

BUSINESS IMMIGRATION

A NEW YEAR AND NEW LAWS: NATURALIZATION AND EMPLOYER COSTS FOR FOREIGN HIRES



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With the coming of the New Year, new legislation has come into force in matters of immigration, specifically with regard to the naturalization procedure (I) and the costs for employers when hiring foreign non-European Union (EU) nationals (II).

I. The naturalization procedure

A new “experimental” naturalization procedure became effective on January 1, 2010 decentralizing the application process in the hopes of decreasing the backlog and speeding up the process. This procedure shall be applicable for 6 months, renewable once, in 21 of the 101 departments¹ in France including Paris.

Prior to the publication of the Decree no. 2009-1671 dated December 28, 2009, the prefect² formulated an opinion on the naturalization application and then transferred the file to the Department for Access to French Nationality (“*sous-direction de l'accès à la nationalité française*” or SDN) for approval or refusal.

Now, upon filing the application with the prefect, the SDN step is skipped: the prefect has the authority to examine whether the conditions for naturalization are met and consequently approve or refuse the application, prior to transferring the file to the Minister of Naturalization and then the Prime Minister for final approval.

II. Hiring foreign non-EU nationals and employer costs

The one-time, non-refundable fee owed by an employer that hires a foreign national and paid to the Office of French Immigration and Integration (OFII) has been modified.

¹ The other 20 departments are: Bouches-du Rhône, Hérault, Isère, Loire-Atlantique, Loiret, Moselle, Nord, Oise, Orne, Pas-de-Calais, Puy-de-Dôme, Hautes-Pyrénées, Pyrénées-Orientales, Rhône, Seine-Maritime, Seine-et-Marne, Yvelines, Seine-Saint-Denis, Val-de-Marne, Val-d’Oise.

² In Paris, the competent authority is the Police Prefecture.

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The new applicable rates are as follows:

For a hire equal to or exceeding 12 months:

Gross monthly salary less than EUR 3,359.50	60% of the gross monthly salary
Gross monthly salary equal to or greater than EUR 3,359.50	EUR 2,015.70

For a hire for a duration between 3 months and 12 months:

Gross monthly salary equal to or less than EUR 1,343.80	EUR 70
Gross monthly salary greater than EUR 1,343.80	EUR 200
Gross monthly salary greater than EUR 2,015.70	EUR 300

Please be reminded that the employer is prohibited from requesting reimbursement of this fee from the employee or to withhold such amount from his salary (Article L. 5222-2 of the French Labor Code).

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