                                | Yes. See table Q6b.                                                                                                                                                                                         | Yes.                                                                                                                                                                                                     |
| **Expected impact of the proposed investment in the Member State**                | - Exceptional economic contribution residence permit: as indicated on the permit, the foreign investor must provide an "exceptional economic contribution".  
- "Skills and talents" residence permit: the candidate must, in particular, contribute "to the economic development, the territorial development […]". | Yes.                                                                                                                                                                                                     |
| **Minimum education / Professional Skills**                                        | - Exceptional economic contribution residence permit: no specific requirements.  
"Skills and expertise" residence permit: a candidate without professional experience whose level of diploma is lower than degree level (licence - baccalaureate + 3 years) is not eligible. | Yes.                                                                                                                                                                                                     |
| **Language knowledge** (certification, pre-entry tests, courses)                  | No, the holders of a "skills and talents" residence permit or an exceptional economic contribution residence permit are exempted from the signature of a CAI.                                                                                       | Not applicable.                                                                                                                                                                                          |
| **Age requirement for applicants (minimum / maximum)**                             | No.                                                                                                                                                                                                          | Not applicable.                                                                                                                                                                                          |
| **Security / health / background checks (origin of**                               | Yes: checks on the origin of the investment. Some investments from third countries may be subject to prior authorisation (see below).                                                                         | Yes.                                                                                                                                                                                                     |

\(^{34}\) In application of the criteria defined by the National Commission on Skills and Talents (*Commission nationale des compétences et des talents*) during its deliberations on 11 December 2007, 16 April 2008 and 10 December 2009.
In the case of the "skills and talents" residence permit, the opinion of several specialists present in the country where the candidate resides, such as the Economic Mission of the French Embassy, the Invest in France agency (Agence française pour les investissements internationaux) and cooperation or cultural action departments can be requested, depending on the type of project. The opinion is provided within 10 days. The consular or prefectural authority evaluates the interest of the project according to the elements provided. The applicant may be interviewed by the authorities if required.

**Specific cases of investments subject to prior authorisation:**

In accordance with article L.151-1 of the monetary and financial code, financial relationships between France and foreign countries are free. However, certain investments are subject to prior authorisation from the Ministry for the Economy, Industry and Digital Industries (ministère de l'économie, de l'industrie et du numérique) (article L.151-3 of the monetary and financial code). These are investments in France connected to the exercise of public authority or are activities that may undermine public order, public health or the interests of national defence, activities of research, production or sale of arms or munitions. The nature of these activities is precisely defined in R.153-1 and after.

Recently, the government strengthened the control mechanism for foreign investments in France. The decree n° 2014-479 of 14 May 2014⁴⁵, on foreign investments subject to prior authorisation, updated the scope of sectors that come under the prior authorisation procedure for foreign investments in France, to take into account the activities essential for guaranteeing the country's interests in terms of public order, public security and national defence. These activities, which may concern products, materials or the provision of services, cover six economic sectors: the supply of energy and water, transport and electronic communications networks and services, the establishments, installations and works of vital importance within the sense of the defence code, the healthcare sector.

**Q6b. Investment plan**

Within the framework of the exceptional economic contribution residence permit, the applicant must provide documents proving that they meet the criteria of article R314-6 of the CESEDA, on the creation or saving of jobs or investment.

For the "skills and talents" residence permit, the candidate must provide documents on the creation or saving of jobs, the planned investments, and documents proving that the company carrying out the project is a foreign business that has existed for more than 2 years or is already located in France.

The departmental director for public finances (directeur départemental des finances publiques (DDFIP) is responsible for analysing the company's economic viability.

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³⁵ [Decree n° 2014-479 of 14 May 2014](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LOR000052606587&dateTexte=20140514) on foreign investments subject to prior authorisation
Q7. Initial document issued once the criteria for admission are satisfied

- Exceptional economic contribution residence permit:

Subject to the legality of their stay\(^ {36} \), the third-country national who meets the criteria of article R.314-6 of the CESEDA can obtain an exceptional economic contribution residence permit set out in article L.314-15 of the CESEDA, and valid for ten years.

- "Skills and talents" residence permit

If the admission conditions are met, the beneficiary of the permit who made their application from abroad is issued a visa for a stay of more than three months, with the indication "skills and talents" and a letter of issue for the "skills and talents" residence permit. The "skills and talents" residence permit is then issued within two months from the person's arrival in France. It is valid for three years and renewable.

The third-country national who resides on the territory, subject to the legality of their stay\(^ {37} \), can obtain a "skills and talents" residence permit, set out in article L.315-1 of the CESEDA, valid for three years and renewable.

Q8. Institution responsible for issuing the documents

Abroad, the visa is issued by the competent French consulate in the applicant's country of residence. The residence permit is then issued by the Prefecture of the applicant's place of residence, within two months from their arrival in France.

Q9. Criteria to be met in the case of a renewal request

<table>
<thead>
<tr>
<th>Renewal criteria</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional Economic Contribution residence permit</td>
<td>When the residence permit expires, the third-country national can be issued with a new exceptional economic contribution residence permit or a permanent residence permit, in application of article R.314-4 of the CESEDA. In accordance with article R.314-3 fixing the renewal conditions for the residence permit, the applicant must, in particular, provide a sworn statement that they have not lived for more than three consecutive years outside of France during the past ten years. In addition, the applicant must continue to meet the initial conditions for issue of the residence permit.</td>
</tr>
<tr>
<td>&quot;Skills and talents&quot; residence permit</td>
<td>The third-country national who requests the renewal of the &quot;skills and talents&quot; residence permit must meet the conditions stipulated for the initial issue. The renewal is subject to the compliance with and continuation of the project for which the foreign national was authorised to stay in France. They must provide documents proving the</td>
</tr>
</tbody>
</table>

\(^ {36} \) The procedure provides for an exemption to the long-stay visa condition, but the entry into France must be legal (short-stay visa).

\(^ {37} \) The procedure provides for an exemption to the long-stay visa condition, but the entry into France must be legal (short-stay visa).
advancement or achievement of the project, as well as the ability to extract sufficient resources to live from it.

Section 1.3 Immigrant business owners: overview of national policies

This section presents the national institutional framework and the main policy objectives in relation to immigrant business owners.

For this study, the immigrant business owner is a third-country national meeting the criteria set by a Member State and admitted to reside on the territory (long-stay visa) to 1) set up a business and be involved in its management; 2) take over the running of a business and be involved in its management, or 3) for self-employment.

In France, this definition covers several distinct elements, depending on the size and legal nature of the business. The typology of companies extends from very small companies to SMEs up to multinational companies quoted on the stock market.

Q9. Definition of immigrant business owners in national legislation

As for foreign investors, the national legislation does not have a precise definition of foreign business owners. It does, however, specify the criteria required for each provision, depending on the project:

- The "skills and talents" ("compétences et talents") temporary residence permit can be issued to a foreign national wishing to participate, through their skills and expertise and in a significant and durable way, in the economic development of France.
- The temporary residence permit authorising the exercise of a commercial, industrial or craft activity ("business activity" permit) is granted to third-country nationals who prove they have an economically viable activity that is compatible with public security, health and peace.

Q10a. Specific policies, programmes or schemes for immigrant business owners

Several schemes are intended for foreign business owners in France. However, as previously analysed, the policies do not specifically target this category, but aim to promote the immigration of high potential migrants - these can include investors, business owners, and other business people.

Q10b. Presentation of schemes

- "Skills and Expertise" residence permit

This permit, also issued to foreign investors, is detailed in the section 1.1 (Q.2b).

a) Name of policy / programme: See Q.2b.

b) Main policy objectives: See Q.2b.

c) Type of business (examples: specific sector, knowledge-based sector, start-up / spin-off, etc.)

The legislation does not indicate the type of business.

d) Priority national economic sectors / geographical areas

The legislation does not specify priorities.
e) Quotas
This mechanism is not subject to quotas aimed at regulating the number of entries or permits issued to foreign business owners.

- **Temporary residence permit authorising the exercise of a commercial, industrial or craft activity ("business activity" residence permit)**

a) Name of policy / programme

The provisions concerning the "business activity" ("commerçant") residence permit are stipulated in articles L.313-10 paragraph 2 and R.313-16 to R.313-16-4 of the CESEDA.

b) Main policy objectives

The law of 24 July 2006 on immigration and integration amends the provisions concerning the temporary residence permit authorising the exercise of a commercial, industrial or craft activity. This temporary residence permit is issued to a foreign national who has come to exercise a commercial, industrial or craft occupation, provided that they prove that the activity is economically viable and compatible with public security, health and peace, and that they respect the obligations imposed on French nationals for the exercise of the planned occupation.

c) Type of business

The legislation does not indicate the type of business targeted.

d) Priority national economic sectors / geographical areas

There are no specific priorities indicated in the legislation.

e) Quotas
This scheme is not subject to quotas.

Q11a. Main actors and institutions involved in the development of policies to attract immigrant business owners: coordination between the different actors and official mandates (for example, an action plan) governing the involvement of these authorities

- The **Directorate-General for Foreign Nationals in France of the Ministry of the Interior (Direction générale des étrangers en France du ministère de l'Intérieur)**\(^{38}\) is active in a number of areas covering the migrant’s complete administrative path. It is competent for regulations concerning visas and general rules for the entry, stay and exercise of a professional activity in France by foreign nationals.

- The **Ministry of the Economy, Industry and Digital Industries**\(^{39}\) is competent for the policies on growth and competitiveness of the French economy, direct foreign investment and the attractiveness of the territory.


- The Ministry of Finance and Public Accounts\(^{40}\) is competent for European and International monetary, economic and financial affairs, in liaison with the other Ministries.

**Q11b. Actor responsible for the promotion of the policy with the target group**

The AFII is responsible for promoting the policy with foreign investors and business owners. Its tasks are detailed in Q3b.

**Q12a. Specific measures to attract immigrant business owners to France**

The measures aimed at attracting foreign business owners do not specifically target this category and are not aimed at the entire group - but are part of a broader policy to attract foreign talent. These measures are detailed in the table below.

**Q12b. Presentation of measures implemented to attract immigrant business owners to France**

<table>
<thead>
<tr>
<th>Measures</th>
<th>Brief description of the measures in France</th>
</tr>
</thead>
<tbody>
<tr>
<td>Description of these measures (active promotion, information dissemination, information campaigns, events in the third countries...)</td>
<td>With regard to the &quot;skills and talents&quot; permit, the CESEDA stipulates that promotional missions can be organised abroad(^{41}) (Article R.315-11). The promotion of the &quot;skills and talents&quot; permit is carried out abroad by the economic departments of the French Consulates, by OFII representations and AFII offices abroad.</td>
</tr>
<tr>
<td>List of specific procedural facilitations for admission (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required, possibility of renewal...)</td>
<td>Yes, facilitated admission procedures are implemented for some categories of business owners. More broadly, these are procedures destined for qualified and highly qualified third-country nationals.</td>
</tr>
<tr>
<td>- Exemption from the medical examination with the OFII: Business owners holding a &quot;skills and talents&quot; residence permit, and members of their family are concerned by this exemption (See Q4b.).</td>
<td></td>
</tr>
<tr>
<td>- Exemption from signing a reception and integration contract (contrat d'accueil et d'intégration) Business owners holding a &quot;skills and talents&quot; residence permit, and members of their family are exempted from the signature of a CAI (See Q4b.).</td>
<td></td>
</tr>
<tr>
<td>Specific support measures in place</td>
<td>Different support measures are offered by the organisations responsible for promoting the attractiveness of the territory, such as</td>
</tr>
</tbody>
</table>

\(^{40}\) Decree n° 2014-403 of 16 April 2014 on the role of the Ministry of Finance and Public Accounts

\(^{41}\) Article R.315-11 of the CESEDA : “The Minister for Foreign Affairs, the Minister for Immigration and the Minister for the Economy can authorise a legal person to carry out promotional missions for the "skills and talents” residence permit abroad and search for people likely to benefit from it.”
(financial / logistical support, support to applicants to establish a business plan, recognition of qualifications...)

the AFII or local economic development agencies, at the département and regional levels. The example of the city of Paris is described below.

**Tax incentives**

Several tax incentives in favour of investors and business creators have been implemented\(^{42}\). It is important to note that these measures are not designed to specifically attract third-country nationals, but concern all investors and business creators present in France:

- **Tax credits** (Research tax credit - crédit d’impôt recherche, Competitiveness and Employment credit - Crédit d’impôt pour la compétitivité et l’emploi (CICE), Family tax credit - Crédit d’impôt familles, Audiovisual or cinema tax credit - Crédit d’impôt cinéma ou audiovisuel, Video games tax credit - Crédit d’impôt jeux vidéo);
- Temporary exemption from the Territorial Economic Contribution (contribution économique territoriale) (CET) in ailing regions;
- Temporary exemption from corporate tax (impôt sur les sociétés) (IS) for new companies.

In addition to the tax incentives listed in table Q4b, a tax incentive intended for 'impatriates' constitutes an important factor of attractiveness.

- **"Impatriate" scheme:**
A specific scheme, codified under article 155 B of the General Tax code (Code général des impôts), was introduced for "impatriates". Created by the law on the modernisation of the economy of 4 August 2008, this scheme is open to employees and directors assimilated for French tax purposes, who took up their position from 1st January 2008. For a maximum duration of 5 years, part of their income linked to their expatriate situation in France is exempt from taxes\(^{43}\). To benefit from this exemption, the revenue subject to income tax must be at least equal to that received for equivalent functions within the same company, or, in similar companies established in France.

| Access to social benefits | Yes. As long as they are legally staying and working, third-country nationals globally benefit from the same rights as French citizens. |
| Access to French nationality | Yes, foreign business owners can have access to French nationality, subject to meeting the required conditions. However, in some cases, French nationality can be granted to third-country nationals who do not meet all the conditions, such as French- |

\(^{42}\) See table Q6b.

\(^{43}\) The article 155B of the General Tax Code states that employees and directors seconded from abroad to occupy a job in a company established in France for a limited period are not subject to tax for elements of their income directly linked to this situation or, on request, and for employees and people other than those seconded by a company established in another State, up to a limit of 30% of their income.
speaking third-country nationals who contribute through their actions to the outreach of France and the prosperity of its economic and social actions. In accordance with article 21-18 of the Civil Code, the duration of the habitual residence in France is reduced to two years, instead of the five usually required.

<table>
<thead>
<tr>
<th>Possibility of being accompanied by family members and access to the labour market</th>
</tr>
</thead>
<tbody>
<tr>
<td>The possibilities of being accompanied by family members and access to the labour market for the spouse are major factors of attractiveness for foreign business owners. However, the facilitated procedures intended for families do not apply to all schemes.</td>
</tr>
<tr>
<td><strong>- Skills and talents residence permit:</strong></td>
</tr>
<tr>
<td>Family members are granted a &quot;private and family life&quot; temporary residence permit, issued for the same duration as the &quot;skills and talents&quot; residence permit. They can benefit from the simplified &quot;accompanying family&quot; procedure, which stipulates the arrival in France of the beneficiary and their family at the same time. The private and family life residence permit entitles the person to exercise all professional activities. Holders are exempt from the requirement to hold a work authorisation. They are also exempted from signing a reception and integration contract (CAI).</td>
</tr>
<tr>
<td><strong>- Temporary residence permit authorising the exercise of a commercial, industrial or craft activity:</strong></td>
</tr>
<tr>
<td>Family members do not benefit from a simplified procedure. The residence permit holder must apply for family reunification.</td>
</tr>
</tbody>
</table>

The role of local agencies for economic development: the example of Paris Développement ("Invest in Paris")

Invest in Paris (Paris Développement) is the economic development agency for the Paris département, supported by the Mayor of Paris and a broad network of active members. Its primary mission is to support foreign companies in their project to set up in Paris, with the main objective of job creation. Created in 1996, this agency promotes Paris and its metropolis as a business location on an international level, and actively prospects companies that are considering setting up business in Europe or in France.

The agency acts as a facilitator for the setting up of the company, assisting at all stages of the project. Invest in Paris guides foreign business owners through their administrative, legal and tax procedures. For example, the agency can provide advice on questions about visas, or accompany business owners to administrations such as the Paris Police Prefecture and the OFII.

Support is also provided for international recruitment, in partnership with the APEC (Association for the employment of managers) (Association pour l'emploi des cadres) and the Job Centre (Pôle Emploi).

With regard to real estate, the agency can offer the most suitable solution for the project, between a traditional lease, a business centre, business nurseries or incubators.

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44 Sources: Invest in Paris (Paris Développement), Annual Report 2013 and interview carried out for this study with representatives of the Invest in Paris (Paris Développement) agency, November 2014
The services provided by Invest in Paris are free of charge. Its actions are carried out in partnership with public and private players from Paris’ economic fabric, its main partners being the Regional Development Agency (Paris Région Entreprise), the Invest in France Agency (Agence française pour les investissements internationaux) and the City of Paris. In 2013, Paris Développement supported 90 companies, including 66 international companies. A third of the companies supported work in the new technologies sector.

Adding to the measures intended to attract foreign business owners described above, the actions carried out by the local economic development agencies, such as Invest in Paris, can also be considered as contributing to France's attractiveness, by offering administrative and logistical support to third-country nationals who wish to set up on the territory. Through their local networks, these agencies not only facilitate their business set-up, but also allow them to save time during procedures.

In addition to the measures aimed at attracting foreign business owners to France, initiatives have also been implemented aimed at third-country nationals already in the territory, to encourage them to create their business.

### The initiatives aimed at third-country nationals already resident in France

Several actions have been carried out by the Directorate for the reception and support for foreign nationals and nationality (Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité) (DAAEN), within the Directorate-General for Foreign Nationals in France (Direction générale des étrangers en France) at the Ministry of the Interior, in collaboration with the main business creation support organisations. Two types of actions have been conducted over the past few years, to better understand migrant entrepreneurs and give particular attention to the difficulties they may encounter:

- **Support to the Agency for Business Creation (Agence pour la création d'entreprises) (APCE)** for:
  - the dissemination on the OFII platforms of information brochures on business creation aimed at foreign nationals who have signed a reception and integration contract (contrat d'accueil et d'intégration) (CAI),
  - the creation of a section on the APCE internet site aimed at foreign entrepreneurs. This indicates how to better define the project before the creation, how to obtain financial aid and how to be supported during the first months after the business creation;

- **The mobilisation of business creation support and micro credit networks** such as the Association for the Development of Economic Initiatives (association pour le Développement de l’Initiative Economique) (ADIE), France Initiative, the Réseau Entreprendre network, the Agency for Entrepreneurial diversity (Agence pour la diversité entrepreneuriale) (ADIVE), the Boutiques de Gestion network etc. These partnerships, for example, have enabled the dissemination of information supports on micro credit translated into several languages (Arabic, English and Turkish),

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45 Source : Social and professional support office (Bureau de l’accompagnement social et professionnel), Directorate for the reception and support for foreign nationals and nationality (Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité), DGEF
Business start-ups by third-country nationals show their dynamism, representing each year 7.3% (24,000) of the 325,000 start-ups in France, for 5.4% of the total active population. They also create more jobs than the French ones, although their companies are more fragile, with 60% disappearing after 5 years, particularly in the construction sector. In addition, 3% of "auto-entrepreneurs" (simplified self-employment regime) are foreign nationals.

Q13a. Bilateral or other agreements in place between France and Third Countries to attract immigrant business owners

See answer to Q5b.

The provisions for the "skills and talents" residence permit, specifying the annual quota, are set out in the agreements on the concerted management of migratory flows signed with Benin, Cape Verde, Mauritius, the Republic of Congo, Tunisia, Burkina Faso, Cameroon, Gabon and Senegal. These provisions are also written in the agreements on professional migrations and/or youth mobility, signed with Bosnia and Herzegovina, Macedonia, Montenegro and Lebanon. The two signatory parties undertake to issue this residence permit to the nationals concerned, so that their experience in France can be profitable on their return, in particular, with a view to creating businesses. The permit is valid for 3 years, renewable once.

Within the framework of the Franco-Russian agreement, company directors benefit from several favourable measures: a one-year visa followed by a 3-year renewable residence permit and the benefit of the accompanying family procedure for family members.

Other negotiations are on-going for bilateral agreements governing professionals on both sides, in order to manage and facilitate their stay in the partner State.

No bilateral agreements expressly mention the "business activity" ("commerçant") residence permit to facilitate its issue, as this is a residence permit governed by common law only.

Q13b. Information sharing between France and other Member States and consultations on the issuing of residence permits to immigrant business owners

The Directive 2009/50/EC of 25 May 2009 stipulates in article 20.2, that Member States communicate to the Commission statistics on the volumes of third-country nationals who have been granted an EU Blue Card and, as far as possible, volumes of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year, indicating their nationality and their occupation. Statistics are also communicated on family members.

On its own initiative, France has not yet requested information from other Member States on the issuing of the EU Blue Card, nor has coordinated its policy with other Member States, nor exchanged information on this subject.

This directive was transposed by the law N°2011-672 of 16 June 2011; this fairly recent scheme is in addition to the other professional residence permits issued in France. However, France - which has chosen to transpose the directive stricto senso without possible derogations - is the third Member State to issue the EU Blue Card.
The other professional residence permits come under national legislation and are not subject to information exchanges with other Member States.

**Section 1.4 Immigrant business owners national policies: pre-arrival stage (admission criteria) and stay (renewal)**

This section aims to provide an overview of the admission and renewal criteria for residence permits issued to foreign business owners in France.

Business owners, in the sense of corporate officers, are more often holders of temporary "skills and talents" residence permits than "business activity" ("commerçant") residence permits, when the entity in France is part of an international-scale group. Due to the criteria required, the "business activity" permit can seem more difficult to obtain and on average, it is issued to fewer than 50 people each year. On average, the “skills and talents” permit is issued to fewer than 300 people per year.\(^{46}\)

**Q14a. Admission criteria for immigrant business owners in France**

It is important to note the admission criteria for foreign business owners depend on the type of *residence permit* requested ("skills and talents" or "business activity" residence permit). Due to the required criteria, these residence permits do not target the same categories.

<table>
<thead>
<tr>
<th>Admission criteria</th>
<th>Explanation</th>
<th>Do the same criteria apply to third-country nationals present in the French territory who wish to change their status to that of business owners?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence of entrepreneurial skills</td>
<td>For the &quot;skills and talents&quot; and &quot;business activity&quot; permits:</td>
<td>Yes</td>
</tr>
<tr>
<td>(experience in running businesses, activities in the country of origin, etc.)</td>
<td>- Sworn statement of non-bankruptcy in the country of origin and the other countries in which the applicant has resided during the last ten years (if applicable).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Documents proving the ability of the applicant to exercise the planned commercial, industrial or craft activity.</td>
<td></td>
</tr>
<tr>
<td>Minimum level of education / professional Skills</td>
<td>- &quot;Skills and talents&quot; residence permit: diploma at least equal to a degree (<em>Licence</em>).</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>- &quot;Business activity&quot; permit: no minimum required.</td>
<td></td>
</tr>
</tbody>
</table>

\(^{46}\) Source: DSED/DGEF
| Evidence of capital (minimum sum required) | For the "skills and talents" and "business activity" permits:  
- a copy of the company statutes showing the distribution of the social capital (or draft statutes if the company is in the process of being created). | Yes |
| Contribution to the economy / employment of the Member State (jobs created, contribution to specific sector, innovativeness of activity, new technologies...) | - "Skills and talents" residence permit: the candidate must, in particular, contribute "to the economic development, the territorial development [...]."  
- "Business activity" permit: no specific details. | Yes |
| Business plan (if required, please complete the table Q14b) | Yes, see Q14b | |
| Language knowledge (certification, pre-entry tests, courses...) | No. Business owners holding a "skills and talents" residence permit are exempted from the signature of a CAI. | Not applicable |
| Age requirement for applicants (minimum / maximum) | No | Not applicable |
| Insurance requirement (personal and/or for the investment) | Yes, for the "business activity" permit, the applicant must provide a statement of insurance. | Yes |
| Security / background checks (fraud checks, tax avoidance, money origin, money laundering...) | Yes: checks on the origin of the investment.  
In the case of the "skills and talents" residence permit, the opinion of several specialists present in the country where the candidate resides, such as the Economic Mission of the French Embassy, the Invest in France agency (Agence française pour les investissements internationaux) and cooperation or cultural action departments can be requested, depending on the type of project. The opinion is provided within 10 days. The consular or prefectural authority evaluates the interest of the project according to the elements provided. The applicant may be interviewed by the authorities if required. | Yes |

For the "business activity" permit, the **economic viability of the project** and its ability to generate resources at least equal to the SMIC (statutory national minimum wage) are examined.
Several documents must be provided to support the application for a temporary residence permit by people creating or taking over a business. The complete list of documents to be provided was fixed by the order of 12 September 2007\textsuperscript{47}.

The "skills and talents" residence permit\textsuperscript{48} can be issued to an investor who creates activities, or the foreign national who wishes to occupy the function of legal representative of a company in France if they have been an employee or corporate officer for at least 3 months outside of France in a company of the same group, if their salary is equal to at least 3 times the SMIC and if they will carry out a mission in France of over 6 months. It can also be issued to the foreign national who already occupies the function of legal representative within the company in France or who - as an employee of the company - is named legal representative, provided they meet the same salary conditions.

**Q14b. Business plan**

For the "business activity" permit, the applicant must provide a paper presentation of the project, accompanied by a multi-annual projected budget. For the "skills and talents" permit, the applicant must provide a paper presentation of the project, indicating the functions exercised, the name, address and legal status of the company as well as the RCS (Companies' Registry) number and the salary paid for the exercise of these functions.

The departmental director for public finances (directeur départemental des finances publiques (DDFIP)) is responsible for analysing the company's economic viability.

**Q15. Initial document issued once the criteria for admission are satisfied**

- "Skills and Talents" residence permit:

If the admission conditions are met, the beneficiary of the permit who made their application from abroad is issued a visa for a stay of more than three months, with the indication "skills and talents" and a letter of issue for the "skills and talents" residence permit. The decision is taken by the Ambassador. The Prefect won't examine the application. The "skills and talents" residence permit is then issued within two months from the person's arrival in France. It is valid for three years and renewable.

- "Business activity" permit

If the admission conditions are met, the third-country national who wishes to carry out an industrial, commercial or craft activity is issued a long-stay visa with the appropriate indication by the consular authorities abroad. Within two months from arrival in France, they must request a temporary "business activity" residence permit, of a validity of one year, renewable.

**Q16. Institution responsible for issuing the documents**

\textsuperscript{47} NOR order: IMID0766668A of 12 September 2007 on the documents to be produced for the issue of a temporary residence permit authorising the exercise of a commercial, industrial or craft activity.

\textsuperscript{48} Deliberation of the National Commission for skills and talents (Commission nationale des compétences et des talents) of 16/04/2008, published in the Official Journal on 21/06/2008
Abroad, the long-stay visa is issued by the competent French consulate in the applicant's country of residence. The residence permit is then issued by the Prefecture of the applicant's place of residence, within two months from their arrival in France.

Q17. Registration of businesses by immigrant business owners in France

Several formalities must be carried out to register a business in France. These procedures are the same for all business creators, whether they are third-country or French nationals. The administrative formalities to create a company have been considerably simplified. In particular, it is possible to complete the formalities to set up a company or branch or to modify or close down an activity electronically. The application’s progress can also be tracked on-line. Once the formalities have been completed, a K-bis registration certificate (certificate of incorporation) is issued, certifying that the company has been founded. This is the official identity document for the company.

<table>
<thead>
<tr>
<th>Registration of businesses by immigrant business owners in France</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Institution responsible for the registration of the business</strong></td>
<td>The Business Formalities Centre (<em>centre de formalité des entreprises</em>) (CFE) is a one-stop shop that handles all the formalities to create a company, whatever the type of business. Present throughout the territory the CFEs centralise the formalities and take care of transmitting all the creation, modification or cessation documents to the administrative authorities concerned, in place of the company.</td>
</tr>
</tbody>
</table>
| **Type of business (main business, subsidiary or branch. Explain whether it is a transparent or non-transparent entity for tax reasons (i.e. whether the business owner registers themselves as individuals or legal entities).** | Several types of structure can be created, depending on the objectives and desired level of autonomy with regard to the parent company:  
- Liaison office (*bureau de liaison*): this is a temporary solution, for example, with the aim of prospecting the French market. It corresponds to a nominal representation agency in France, without commercial activity.  
- Branch (*succursale*): this is the establishment of a foreign company in France. Managed by a legal representative, it can carry out all the activities of an industrial or commercial business. However, it does not have legal autonomy and legally binds the parent company for all its acts. In the event of financial difficulties, for example, the foreign company bears liability for debts.  
- Subsidiary (*filiale*): this is a company under French law that can carry out all types of activities. The |

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49 Source: Invest in France Agency (*Agence française pour les investissements internationaux*), *Doing Business in France*, January 2014
separation of assets for the subsidiary and parent company avoids unlimited liability for the foreign company in the event of debts for its structure in France.

**Place of registration of business (in France or in the country of origin/third country. Is it mandatory for a third-country national to be present in a country when registering a business or can this be done from abroad, using an intermediary agent or third party?)**

The formalities for registering the company are carried out in **France**.

The formalities with the Business Formalities Centre (CFE) can be **carried out in different ways**:

- by the person as the future legal representative of the structure in France
- by a lawyer acting on behalf of the company director
- by a person acting as part of the team or an associate of the future company.

The person is required to show proof of authorisation or power of representation to complete the formalities when filing the application with the CFE. Thus, it is **not mandatory for the person to be present**.

**Main requirements for registration of business (capital, employees. Please state whether the requirements are different from those applied to EU nationals).**

The criteria are the same for all people who wish to create their company, whether they are nationals from an EU Member State or a third country. The formalities only vary according to the type of company. A third-country national must also present their **residence permit** ("business activity" or "skills and talents").

The main documents to be transmitted include the M0 form to declare the creation of a company or another legal person, proof of identity for the directors, a police clearance record for the directors, an original copy of the social articles giving the names of the directors, and where appropriate, of Statutory Auditors (commissaires aux comptes), a copy of the document proving the right to use the commercial premises, a copy of the legal gazette notifying the company's establishment (avis de constitution), a certificate of deposit from a bank for the new company’s initial capital reserve.

**Does France impose restrictions to admit immigrant business owners based on the type of business, the specific sector or their country of origin?**

No, there are no restrictions. However, certain activities are regulated and subject to conditions of nationality.

Interviews carried out with the different stakeholders reveal that the formalities to create companies are reasonably fluid and relatively simple. In the case of Paris, the **Business Formalities Office (Centre de Formalités des Entreprises) (CFE)** is located at the Paris Chamber of Commerce and Industry, where English and Spanish-speaking legal professionals can accompany businesses in their choice of structure. Once the application is complete, it takes
between two to four weeks to obtain a K bis document. The most complex procedures are for the visa or residence permit applications.  

**Q18. Criteria to be met in the case of a renewal request**

<table>
<thead>
<tr>
<th>Renewal criteria</th>
<th>Description</th>
</tr>
</thead>
</table>
| **What are the requirements that need to be met to prolong the initial residence permit issued to the foreign business owners?** | - "Skills and talents" residence permit: The third-country national requesting the renewal of the "skills and talents" residence permit must meet the conditions stipulated for the initial issue. The renewal is subject to the compliance with and continuation of the project for which the foreign national was authorised to stay in France. They must provide documents proving the advancement or achievement of the project, as well as the ability to extract sufficient resources to live from it.  

- "Business activity" permit: When applying for the renewal of a "business activity" ("commerçant") permit - as during the initial application - the Prefect checks the "compatibility of the activity with public security, health and tranquillity", and, if appropriate, the "absence of conviction or decision in France that forbids the exercise of a commercial activity" (article R313-16-3 of the CESEDA). The renewal conditions are linked to proof of resources and that the project has been carried out (Article R.313-16-1 of the CESEDA). |

| **Is there a requirement that a business is active during renewal of the residence permit? If yes, what criteria are used to assess this?** (turnover, amount of paid taxes, staff employed, etc) | Yes.  

- "Business activity" permit: The applicant transmits a renewal application for the residence permit to the Prefecture of their département. The prefecture checks that the person earns sufficient financial resources from their activities (taxes, balance sheet, proof of remuneration or invoices). Additional documents, as well as an interview, can be requested if necessary to determine where the declared resources are from. In particular, the applicant must provide the following proof:  

  - K bis certificate dating from less than three months  

  - payslips for the previous three months or document proving the remuneration earned as part of the activity over the previous twelve months  

  - form on the tax situation of the company for the payment of the business tax (taxe professionnelle)  

  - certificate attesting that the company is up-to-date in payments (URSSAF, VAT, corporate tax)  

  - Annual company accounts with annexes for the last financial year. |
Section 1.5 Other business persons: overview of national policies

This section examines the conditions for admission of other third-country nationals who travel to the EU for business reasons ("other business persons"), based on the six Mode 4 categories covered by the EU free trade agreements. The following will be studied in this section: business visitors, intra-corporate transferees, business sellers, independent professionals, contractual service suppliers, graduate trainees, and holders of a EU Blue Card. The aim is to look at whether they are targeted by specific policies, before analysing in more detail the criteria for admission for these categories that can be issued a long or short-stay visa, depending on their situation.

Q19. Definition of the different categories in French legislation

There is no definition of these categories in French legislation. From a legal point of view, the only existing definition is based on the attribution criteria for residence permits. These criteria are detailed in Q22.

Q20. Specific policy for other business persons

There are no specific policies on the conditions of entry for qualified workers in the Mode 4 categories as part of the different commercial agreements signed between the European Union and third countries. These people come under common law. If they need to stay for more than 3 months on the French territory, they must request a residence permit for qualified or highly qualified workers, governed by the Code on Entry and Residence of Foreign nationals and Right of Asylum (code l’entrée et du séjour des étrangers et du droit d’asile) (Expatriate employee, Skills and Talents permit and EU Blue Card).

It is important to note that work has started to transpose the Directive 2014/66/EU of the European Parliament and Council of 15 May 2014 establishing the conditions of entry and stay of third-country nationals as part of intra-corporate transfers, and has brought to light numerous future modifications to common law.

<table>
<thead>
<tr>
<th>Categories</th>
<th>Is there a specific policy for these categories? Is it based on multilateral/bilateral trade agreements signed with third countries?</th>
<th>Name of policy / programme</th>
<th>Main policy objectives and priorities</th>
<th>Quotas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business visitors</td>
<td>France has signed bilateral agreements on the concerted management of migratory flows or professional mobility with the following countries: Benin, Business travel does not require a work authorisation,</td>
<td>/</td>
<td>/</td>
<td>no</td>
</tr>
</tbody>
</table>
Burkina-Faso, Cape Verde, Congo, Gabon, Georgia, Mauritius, Montenegro, Russia, Senegal, Serbia, Tunisia, Cameroon, Georgia, Lebanon, Macedonia, and Bosnia and Herzegovina. These agreements include provisions on the circulation of people, with the specific aim of facilitating the issue of short-stay, multiple entry visas, known as circulation visas, for certain categories, such as business people and traders.51 "who actively participate in the economic, commercial [...] relations between the two countries".

<table>
<thead>
<tr>
<th>Intra-corporate transferees (employees on assignment)</th>
<th>Provisions with regard to the &quot;expatriate employee&quot; (salarié en mission) permit</th>
<th>Policy to attract qualified workers to France</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The provisions with regard to the &quot;expatriate employee&quot; permit are set out in the agreement on the concerted management of migratory flows signed with Senegal and the agreements on professional and/or youth mobility with Russia, Bosnia and Herzegovina, Macedonia, Montenegro and Lebanon.</td>
<td>The &quot;employee on assignment&quot; (&quot;salarié en mission&quot;) permit was created by the law of 24 July 2006, with the aim of simplifying the procedure for company employees of a same group established abroad, who are seconded or transferred to France for a temporary mission. There are no priorities in terms of economic or geographical sectors.</td>
</tr>
<tr>
<td></td>
<td>Within the framework of the Franco-Russian agreement, employees of company representation offices and branches of group on secondment or as employees on assignment, benefit from several favourable measures: a one-year visa followed by a multi-year 3-year renewable permit, and an immediate accompaniment for family members.</td>
<td></td>
</tr>
</tbody>
</table>

51 These visas enable stays not exceeding three months per 180-day period and are valid for one to five years, depending on the quality of the application presented, the duration of activities planned in the country and the validity of the person's passport.
### Business service sellers

| / | / | / | no |

### Independent professionals

| / | / | / | no |

### Contractual service providers

| / | / | / | no |

### Graduate trainees (work placement/training)

| - Provisions for the "graduate trainee" ("stagiaire") VLS-TS (long-stay visa equivalent to a residence permit):

The provisions with regard to graduate trainees are set out in the agreement on the concerted management of migratory flows signed with Mauritius and the agreements on professional and/or youth mobility with Bosnia and Herzegovina, Macedonia, Montenegro, Serbia and Lebanon. |

| / | / | no |

### Others: EU Blue Card

| France is the first European Union Member State to transpose - through the law of 16 June 2011 on immigration, integration and nationality - the European directive 2009/50/EC of 25 May 2009 establishing the conditions for the entry and stay of third-country nationals for highly qualified work, known as the "EU Blue Card" directive. |

### Policy to attract qualified workers to France

| This provision aims to facilitate the entry, stay and work in France of highly qualified workers. There are no priorities in terms of economic or geographical sectors. |

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**Q21. Actors and institutions involved in the development and implementation of policies on other business persons**

<table>
<thead>
<tr>
<th>Categories</th>
<th>Actors involved in the development of these policies</th>
<th>Actors involved in the implementation of these policies</th>
<th>Coordination between the actors</th>
<th>Mandate</th>
<th>Actors responsible for the promotion of such policy abroad</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business visitors</td>
<td>The Directorate of Immigration</td>
<td>Idem</td>
<td>Yes</td>
<td>The consulates</td>
<td></td>
</tr>
</tbody>
</table>

---

Page 37 of 72
<table>
<thead>
<tr>
<th>Category</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Business service sellers</strong></td>
<td>No specific policy for this category.</td>
</tr>
<tr>
<td><strong>Independent professionals</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Contractual service providers</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Graduate trainees</strong></td>
<td>The DIMM / DGEF and the DGT or DGEFP (General delegation for employment and professional training) (délégation générale à l'emploi et à la formation professionnelle) of the Ministry for Labour, Employment, Professional Training and Social Dialogue. Idem</td>
</tr>
<tr>
<td><strong>Others: EU Blue Card</strong></td>
<td>DIMM and DGT Idem</td>
</tr>
<tr>
<td></td>
<td>AFII and the consulates</td>
</tr>
</tbody>
</table>
Section 1.6 Other business persons national policies: pre-arrival stage (admission criteria) and stay (renewal)

This section presents an overview of the admission criteria for other business people.

Q22. Admission criteria for other business persons

<table>
<thead>
<tr>
<th>Categories</th>
<th>Are they admitted in the national system</th>
<th>If yes, under which name are they registered</th>
<th>Maximum duration of stay</th>
<th>Document issued</th>
<th>List of admission criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business visitors</td>
<td>Yes</td>
<td>Business visitors</td>
<td>90 days, per 180-day period</td>
<td>Short-stay Schengen visa (issued for &quot;business trip&quot;) and possibility of obtaining a circulation visa</td>
<td>Yes, the applicant must present proof of livelihood and the reason for the stay. If the person wishes to work during their stay, they must provide documents allowing a professional activity to be carried out (work authorisation) (autorisation du travail).</td>
</tr>
</tbody>
</table>
| Intra-corporate transferees (employees on assignment) | Yes                                    | Intra-corporate transferees (employees on assignment) | 3 years, renewable      | Long-stay visa and temporary "employees on assignment" residence permit | Yes. The beneficiary must have worked for at least 3 months in the company and: - carry out a mission of at least three months in France, - have a gross salary equal to 1.5 times the SMIC, - provide specific experience to

Page 39 of 72
However, the employment situation is not applicable. As the applicant is exempt from the CAI, there are no language requirements.

<table>
<thead>
<tr>
<th>Category</th>
<th>Eligible</th>
<th>Type of Employment</th>
<th>Duration</th>
<th>Work Authorization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business service sellers</td>
<td>Yes</td>
<td>Seconded employee as part of a contract or independent</td>
<td>1 year, renewable</td>
<td>Long-stay visa then temporary residence permit authorising the exercise of an independent activity</td>
</tr>
<tr>
<td>Independent professionals</td>
<td>Yes</td>
<td>Independent workers</td>
<td>1 year, renewable</td>
<td>Long-stay visa and temporary residence permit authorising the exercise of an independent activity</td>
</tr>
</tbody>
</table>

The residence permit is issued to the foreign national who has come to exercise a professional activity that is not subject to a work authorisation, and who proves that they can live with their own resources. The person must earn gross monthly income of at least €1,445.38 (as of 1st January 2014).

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52 If the individual is an employee: secondment as part of a commercial or service contract (excluding intra-corporate mobility) with “temporary worker” temporary residence permit. If this is not the case: independent.
<table>
<thead>
<tr>
<th><strong>Contractual service providers</strong></th>
<th><strong>See business service sellers</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Graduate trainees</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td></td>
<td>Trainees</td>
</tr>
<tr>
<td></td>
<td>6 to 18 months depending on the status</td>
</tr>
<tr>
<td></td>
<td>VLS-TS (long-stay visa equivalent to a residence permit) graduate trainee</td>
</tr>
<tr>
<td></td>
<td>Yes: carry out a work placement as part of their studies or as an employee of a company abroad, condition of resources, tripartite training agreement signed by the Prefect.</td>
</tr>
</tbody>
</table>

| **Others: EU Blue Card**         | **Yes**                         |
|                                  | EU Blue Card (highly qualified worker) |
|                                  | 3 years, renewable               |
|                                  | Long-stay visa and "EU Blue card" residence permit |
|                                  | The beneficiary must: - hold a degree certifying at least three years of higher education by a higher education establishment recognised by the State in which it is located or have at least 5 years professional experience at a comparable level; - benefit from a work contract of a duration not less than one year, signed by the service responsible for |
Q23. Criteria to be met in the case of a renewal request

<table>
<thead>
<tr>
<th>Categories</th>
<th>Requirements to prolong/extend the initial document</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business visitors</td>
<td>An extension to the short-stay visa is possible in certain cases, for example if the contract could not be signed in the planned time period. The applicant must prove the occurrence after the visa issue, of events that were unpredictable at the time of the visa application and that are likely to constitute grounds for visa extension.</td>
</tr>
<tr>
<td>Intra-corporate transferees (employees on assignment)</td>
<td>The &quot;employee on assignment&quot; temporary residence permit may be renewed within the framework of the mission for which the foreign national obtained their residence permit, and upon proof of the extension to the mission or transfer, if the conditions of the intra-corporate mobility, remuneration and duration of stay are still met.</td>
</tr>
<tr>
<td>Business service sellers</td>
<td>The renewal is possible within the limit to the contract duration and compliance with the legislation (no fraud on creating an establishment).</td>
</tr>
<tr>
<td>Independent professionals</td>
<td>The temporary residence permit authorising the exercise of an independent activity can be renewed. The applicant must provide proof of activity (URSSAF certificate, tax certificate, invoices...) and their resources for the previous year (tax notification, declaration of turnover...).</td>
</tr>
<tr>
<td>Contractual service providers</td>
<td>The renewal is possible within the limit to the contract duration and compliance with the legislation (no fraud on creating an establishment).</td>
</tr>
<tr>
<td>Graduate trainees</td>
<td>The duration of stay is limited to 18 months for employed graduate trainees.</td>
</tr>
<tr>
<td>Others: EU Blue Card</td>
<td>The beneficiary of a EU Blue Card can request its renewal if they meet the same criteria as for the initial application. The person must provide the three latest payslips, proving that the remuneration conditions are respected.</td>
</tr>
</tbody>
</table>

The aim of this section was to present, for the sake of completeness, all the mechanisms intended for foreign investors, business owners and other categories of third-country business people. Whilst there are no programmes that specifically target these groups, several measures have been implemented to attract certain categories as part of broader policies to facilitate the admission of high potential foreign workers.
Section 2: Measures to prevent misuse and abuse of immigration channels for business purposes

This section aims to provide an overview of the measures carried out in France to monitor, detect and safeguard against misuse of the legal migration channels for **investors, business owners and other business persons.**

Q24. Prevention and detection of abuse of immigration channels for third-country investors, business owners and other business persons at the admission stage and during the stay

<table>
<thead>
<tr>
<th>Question</th>
<th>Immigrant investors</th>
<th>Foreign owners</th>
<th>business persons:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Does the national legislation have a definition of misuse and/or abuse? If yes, how do they differ? If no, how are they defined in practice?</strong></td>
<td>No, there is no definition in national legislation.</td>
<td>No, there is no definition in national legislation.</td>
<td>No, there is no definition in national legislation.</td>
</tr>
<tr>
<td><strong>What are the specific measures in place in France to monitor, detect and prevent misuse/abuse at the admission stage?</strong></td>
<td>During the application processing, the competent administrative authority (Consulate or Prefecture) checks whether all the required conditions are met, based on the documents presented. In addition, investors and business owners must be up to date for tax declarations. This check is carried out by the Consulate during the admission phase or by the Prefecture during the renewal phase.</td>
<td></td>
<td>For short stays, if the third-country national is not subject to a visa requirement, the margins for checks may be limited.</td>
</tr>
<tr>
<td><strong>What are the entities responsible for the monitoring of compliance of immigrant business owners and entrepreneurs and what are their specific responsibilities?</strong> (Labour inspectorate, tax authorities, Ministry of the Interior, Migration services)</td>
<td>Several authorities are involved, depending on the type of checks carried out. The aim is not only to check that the third-country national is staying legally, but also to prevent the risk of fraud (tax, social, concealed employment...) linked to the person's activity on the territory. <strong>Consular agents</strong> - during visa applications - and <strong>Prefectures</strong> - for changes in status or the renewal of the residence permit - check, in particular, the person's tax situation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Does a national referral mechanism (or its equivalent) exist?</strong> (Yes/No). If yes, how is the information shared**</td>
<td>The inspection body (corps de contrôle) of the Ministry of the Interior also intervenes in the fight against illegal work (police and gendarmerie). Some offices have the primary task of fighting against all offences related to all types of illegal work and the dismantling of networks. These include, in particular, the Central Office for the repression of illegal immigration and the employment of foreign nationals without permits (office central pour la répression de l'immigration irrégulière et de l'emploi d'étrangers sans titre) (OCRIEST) and the Central Office for the fight against illegal work (office central de lutte contre le travail illégal) (OCLTI).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
between stakeholders involved?

Is there an obligation to inform about misuse/abuse identified by other institutions? (migration services, police, tax authority, etc.)

Work inspections are carried out by work inspectors and controllers responsible for checks in companies. One of their main tasks is to check the application of all aspects of labour law (work code, collective conventions and agreements): health and safety, the operation of institutions, personnel representatives (works committee (comité d'entreprise), staff delegates...), working hours, work contracts, illegal work...

In particular, work inspectors are responsible for detecting infringements of rules on the temporary secondment of employees on the national territory by companies established outside of France. Created by the decree of 18 April 2008 modified and acting under the authority of the Prime Minister with the Minister for the Budget and Public Accounts (ministre du budget et des comptes publics), the National Delegation for the fight against fraud (Délégation nationale à la lutte contre la fraude) (DNLF) has the task of leading and coordinating public administrations and organisations responsible for fighting against fraud to public finances, in particular fiscal and social, whatever the nationality of the perpetrator or their operating mode. In particular, the DNLF is responsible for monitoring legal instruments to fight against fraud, the professionalisation of agents - thanks to the development of expertise in the fight against fraud to public finances, through training actions as well as better knowledge of types of fraud - and the coordination and promotion of the operational actions of the CODAF, by defining local priorities as part of the national plan to fight against fraud. It also drafts regular activity reports.

The Departmental operational anti-fraud committees (comités opérationnels départementaux anti-fraude) (CODAF), under the co-presidency of the département Prefect and the Public Prosecutor for the departmental capital, group State services (police, gendarmerie, prefecture, tax, customs and work administrations) and local social protection organisations (Pôle emploi, URSSAF, family allowance services, social security and retirement services, the social security scheme for self-employed workers (régime social des indépendants) (RSI), the MSA) to provide a concerted, overall response to fraud against statutory contributions and social benefits. Piloted by the National Delegation for the Fight against Fraud (Délégation nationale à la lutte contre la fraude) (DNLF), their task is to improve reciprocal knowledge between services, offer training and share experience to improve the effectiveness of the fight against all types of fraud. They are competent for social, tax and customs fraud and illegal work.

A national coordination plan for the fight against fraud to public finances53 for 2014-2015 was adopted on 22 May 2014 by the National Committee for the Fight against Fraud (Comité national de lutte contre la fraude) (CNLF), presided by the Minister for Finance and Public Accounts, with the Secretary of State for the Budget.

53 Fraud against public finances groups both tax fraud (by individuals and companies) and all types of social fraud (illegal work and contributions’ or social benefit fraud).
Specifically oriented towards the fight against "complex" fraud with high financial stakes, this plan details the Government's priorities in the fight against fraud, at international, national and local levels. It is not, therefore, specifically intended for the categories targeted in this study, but concerns all natural and legal persons and organisations. The plan is based on four strategic focuses: better measure, detect, prevent and punish fraud and better communicate.

The National Commission for the fight against illegal work (Commission nationale de lutte contre le travail illégal) (CNLTI) which met on 27 November 2012, presided by the Prime Minister, was the occasion to reiterate the importance of strengthening the fight against illegal work and to present the focuses of the national plan to fight against illegal work (plan national de lutte contre le travail illégal) (PNLTI) for the period 2013-2015. Five main objectives to fight against illegal work were fixed: the fight against all types of concealed work, the fight against secondment fraud within the framework of international services, the monitoring of sub-contracting operations, the monitoring and punishment of the use of false articles, the punishment of the employment of foreign nationals without work permits. The PNLTI aims to combat fraud through a more effective prevention policy, better targeting of monitoring, improved coordination between monitoring services (national and territorial actors) and greater professionalisation of agents.

An initial report on actions planned for the first year of implementation of this plan was carried out during the CNLTI of 5 December 2013, to declare 2014 as that of the deployment of preventive and monitoring actions and a specific vigilance concerning the fight against secondment fraud.

Yes, there is an obligation to inform about misuse/abuse identified by an institution. In accordance with article 40 of the Criminal Procedure Code, any authority, public officer or civil servant who, in the exercise of his or her functions, learns of a crime or offence, is required to inform the Public Prosecutor, thereof, without delay, and to transmit to the Department any information, reports or documents relating thereto.

### What is the frequency of controls?

Controls are carried out for the initial applications and renewals of residence permits and work authorisations by the Prefectures and the DIRECCTE. Controls are subsequently carried out:
- when there is an alert or suspicion of fraud;
- during joint controls (several inspection bodies);
- during spot or periodic checks.

### What are the three main sectors where misuse/abuse occurs?

(Real estate, transfer of capital, national)

It is difficult to identify the main sectors where misuse or abuse occurs. However, the number of offences for the employment of foreign nationals without permits is higher in the construction, accommodation/restaurant and trading sectors.
**funds/bonds, business investments, etc)**

If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned (withdrawal of long-stay visa/residence permit, loss of any other related right/benefit, loss of the certificate of establishment, legal proceedings, fines, removal order, confiscation of activities/revenues, etc.)

Different criminal or administrative penalties can be imposed, depending on the organisation that brought the complaint, as follows:

- withdrawal of residence permit,
- imprisonment,
- infraction,
- fines (special and flat-rate contribution equivalent to the cost of sending the foreign nationals back to their country of origin),
- obligation to leave French territory and entry ban,
- prohibition on exercising the professional activity for which the offence was committed,
- temporary closure of the establishment within which the offence was committed,
- exclusion from administrative contracts,
- refusal or refund of public aid.

What other circumstances might result in the withdrawal/non-renewal of a long-stay visa/residence permit?

The non-renewal of a residence permit does not necessarily correspond to a penalty in case of fraud, but can also mean that the person no longer meets the required criteria. The residence permit may be withdrawn if the person ceases to meet the criteria that existed during the first issue of a residence permit.

The permit can also be withdrawn or not renewed if it was obtained using false documents.

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**Q25a. Elements attesting to the effectiveness of the measures used in France to monitor, detect and prevent misuse/abuse and the problems/challenges faced**

Several elements attest to the effectiveness of measures to monitor, detect and prevent misuse and abuse. The annual reports published by the DNLF and the CODAF allow the effectiveness of the implemented actions to be measured.

Responsible for implementing at a local level the strategic orientations defined in the national plan for the fight against fraud (plan national de lutte contre la fraude) (PNLF), the CODAF bring together State services and local organisations for social benefits to carry out joint controls and concerted operations to fight against social, tax and customs fraud, on the one hand, and locally drive communication actions, on the other. In the fight against illegal work, police and gendarmerie services can be confronted with situations of illegally staying foreign employees. The number of offences concerning the employment of foreign nationals without permits is in constant progression, proving the effectiveness of the measures implemented to fight against this offence. In addition, the visibility of the CODAF on the ground can be measured by the number of daily press articles mentioning actions to fight against fraud and their consequences.

Since 2013, the CODAF have contributed to implementing reinforced territorial cooperation (coopération territoriale renforcée) (CTOR), a new mechanism aimed at fraud in transnational provision of services and the misuse of false professional status, whilst ensuring better cooperation between specialised agents for complex fraud. Each year, the Ministry for Labour (ministère du travail) (DGT) observes that more than 20% of companies investigated are done so as part of a joint operation through a CODAF or an inter-administration partnership.
Q25b. Categories concerned

According to interviews carried out as part of this study, some procedure abuse and misuse can be observed in practice. The latter is often explained by the lack of knowledge of the regulations, or the wish to circumvent procedures considered complex. The main examples of abuse concern short-stay business visas and more specifically work authorisations. Whilst the short-stay visa (issued for business trip) does not authorise the person to work, some use it for this purpose, either by misunderstanding the legislation or to avoid the longer processing times for other schemes. It is easier and faster to obtain a short-stay visa (issued for business trip).

The bad practices linked to this visa can be explained by the fact that the concept of "business trip" is not clearly defined in the legislation. It would appear that the abuse and misuse of procedures observed in business aim most often to avoid certain schemes for which the procedures are long and complex.

This observation leads us to consider the question of the effectiveness of admission policies for third-country nationals, with the aim of analysing more precisely the challenges and barriers encountered during the migratory process.

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54 Interviews carried out with representatives from France Immigration and Fragomen
Section 3: Evaluation of policies to admit third-country nationals for business purposes, challenges and barriers

This section aims to explore the impact on the economy/society of the Member States of policies to admit immigrant investors, business owners and other business people. In particular, it aims to study the extent to which policies have been evaluated and the results achieved.

Whilst there are no evaluations dealing specifically with admission policies for business people, several reports and surveys carried out recently at a national and European level can be analysed here to evaluate the effectiveness of policies and measures implemented in France in the broader areas of professional immigration and the reception of third-country nationals.

Section 3.1 Immigrant investors

Q26a/Q26b. Evaluations or studies on the effectiveness of national policies to attract immigrant investors

There are no evaluations or studies specifically concerning the effectiveness of national policies to attract foreign investors, as defined within the framework of this study. However the reports studied in section 3.2 provide an interesting analysis on the question of the attractiveness of France, and more widely EU or OECD countries for foreign investors and business owners.

Q27a/Q27b. Evaluations or studies on the effectiveness of policies to attract investors on the growth of the national economy and/or in competing with other economies

No evaluations or studies have been carried out in France specifically on this subject.

Q28a/Q28b. Evaluations or studies on the impact of national policies to attract investors on other social issues (employment, access to housing, discrimination, etc)

No evaluations or studies have been carried out in France specifically on this subject.

Q29. Evidence (official documents, political discourses, media coverage, NGO campaigns, case law examples, etc) showing that immigrant investors are perceived as abusing migration rules in France

This subject has not been treated in France.

Section 3.2 Immigrant business owners

Q30a/Q30b. Evaluations or studies on the effectiveness of national policies to attract immigrant business owners

No evaluations or studies have been carried out in France specifically on this subject. However several reports may be of interest within the framework of this section. Some have analysed investment projects from abroad carried out in France that create or save jobs.
The annual report of the AFII\textsuperscript{55}, which presents a typology of foreign investments\textsuperscript{56} in France and the different aspects of the attractiveness of the French territory, shows that foreign investors draw a positive conclusion about their investment in France (72\% of people interviewed). In 2013, 685 new foreign investment projects were implemented, 29,631 jobs were created or saved, and 146 new foreign companies were set up for the first time in France\textsuperscript{57}. The foreign investments came from 44 different countries in 2013, compared to 39 in 2007. Five countries (USA, Germany, Italy, UK and Belgium) were the origin of 54\% of the investments and resulting jobs, the USA alone was the origin of 18\% of the total job-creating foreign investments registered in France. The report highlights that France's attractiveness in terms of research and innovation is gaining strength, with a 33\% increase in investments in research and development, engineering and design. R&D investments in France in 2013 are principally from the USA (30\%), Germany (13\%) and Japan (9\%).

The share of the manufacturing sector, representing 65\% of investment decisions in 2013, remains predominant in investments, with a significant increase in the medicines and applied biotechnology sectors.

The AFII's annual report also aims to analyse the attractiveness on the whole of French territory. It states that the diversity of the French territory - along with the quality of infrastructure and the workforce - constitutes a powerful factor of attractiveness. The economic dynamism of the regions and metropolitan areas can play a determining role in intra-European competition for the localisation of foreign investments.

The report notes that since 2012, the government has adopted numerous key measures for innovation to boost the French economy and support growth and employment. 74\% of directors of foreign companies interviewed as part of the TNS Sofres-AFII annual opinion survey cite innovation and R&D activities as amongst the factors of attractiveness of France.

Some reports have looked specifically at the situation of third-country nationals who have created their companies whilst already present on the territory. Published in 2010, the OECD report\textsuperscript{58} on the entrepreneurship of immigrants in OECD countries includes a chapter on business creation in France by entrepreneurs from third countries. It is based on the results of the SINE survey\textsuperscript{59} (information system on new companies) (système d’information sur les nouvelles entreprises), carried out in 2006, and looking at the specific profile of foreign nationality entrepreneurs in France. The survey presents the profile of foreign entrepreneurs, the type of company created, and the reasons that prompted them to create their own business as well as the development of their activity. From the survey, it emerges that more than half of foreign entrepreneurs are concentrated in two sectors of activity: construction and trading. They are generally very small companies, with a low initial capital. A considerable number of foreign entrepreneurs received the support of organisations specialised in business creation, such as the Chambers of Commerce and Industry, or lawyers. However, they use these less often than French entrepreneurs. Amongst the foreign entrepreneurs interviewed, 94\% said they were satisfied to have created their own business.

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\textsuperscript{55} Invest in France agency (Agence française pour les investissements internationaux), Annual report 2013, Foreign investments creating employment in France (Investissements étrangers créateurs d’emploi en France), April 2014

\textsuperscript{56} Purely financial investments are not taken into consideration in this report.

\textsuperscript{57} It is important to note that it concerns projects from both other EU Member States and third countries.

\textsuperscript{58} OECD, Open for business, Migrant Entrepreneurship in OECD Countries, OECD Publishing, 2010

\textsuperscript{59} SINE is a permanent system to observe young companies. Its aim is to follow a generation of companies during the first five years, through three successive surveys. It enables analysis of the profile of the creator and the start-up conditions for new companies, the development conditions, problems encountered by young companies over the first five years of their existence and the effects on employment of business creation.
From 2002 to 2008, we note a 62% increase in business creation, which seems to be the result of different measures implemented at both national and local levels. All categories of entrepreneurs were concerned by this increase, including both French and third-country nationals.

The OECD report, based on the SINE survey, also studies the evolution of companies created by third-country nationals already located in France. Whilst third-country nationals tend to create their own companies more often, these businesses are shown to be more vulnerable over time, with only 40% still active after five years. The companies with the best chance of success are trading companies and those with a broad local client base. Conversely, companies in the construction sector and sole traders are more vulnerable than French companies in the same sector.

Q31a/Q31b. Evaluations or studies on the effectiveness of policies to attract business owners to the growth of the national economy and/or in competing with other economies and the contribution of immigrant business owners who are already present on the territory.

No evaluations or studies have been carried out in France specifically on this subject. However, the OECD report on the international migration outlook, published in 2011, includes a chapter dealing with the entrepreneurship of immigrants in OECD countries and its contribution to job creation in these countries. The aim is to analyse the measures taken by public authorities to promote this entrepreneurship for future immigrants and for those already residing in the country. The report looks at the admission conditions for investors and foreign entrepreneurs in the OECD countries, highlighting that the simplification of family reunification is the most common incentive measure in migratory policies to attract foreign entrepreneurs and investors. It cites the case of France which applies a facilitated procedure for the accompanying family that is more favourable than the classical family reunification procedure.

Several OECD countries have implemented support measures targeting migrant entrepreneurs to ensure that they benefit from equal chances in terms of business creation and development compared to their native counterparts. The report stresses that general policies to remove obstacles to entrepreneurship and business creation as well as policies promoting the economic growth prospects of a country are at least as important as immigration and integration policies to encourage and support immigrant entrepreneurship. It shows, however, that specific migratory measures governing the entry and stay of foreign entrepreneurs and investors only cover a small proportion of migrant entrepreneurs in OECD countries as most enter by other paths.

Since 1997, each year, the auditors, Ernst & Young (EY) compile a list of the projects by foreign investors on the European territory, taking into account only public and firm investment announcements, that lead to new job creations. For 2014, the attractiveness barometer for France revolves around a dual analysis. It first studies the changes in the flows of foreign investments in Europe and France, based in particular on the EY European Investment Monitor 2014 database which compiles the number of company set-ups on the site. It also analyses the perception and expectations of major international decision makers. The report starts by noting that in

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61 Ernst and Young, *Barometer of the attractiveness of France (Baromètre de l’attractivité de la France) 2014*
62 Through a survey conducted by the CSA Institute, 206 company directors were interviewed, in 26 countries and 3 languages. This sample represents companies of various sizes in turnover and different geographical origins,
December 2013, 50 foreign companies located in France, unable to convince their management to invest in the country, launched an appeal to the French government to make it aware of the "competitiveness imperative". It echoed the EY Barometer of attractiveness of France 2013, entitled "France: final call". The report published in 2013 launched a "final call" for a more attractive France, more in phase with globalisation, underlining that the UK and Germany - leading countries in European attractiveness - distanced France (in third position), particularly with investors from emerging countries. France registered a 13% reduction in the number of international set-ups (471 in 2012 compared to 540 the previous year). In particular, the investors interviewed considered that labour costs, taxation, and the administrative, legal and regulatory environment are obstacles to France's attractiveness. The report published in 2014 points out that these announcements prompted political decision-makers to react, as shown by the organisation on 17 February 2014 of the Strategic Council for Attractiveness (Conseil stratégique de l'attractivité), grouping more than thirty directors of multinational companies, in the presence of the French President. According to the 2014 barometer, France retains its third place behind the UK and Germany, but saw an increase compared to the previous year, with an additional 43 investments and 3,500 jobs, returning to its level of 2010. One quarter of the projects are carried by American companies (127 projects), and more than half are from European companies (290 projects). However, the report notes that only 19 investment projects come from the BRIC 63, compared to 107 in Germany and 87 in the UK. France remains the first European destination for industrial installations (166 projects in 2013 compared to 127 in 2012), although these create relatively few jobs. Amongst the priority measures to enhance France's attractiveness, the investors interviewed emphasise reducing the taxation for companies (43%), reducing labour costs (34%) and easing the administrative and legal environment for companies (32%). However, 40% consider that France's capacity for innovation is one of its main assets.

According to the foreign investors interviewed, the three main driving sectors of French attractiveness are energy, transportation and ICT (information and communication technologies). In 2013, France attracted 514 installations or extensions carried by foreign investors. Without recovering to its pre-crisis level, it seems to have reversed the downward trend observed since 2010 and registered a slight increase of 9% in the number of projects (from 471 to 514), after undergoing two years of significant decrease. In 2013, 14,122 job creations were announced on the territory, placing France in second place in Europe in terms of jobs created by direct foreign investment (FDI). We note, however, a decrease compared to the previous period, with FDIs creating on average 13,122 jobs per year over the period 2009-2013 compared to 18,136 for the period 2004-2008.

To the question "do you think that France today implements an effective international promotion policy?" 66% of investors interviewed located in France and 47% of investors not located in France replied no. It is important to note that the survey was carried out before the announcement of the AFII-UbiFrance merger and the recommendations by the "Marque France" ("Brand France") mission.

Asked about their future projects, 34% of foreign investors envisage establishing or developing activities in France, a figure equivalent to the European level, and higher than that of the UK and Germany (27%). France seems, therefore, to be perceived as an investment in the future, as illustrated by the regain of interest shown by foreign investors not located in France: 18% of them envisage locating to or investing in France, an increase of 8 points compared to 2013.

Q32a/Q32b. Evaluations or studies on the impact of national policies to attract business owners on other social issues (employment, access to housing, discrimination, etc)

63 Brazil, Russia, India and China.
No evaluations or studies have been carried out in France specifically on this subject.

**Q33. Evidence (official documents, political discourses, media coverage, NGO campaigns, case law examples, etc) showing that immigrant business owners are perceived as abusing migration rules in France**

This subject has not been treated in France.

**Section 3.3 Other business persons**

**Q34a/Q34b. Evaluations or studies on the effectiveness of national policies to attract other business persons**

No evaluations or studies have been carried out in France specifically on this subject. However, certain reports deal more specifically with the effectiveness of national policies to attract foreign talents, by looking at certain categories of the study.

In 2013, the Ministries for Foreign Affairs, Economy and Finance, Interior, Foreign Trade, Productive Recovery, Innovation and the Digital Economy asked four general inspectorates to conduct a **mission on attracting qualified foreign nationals**\(^\text{64}\), with the aim of enhancing France's attractiveness. Their report identifies France's strengths and weaknesses in attracting high potential workers\(^\text{65}\). According to the report, "[...] it is apparent that France remains attractive for qualified foreign nationals, but that its place in international competition is threatened."

Thus, the general inspectorates underline the need to build a new reception model, including several components:

- administrative simplifications with regard to residence permits,
- a strategy piloted at an inter-ministerial level,
- the implementation of a dynamic support policy,
- an institutional communication policy on France's economic attractiveness.

To develop the attractiveness strategy of France towards these categories, the mission formulated 26 recommendations on these different subjects. Amongst them, can be found in particular recommendations on circulation and residence permits:

- loosening the attribution criteria for the "employee on assignment" permit,
- adapting the "business activity" ("commerçant") card to the specificities of international entrepreneurs,
- creating a "carte blanche for France" defined as a unique three-year residence permit, renewable once which would merge several of the current permits,
- and making circulation visas more flexible for certain categories.

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\(^{65}\) The mission worked on the following groups of people: students holding a Master 2 diploma, researchers, artistic professions, top-level sportspersons, highly qualified employees, investors and entrepreneurs, developers of specific projects contributing to the international influence of France.
Q35a. Evaluations or studies on the effectiveness of policies to attract other business persons on the growth of the national economy and/or in competing with other economies

No evaluations or studies have been carried out in France specifically on this subject.

Q36. Evaluations or studies on the impact of other business persons on increased volume of trade, mobility, etc.

No evaluations or studies have been carried out in France specifically on this subject.

Q37. Evidence (official documents, political discourses, media coverage, NGO campaigns, case law examples, etc) showing that other business persons are perceived as abusing migration rules in France

This subject has not been treated in France.

Section 3.4 Challenges and obstacles to admitting third-country nationals for business purposes

This section examines the challenges and obstacles for the design and implementation of policies aiming to attract immigrant investors, business owners and other business persons. In particular, the aim is to identify obstacles to their admission (eligibility criteria, investment plan, business plan, obtaining visa...) or to other macro-level areas such as visa policy, education, trade, etc.

This section is based on national reports, interviews carried out with different stakeholders and statistics provided in the annex of the study.

Q38. Main challenges related to the admission of immigrant investors, business owners and other business persons in France

The table below indicates the main challenges identified for each of the categories. A more in-depth analysis is then presented, based on recent studies and surveys as well as several interviews carried out in the business sector.

In the table, the challenges encountered by the national actors responsible for the development and implementation of policies for the different categories of business migrants are identified, as well as the challenges to which the candidates themselves are confronted before their arrival and during their stay. Most of the challenges identified concern all the categories.

<table>
<thead>
<tr>
<th>Category of migrant</th>
<th>Challenges for national stakeholders associated with the design and implementation of policies for other business persons</th>
<th>Challenges for applicants at both admission (pre-arrival) and stay stage (for example, documentation required, waiting times, restrictions, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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66 Interviews and questionnaires carried out with representatives of the Professional immigration office (Bureau de l’immigration professionnelle) of the DGEF, consulting companies (Fragomen, Migration Conseil and France Immigration), Prefectures, the AFII and the Paris Développement (Invest in Paris) agency.
### Business owners
- Complex regulations and procedures
- Lack of technical skills and training for agents responsible for examining the applications (technical aspects of applications in the business sector).
- In some cases: problem with the size and configuration of the premises faced with the number of candidates received
- In some cases: volume of applications to be examined
- In some cases: challenges following the one-stop shop reorganisation

### Business visitors
- Complexity of administrative procedures
- List of documents required
- Multiplicity of actors (consulates, prefectures, DIRECCTE, OFII...)
- Diversity of visas and residence permits
- Disparities observed in waiting times and the examination of applications depending on the départements (Prefectures) and countries (French Consulates abroad)
- Reception in the Prefecture: this aspect does not concern all the categories as a privileged reception is often offered to "high potential" migrants (high profile directors, employees on assignment, holders of a EU Blue Card...).
- Obstacle of the language
- Problems linked to obtaining a social security card

### Workers posted in the framework of intra-corporate mobility or employees on assignment

### Business service sellers

### Independent professionals

### Contractual service providers

### Graduate trainees

### Others: EU Blue Card

The interviews and questionnaires carried out during this study have enabled us to identify several challenges and obstacles throughout the migratory process, both from the point of view of the administration responsible for these questions and the applicants themselves.

- **Complexity of administrative provisions and procedures**

A survey carried out by Paris21.tv\(^{67}\), a web TV for foreign nationals residing in France, looked at the life of foreign expatriates\(^ {68}\) in France. The aim was to analyse the profile of foreign expatriates living in France (i.e. impatriates), the management by companies of their impatriates (preparation for departure, installation...) as well as the integration mode and the life of impatriates in their host country. The interview targets were: foreign employees of major groups, directors, self-employed professionals and traders working in France. Amongst the main reasons for coming to France, the interest of the mission/the objective (46%) and the attraction of living in France (44%) were top ranked motivators. With regard to the various formalities during their installation in France, the contacts with the **social security** are the most complex according to impatriates who responded to **Expatriates in France, Tell us about your life**, Study carried out by www.paris21.tv in partnership with the Bank and Expansion company (Société de Banque et d’Expansion) and Paris Développement, September 2014

\(^{67}\) Expatriates in France, Tell us about your life. Study carried out by www.paris21.tv in partnership with the Bank and Expansion company (Société de Banque et d’Expansion) and Paris Développement, September 2014

\(^{68}\) It is important to note that this survey looked at both citizens of other EU Member States and third-country nationals residing in France.
the survey (58%). In addition, according to 79% of the people surveyed, successfully completing their applications with the French administration is the main practical difficulty.

In general, several actors interviewed for this study consider that the administrative procedures, the list of documents requested, as well as the different schemes that exist are the main obstacles to the admission of third-country nationals wishing to come to France for business purposes. To this can be added processing times for applications considered too long. Whilst some schemes offer simplified procedures, in particular the EU Blue card and the "employees on assignment" permit, the others are considered to be particularly complex, such as the "business activity" permit, or based on strict admission criteria, such as the exceptional economic contribution residence permit.

Carried out in 2013, the report by the mission for attracting qualified foreign nationals (mission sur l’accueil des talents étrangers) starts with the observation that the residence permits for these categories do not always meet their needs in terms of duration and procedure. The mission considers that the "skills and talents" permit is seen today as a failure, due to the introduction of rigid criteria that have contributed to slowing its issue. Since its creation, the exceptional economic contribution residence permit has been very rarely issued due to the particularly restrictive selection criteria. In 2013, 4 third-country nationals held this permit. In general, even if they have significant capital, investors are not ready to invest such a high sum (10 million Euros) from the outset. If the potential investor has a real interest in investing in France, they will tend to focus on another scheme. If, however, their project does not exclusively concern France, they will look towards another Member State.

The problem is not so much the staff and volume of applications, but more the skills of agents faced with the technicality of applications. The technicality of applications, added to regulations and procedures considered complex, requires a certain level of skills and targeted training. The lack of training for agents is also observed in the Consulates; some residence permits are not issued due to agents’ lack of knowledge. Adding to the complexity of existing procedures and provisions, several interviews highlight the lack of knowledge and the confusion about concepts concerning business creation and the business sector, for example the concepts of capital, turnover or business plan. The agents are not trained in these technical aspects.

- **Disparities concerning the waiting time and application processing time**

Most of the people interviewed for this study report differences in application processing, along with longer or shorter waiting times, depending on the administrations. These disparities are observed in the Prefectures, depending on the département, and in French Consulates abroad, depending on the third country. Whilst certain Prefectures and Consulates are examples in good practices, others can present problems in terms of operations or processing times for applications. For example, the examination of applications can be stricter in some Prefectures, with consequently,
longer processing times. The disparities can, however, be explained by the geographical situation of some prefectures, located in départements that receive large numbers of companies, or by adaptation times with staff changes. To overcome these obstacles, consulting companies sometimes advise their clients to avoid residing in the geographical sectors of certain Prefectures.

- **Obtaining a social security card number**

Several actors highlight the difficulties in obtaining a social security card number, with sometimes very long processing times.\(^{76}\)

- **Obstacle of the language**

The language can be a considerable obstacle, before arriving in France and during procedures linked to installation. The formalities to request a visa/residence permit are available in French and must be completed in this language by the applicant. In addition, the agents in administrations, in particular in the Prefecture, do not generally speak English. Immigration consulting firms often accompany their clients to the Prefecture to avoid all communication problems with the client who often does not master the language.

It is important to note, however, that several initiatives have been conducted to facilitate access to information in English. Several internet sites are available in English, such as the site for professional immigration\(^ {77}\), the AFII site and that of other organisations responsible for supporting foreign entrepreneurs and investors, in particular the Paris Développement agency (Invest in Paris). In some Prefectures, such as that of Paris, agents can communicate in different languages.

- **The requirement to anticipate some procedures and the difficulty in presenting certain proof documents**

Several actors identify the requirement to anticipate some procedures. Once on the French territory, the candidates admitted for residence can be asked for new documents by different administrations, requiring procedures in the country of origin. It would, therefore, be useful to have information in advance about documents they may require once they have arrived. In addition, some documents requested during the application completion are difficult to obtain as they do not exist in the country of origin. This is the case, in particular, with the clean criminal record (extrait de casier judiciaire)\(^ {78}\).

Finally, new procedures and significant costs can be generated when renewing the residence permit. For example, several documents already transmitted for the first application must be presented, such as a birth certificate dating from less than three months with a sworn translation.

- **Decisive financial issues\(^ {79}\)**

Because of their activities, the questions of time and the financial aspect are essential for third-country nationals coming to France for business purposes. Lengthy admission times can lead to financial losses for the company, whether for high level managers employed in large groups or independent business owners.

\(^{76}\) Interviews carried out with the Invest in Paris agency (Paris Développement) and the Invest in France agency (agence française pour les investissements internationaux)\(^ {77}\)


\(^{78}\) Interview carried out with representatives of the AFII

\(^{79}\) Interview with representatives of France Immigration and Migration Conseil
In addition, these categories need to travel very regularly as part of their activities. Yet, having obtained their visa and arrived in France, the person must wait two to three months before obtaining a residence permit. It is the same situation for the renewal of the residence permit, as some prefectures do not issue receipts. The impossibility of travelling during this period represents an important obstacle for missions or the development of activities by the person who has come to work in France for business purposes.

Obstacles linked to the short-stay visa (issued for business trip) are often highlighted in interviews with representatives of consulting firms. The conditions for business trips considerably limit the activities that can be undertaken on the national territory. It is possible that the loss of time due to too long or complex procedures leads to these categories moving to other Member States that offers facilitated or faster procedures.

Whilst efforts must be continued, several measures implemented over the past few years can be highlighted, as testifying to the willingness to enhance France's attractiveness towards third-country business people.

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80 Interview with representatives of Fragomen, September 2014
Section 4: Good practices and lessons learned

Recognising certain challenges and obstacles to France’s attractiveness, the government has implemented several measures to facilitate the admission and stay of high potential foreign workers. Some specifically concern third-country business people.

- Examples of good practices in France

In France, the good practices identified by the different stakeholders are, in particular, the VLS-TS and the multi-year residence permits, which offer facilitated procedures, both for the professional and the accompanying family, depending on the schemes. Several initiatives have been taken at a local level, such as the creation of a dedicated counter for certain categories of third-country nationals. The professional immigration counter (cabine d'immigration professionnelle), installed by the Prefecture of the Hauts-de-Seine, receives highly qualified third-country nationals, high level employees of large groups and law firms specialising in immigration, who are legal representatives for their clients. A procedure has been implemented in Seine-Saint-Denis for the personalised reception of foreign nationals requesting a "skills and talents" residence permit. As soon as a person presents themselves to the reception desk or by email, the agent responsible for this type of application is informed. By extension, all applications with similar profiles are processed in the same way. Often cited as one of the main difficulties encountered by third-country nationals, the list of documents required for a residence permit application has recently been harmonised at a national level. In accordance with the announcements in the circular NOR INTK 1400231C and the national organisational directive to improve the reception of foreign nationals in the Prefectures (directive nationale d’organisation pour l’amélioration de l’accueil des étrangers en préfecture) of 3 January 2014, the Directorate-General for Foreign Nationals in France (Direction générale des étrangers en France) (DGEF) has provided foreign nationals' services in the Prefectures with 27 sheets grouping the list of documents required to examine residence permit applications. This new tool responds to the wish to harmonise practices in the issuing of residence permits expressed by the Minister, the permanent mission of the General Inspectorate for Administration (Inspection générale de l’administration) as well as the Prefectures and the support mission for the reception of foreign nationals (mission d’appui pour l’accueil des étrangers).

- On-going discussions to facilitate the procedures and improve processing times for applications for certain categories of third-country nationals

In a world with strong economic competition, there are proposals to improve the reception of qualified foreign workers in France. As part of the pact for competitiveness, growth and employment (pacte pour la compétitivité, la croissance et l’emploi), this point has already been

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81 Interviews carried out with representatives of France Immigration and the AFII, November 2014
82 Interview carried out with representatives from the Prefecture for the Hauts-de-Seine
83 Interview carried out with representatives of the Office for the Stay of Foreign Nationals (bureau du séjour des étrangers) at the Prefecture of the Hauts-de-Seine, December 2014
84 Questionnaire sent to the Prefecture of Seine-Saint-Denis, December 2014
86 Interview carried out with representatives of the Office of Professional Immigration (Bureau de l’immigration professionnelle) of the DGEF
shown to be necessary, given that the current residence permits are not sufficiently adapted to the targeted categories. The inter-inspectorate mission on the reception of qualified foreign workers has also recommended reforming these permits. Finally, the Higher Council for attractiveness (Conseil supérieur de l'attractivité) of 17 February 2014 confirmed the principle of the creation of a new residence permit destined for qualified foreign workers. The draft law provides for the creation of a **single, multi-year residence permit of a duration of four years**, for **all qualified foreign workers**, as well as their family, if required. This new permit, entitled "talent passport" ("passeport talents") is aimed at nine distinct categories. It replaces several existing residence permits with specific conditions of issue ("skills and expertise" permit, EU Blue Card, "employee on assignment" permit, "artistic and cultural professions" permit, exceptional economic contribution residence permit, "research-scientist" permit) and in addition targets three new categories of third-country nationals (young qualified graduates, business creators, corporate officers).

The **draft law on immigration**\(^87\), presented in the Council of Ministers on 23 July 2014, should be introduced in 2015. It includes several measures on professional immigration:

- facilitated access to practical and legal information in the country of origin, allowing the third-country national to **anticipate the administrative procedures** before their arrival in France;
- access to a **multi-year residence permit**, of a maximum duration of four years (with the exception of certain specific situations) to all foreign nationals legally staying in France for a year;
- the **redesign of criteria when changing from student to employee status**, to allow all students with a master's degree to look for work corresponding to their qualification or to create a company in France, through the issue of a one-year **provisional residence authorisation**;
- the creation of a **single multi-year residence permit for qualified foreign workers**, of a maximum duration of four years, with broader issue conditions and simplified procedures.

The **Strategic Council for Attractiveness** met twice in 2014. On 17 February 2014, the first session brought together directors of 34 companies, representing 19 countries and 5 continents, with French ministers, and presided by the Prime Minister. Several key measures were agreed during this meeting:

- **the merger of the AFII and Ubifrance**, as the new operator for the internationalisation of the French economy: a new public structure will be launched at the beginning of 2015\(^88\), after this merger;
- **the creation of the "talent passport" ("passeport talents")**, corresponding to a four-year renewable residence permit, for all qualified foreign workers and their families. Each holder will benefit from accelerated and simplified administrative reception formalities, thanks to a dedicated resource centre;
- **the one-stop shop to facilitate the installation of foreign start-ups** : with the French Tech Ticket, selected foreign start-ups will benefit from financial aid of €25,000, a single contact (French Tech Help Desk) and logistical aid for relocation, a "talent passport" ("passeport talent") residence permit and personalised support for their development. On 19 October 2014, the second edition of the Strategic Council for Attractiveness took place. Representatives of 25 large companies met with the Head of State, the Prime Minister and government members, to monitor the engaged actions and reforms. A third edition is planned for the beginning of 2015.

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\(^{87}\) **Draft law on immigration**, press release, Ministry of the Interior, July 2014

\(^{88}\) At the date of the drafting of this study, the merger had not yet been announced.
CONCLUSION

The point of departure for this study presenting the policies implemented in France to facilitate the admission of third-country nationals for business purposes is that there are no specific programmes aimed at each of the three categories studied (third-country investors, business owners and other business people). The existing measures bring together either a broader group, that does not just target foreign investors and business owners, for example the "skills and expertise" ("compétences et talents") permit, or a narrower group, intended for a precise category of investors or business owners, who meet a certain number of criteria, such as the "business activity" ("commerçant") card or the exceptional economic contribution residence permit. In addition, they emphasise the typology of companies in France, extending from very small companies to SMEs up to multinational companies listed on the stock market.

Different actors are involved in actions aiming to enhance France's attractiveness, at local, national and international levels. The measures implemented to attract migrants from the business sector are part of broader policies to facilitate the admission of high potential foreign workers. The possibilities of being accompanied by family members and access to the labour market for the spouse are major factors of attractiveness.

With regard to abuse and misuse observed in immigration for business purposes, it appears most often due to lack of knowledge of the rules or the willingness to circumvent certain procedures considered long and complex. This observation is consistent with the conclusions of interviews carried out as part of this study and several reports on France's attractiveness, which highlight the challenges and obstacles to be met. These reports underline that the taxation and regulations are obstacles to France's attractiveness in the eyes of foreign investors and entrepreneurs. Whilst the formalities to create companies are considered fairly fluid and relatively simple, the main difficulties are encountered during the procedures linked to visa or residence permit applications. The actors interviewed for this study note that the administrative procedures and application processing times are the main obstacles to the admission of third-country nationals wishing to come to France for business purposes, when their activities require fast procedures. Fully aware of this issue, the government has implemented several measures to facilitate their admission. For this, the harmonisation of the list of documents required during the examination of the residence permit application is an important step forward in improving the reception of third-country nationals in the Prefectures.

Several good practices can be highlighted, in particular the VLS-TS and multi-annual residence permits, which, depending on the provisions, offer facilitated procedures, both for the professional and their accompanying family. Initiatives have also been taken at a local level, such as the creation of a dedicated counter for certain categories of third-country nationals within Prefectures.

As part of discussions and reforms aiming to enhance France's attractiveness, the draft law on immigration, presented in the Council of Ministers on 23 July 2014, should be introduced in 2015.

The synthesis report, conducted at a European level based on national EMN Contact Point contributions, should identify good practices implemented in Member States to attract and facilitate the entry of migrant investors, business owners and other categories of business people, whilst highlighting their impact on the national economy.
ANNEXES

ANNEX 1: STATISTICS

1) **Statistics on immigrant investors and immigrant business owners**

As already indicated in this study, the existing measures bring together either a broader group, that does not just target foreign investors and business owners, for example the "skills and talents" ("compétences et talents") permit, or a narrower group, intended for a precise category of investors or business owners, who meet a certain number of criteria, such as the "business activity" ("commerçant") permit or the exceptional economic contribution residence permit. It is not, therefore, possible to provide precise data on the visas and residence permits issued to foreign investors on the one hand and business owners on the other. The following statistical tables, therefore, present the number of visas and residence permits issued to the different categories of third-country nationals coming to France for business purposes between 2009 and 2013.

It should be specified that it is not possible to establish the number of visa or residence permit requests that are refused.

- Distribution by age and sex of the number of visas issued between 2009 and 2013

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89 Source: Ministry of the Interior, DGEF, Department for Statistics, Studies and Documentation
90 It is important to note that the 2013 data are provisional.
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* 2013: provisional data
- Distribution by sex of the number of visas issued between 2009 and 2013

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* 2013: provisional data

- Distribution by sex of the number of residence permits issued between 2009 and 2013 (initial permit and renewal)

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<td>F</td>
</tr>
<tr>
<td>EU Blue Card</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>Temporary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>235</td>
</tr>
<tr>
<td>residence permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>522</td>
</tr>
<tr>
<td>&quot;skills and</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>expertise&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>190</td>
</tr>
<tr>
<td>residence permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;intra-corporate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>transferees&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(&quot;employee on</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>assignment&quot;)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>residence permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Business activity&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exceptional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>947</td>
</tr>
<tr>
<td>economic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>contribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>residence permit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>947</td>
<td>3,649</td>
<td>878</td>
<td>3,634</td>
<td>1,157</td>
</tr>
</tbody>
</table>

* 2013: provisional data
- Average age per category, for the period 2009 to 2013

<table>
<thead>
<tr>
<th>Category</th>
<th>Average age over the 5 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU Blue Card</td>
<td>44.7</td>
</tr>
<tr>
<td>Temporary residence permit &quot;skills and talents&quot;</td>
<td>37.7</td>
</tr>
<tr>
<td>Temporary residence permit &quot;intra-corporate transferee&quot; (&quot;employee on assignment&quot;)</td>
<td>35.7</td>
</tr>
<tr>
<td>Temporary residence permit &quot;Business activity&quot;</td>
<td>33.3</td>
</tr>
<tr>
<td>Exceptional economic contribution residence permit</td>
<td>39.9</td>
</tr>
</tbody>
</table>

- Number of initial permits issued from 2009 to 2013

<table>
<thead>
<tr>
<th>Category/year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013*</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU Blue Card&lt;sup&gt;91&lt;/sup&gt;</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>126</td>
<td>371</td>
</tr>
<tr>
<td>Temporary residence permit &quot;skills and talents&quot;</td>
<td>372</td>
<td>321</td>
<td>293</td>
<td>287</td>
<td>252</td>
</tr>
<tr>
<td>Temporary residence permit &quot;intra-corporate transferee&quot; (&quot;employee on assignment&quot;)</td>
<td>1,994</td>
<td>2,233</td>
<td>2,855</td>
<td>2,750</td>
<td>2,415</td>
</tr>
<tr>
<td>Temporary residence permit &quot;Business activity&quot;</td>
<td>24</td>
<td>23</td>
<td>36</td>
<td>46</td>
<td>41</td>
</tr>
<tr>
<td>Exceptional economic contribution residence permit</td>
<td></td>
<td></td>
<td></td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,390</td>
<td>2,577</td>
<td>3,184</td>
<td>3,213</td>
<td>3,081</td>
</tr>
</tbody>
</table>

<sup>91</sup> The EU Blue Card was created by the law of 16 June 2011, data is only available, therefore, from 2012.
- **Number of renewals from 2009 to 2013**

<table>
<thead>
<tr>
<th>Category/year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013*</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU Blue Card</td>
<td>/</td>
<td>/</td>
<td>/</td>
<td>49</td>
<td>160</td>
</tr>
<tr>
<td>Temporary residence permit &quot;skills and talents&quot;</td>
<td>345</td>
<td>252</td>
<td>338</td>
<td>495</td>
<td>297</td>
</tr>
<tr>
<td>Temporary residence permit &quot;intra-corporate transferee&quot; (&quot;employee on assignment&quot;)</td>
<td>451</td>
<td>281</td>
<td>895</td>
<td>1,059</td>
<td>778</td>
</tr>
<tr>
<td>Temporary residence permit &quot;Business activity&quot;</td>
<td>1,410</td>
<td>1,401</td>
<td>1,377</td>
<td>1,336</td>
<td>1,262</td>
</tr>
<tr>
<td>Exceptional economic contribution residence permit</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,206</td>
<td>1,935</td>
<td>2,615</td>
<td>2,941</td>
<td>2,499</td>
</tr>
</tbody>
</table>

* 2013: provisional data

- **Changes in status from 2010 to 2013**

The most significant changes in status observed over the period concern students to the "business activity" ("commerçant") permit (284 from 2010 to 2011, 303 from 2011 to 2012, and 445 from 2012 to 2013), students to the "skills and talents" permit (65 from 2010 to 2011, 62 from 2011 to 2012, and 57 from 2012 to 2013) and employees to the "intra-corporate transferee" ("employee on assignment") permit (57 from 2010 to 2011, 128 from 2011 to 2012 and 14 from 2012 to 2013). The reduction in the changes of status from employee to "expatriate employee" between 2012 and 2013 can be explained by the creation of the EU Blue Card in 2011, as during the same period, 94 changes in status are counted from employee to EU Blue Card.

We observe very few changes in status from family to professional reasons.

It is important, however, to underline that the number of changes of status in the opposite direction is far from negligible. A few hundred changes of status can be observed, mainly from professional to family reasons.

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92 The EU Blue Card was created by the law of 16 June 2011, data is only available, therefore, from 2012.
2) **Procedure processing times**

The table below provides an estimate of the average time for the following procedures:

<table>
<thead>
<tr>
<th>Average length of time expected (in number of days)</th>
<th>A few days</th>
<th>From a few days to a week</th>
<th>Up to two weeks</th>
<th>Up to a month</th>
<th>More than a month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average time expected between lodging an application and the final decision for a visa application of an immigrant investor (national D-type visa)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Average time expected between lodging an application and the final decision for a visa application of an immigrant business owner (national D-type visa)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Average time expected for registering a business (from application to establishment)</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into that of immigrant investor (change of residence permit for family reasons, study reasons, asylum, etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into that of immigrant business owner (change of residence permit for family reasons, study reasons, asylum, etc)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

---

93 Average duration established from responses to interviews carried out as part of this study.
**ANNEX 2: LIST OF BILATERAL AGREEMENTS**

1. List of bilateral agreements on concerted management of migratory flows

<table>
<thead>
<tr>
<th>Partner country</th>
<th>Date of signature</th>
<th>Date of entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gabon</td>
<td>5 July 2007</td>
<td>1 September 2009</td>
</tr>
<tr>
<td>Republic of Congo</td>
<td>25 October 2007</td>
<td>1 August 2009</td>
</tr>
<tr>
<td>Benin</td>
<td>28 November 2007</td>
<td>1 March 2010</td>
</tr>
<tr>
<td>Tunisia</td>
<td>28 April 2008</td>
<td>1 July 2009</td>
</tr>
<tr>
<td>Mauritius</td>
<td>23 September 2008</td>
<td>1 September 2010</td>
</tr>
<tr>
<td>Cape Verde</td>
<td>24 November 2008</td>
<td>1 April 2011</td>
</tr>
<tr>
<td>Burkina Faso</td>
<td>10 January 2009</td>
<td>1 June 2011</td>
</tr>
<tr>
<td>Cameroon</td>
<td>21 May 2009</td>
<td>[in the process of being ratified]</td>
</tr>
</tbody>
</table>

2. List of bilateral agreements with regard to professional migrations and/or youth mobility

<table>
<thead>
<tr>
<th>Partner country</th>
<th>Subject</th>
<th>Date of signature</th>
<th>Date of entry into force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia</td>
<td>Professional migration</td>
<td>27 November 2009</td>
<td>1 March 2011</td>
</tr>
<tr>
<td>Macedonia</td>
<td>Young persons’ mobility</td>
<td>1 December 2009</td>
<td>[in the process of being ratified]</td>
</tr>
<tr>
<td>Montenegro</td>
<td>Young persons’ mobility</td>
<td>1 December 2009</td>
<td>[in the process of being ratified]</td>
</tr>
<tr>
<td>Serbia</td>
<td>Young persons’ mobility</td>
<td>2 December 2009</td>
<td>[in the process of being ratified]</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Young persons and professional mobility</td>
<td>26 June 2010</td>
<td>[in the process of being ratified]</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>Young persons’ mobility</td>
<td>3 July 2014</td>
<td>[in the process of being ratified]</td>
</tr>
</tbody>
</table>

3. Outlook

Other negotiations have started with Georgia on the circular migration of professionals as part of a partnership for mobility (signed on 12 November 2013), and with Bosnia and Herzegovina and Albania for youth mobility. Negotiations are also on-going with India. Recently, a French delegation went to Korea with the aim of negotiating an agreement.
ANNEX 3: LIST OF INTERVIEWS CARRIED OUT OR PEOPLE WHO HAVE CONTRIBUTED TO THE STUDY

The interviews were carried out by Ophélie Tardieu, Anne-Cécile Jarasse and Nidaa Botmi.

- **General Directorate for Foreign Nationals in France (Direction générale des étrangers en France), Ministry of the Interior**
  - Christelle Caporali-Petit, Policy Officer, Office for Professional Immigration (Bureau de l’immigration professionnelle), Directorate for immigration (Direction de l’immigration)
  - Caroline Crenn, Policy Officer, Office for community law and special regimes (Bureau du droit communautaire et des régimes particuliers)
  - Arbia Guezgouz, Policy Officer, Social and professional support office (Bureau de l’accompagnement social et professionnel), Directorate for the reception and support for foreign nationals and nationality (Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité)
  - Adèle Hongois, Head of the Office for the fight against illegal work and identity fraud (bureau de la lutte contre le travail illégal et les fraudes à l’identité), Directorate for immigration (Direction de l’immigration)
  - Philippe Lauraire and Eric Pecoul, analysts, Division for the development of administrative sources (Division de la valorisation des sources administratives), Department of statistics, studies and documentation (Département des statistiques, des études et de la documentation), Service for strategy and international affairs (Service de la stratégie et des affaires internationales)

- **Invest in France Agency (AFII) (Agence française pour les investissements internationaux)**
  - Sandrine Coquelard, Head of the Expertise and Attractiveness pole
  - Fatia Bouteiller, Economic immigration legal expert, Expertise and Attractiveness Pole

- **Invest in Paris Agency (Agence Paris Développement)**
  - Cécile Poignant-Blin, Head of Project, Creative Industries
  - Julien Gharrou, Project Manager, Company installation projects

- **Fragomen, law firm specialised in immigration law**
  - Erin Clor, Manager France
  - Martina Cropano and Claire Monot-Sir, consultants

- **France Immigration, company specialised in immigration for business**
  - Caroline Treuillard, Director
  - Cécile Renaudet, Impatriate Manager

- **Migration Conseil, consulting firm specialising in foreign nationals law in France**
  - Alexandre George, Director of Migration Conseil

- **OECD**
  - Guna Sankar Ramasamy Kone and Yves Breem, analysts, Division of international migrations
• **Prefecture of the Hauts-de-Seine**
  - Géraldine Blanché, Head of the Office for the stay of foreign nationals (*bureau du séjour des étrangers*)
  - Céline Camus, Policy Officer

• **Prefecture of Seine-Saint-Denis**
  - Jean-Claude Schmidt, Policy Officer, Directorate for immigration and integration (*Direction de l'immigration et de l'intégration*)
ANNEX 4. BIBLIOGRAPHY

1. Reports and studies

- "Expatriates in France, Tell us about your life," Study carried out by www.paris21.tv in partnership with the Bank and Expansion company (Société de Banque et d’Expansion) and Paris Développement, September 2014

- Invest in France Agency (Agence française pour les investissements internationaux), Doing Business in France, January 2014

- Invest in France Agency (Agence française pour les investissements internationaux), Annual report 2013, Foreign investments creating employment in France (Investissements étrangers créateurs d’emploi en France), April 2014


- Ernst and Young, Barometer of the attractiveness of France (Baromètre de l’attractivité de la France) 2014
  http://www.ey.com/Publication/vwLUAssets/EY-barometre-de-attractivite-de-la-france-2014/$FILE/EY-barometre-de-attractivite-de-la-france-2014.pdf

- European Migration Network Study, Attracting qualified third-country nationals, July 2013

  http://dx.doi.org/10.1787/9789264095830-en

  http://dx.doi.org/10.1787/migr_outlook-2011-fr
2. Legislative texts

- **Laws**
  - Law n°2011-672 of 16 June 2011 concerning immigration, integration and nationality
    http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024191380&categorieLien=id
  - Law n°2008-776 of 4 August 2008 on the modernisation of the economy
    http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000019283050
  - Law n° 2007-1631 of 20 November 2007 on immigration, integration and asylum
    http://legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000524004
  - Law n° 2006-911 of 24 July 2006 on immigration and integration
    http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000266495

- **Codes**
  - Code on Entry and Residence of Foreign nationals and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
  - Criminal procedure code
  - Work code
  - Monetary and financial code

- **Decrees**
  - Decree n° 2014-921 of 18 August 2014 modifying different provisions on the right to stay and work for foreign nationals
  - Decree n° 2014-479 of 14 May 2014 on foreign investments subject to prior authorisation
    http://www.legifrance.gouv.fr/affichTexte.do;jsessionid=?cidTexte=JORFTEXT000028933611&dateTexte=&oldAction=dernierJO&categorieLien=id

- **Circulars**
- Circular NOR IMIM1000117C of 2 August 2010 on the issue of the exceptional economic contribution residence permit

- Circular NOR IMIG1000124C of 12 November 2010 on expatriate employees and family members

- Circular NOR 10CL1101731C of 1 February 2011 on corporate officers, whose application is limited to the départements included in the OFII one-stop shop (guichet unique) procedure

- Circular NOR INTV1231400C of 3 August 2012 on the on-stop shop procedure (guichet unique) with the French Office for Immigration and Integration for certain categories of foreign workers