

Cabinet Brahin
Société d'avocats au Barreau de Nice

Nicolas Brahin
DESS Droit Bancaire et Financier
Avocat

David SAID
Avocat collaborateur

Cabinet BRAHIN avocats

ADVOKATFIRMA I FRANKRIG / LAWYERS OFFICE IN FRANCE

Correspondant organique de :

Legipass

8, rue Auber - 75009 PARIS

www.legipass.com

Finn Larsen Advokatfirma

Algade 43, 1 - 4000 Roskilde -Danemark

www.advokat-firma.dk

Horizons China Corporate advisory

1801 Lippo Plaza, 222, Huaihai Middle Road

Huangpu, SHANGAI PR China 200021

www.horizons-advisory.com

Nice, February 7th 2017

Objet: Long-stay visa and short-stay visa

Please find bellow the procedure to follow and the list of the documents requested in order to obtain:

- In first part, the condition to obtain a long-stay visa, with distinction between the “residence card to be requested within 2 months of arrival” and the “temporary residence permit”.
- In second part, the conditions to get a short-stay visa.

We hope that this legal opinion will help you for your application.

Best regards.

I. Condition of application to the “long-stay visa”

A. “The long-stay visa”

There are several kinds of long-stay visas:

- *Visa “Residence card to be requested within 2 months of arrival”*
This visa bears the mention “residence permit to be requested within 2 months of arrival”. It allows you to enter France and to obtain a residence permit (1).
- *Long-stay visa valid as a residence permit (VLS-TS):* valid from 4 to 12 months
This visa, known as VLS-TS, is unique. It is valid as a residence permit and prevents you from applying to the prefecture during its period of validity (2).

Cabinet BRAHIN Société d’Exercice Libérale à Responsabilité Limitée inscrite au Barreau de NICE

E-mail: info@brahin-avocats.com

www.Brahin-avocats.com

BUREAU PRINCIPAL inscrit au Barreau de NICE (CP 427)
1, RUE LOUIS GASSIN - 06300 NICE FRANCE

BUREAU SECONDAIRE inscrit au Barreau de MONTPELLIER
14, Rue Ernest Michel – 34000 MONTPELLIER

Cabinet BRAHIN avocats

ADVOKATFIRMA I FRANKRIG / LAWYERS OFFICE IN FRANCE

1. The long-stay visa “residence permit to be requested within the 2 next months arrival”

If you wish to ask for a long-stay visa (valid 10 years), you must address to the French consular authorities in your home country.

This visa is granted to you in order to benefit from a residence permit (annual, multiannual or 10 years according to your situation), in particular in quality of:

- Family of a French citizen,
- Liberal or independent profession,
- Worker (employee on mission, European credit card, seasonal, competences and talents) or family of worker,
- Pensioner or spouse of pensioner,
- Artist.

2. The long-stay visa “temporary residence permit”

The long stay visa allows certain categories of foreigners to enter France and to stay from 4 months to 1 year without having to apply immediately for a residence permit.

Once you are in France, some formalities must be completed with the French Office of Immigration and Integration (OFII) to validate the visa.

You can obtain a long-stay visa equivalent to a residence permit for one of the following reasons:

- Husband of French,
- Student,
- Trainee,
- Employee (holder of a contract of indefinite duration),
- Temporary worker (with a fixed-term contract) or posted worker,
- Visitor (you must be able to live on your own resources in France and you undertake not to work),
- Spouse of a foreigner who is a beneficiary of a family reunification

3. Common conditions of delivery for both long-stay visas

1. Moment of the request

- As soon as your file is complete.
- You inform sufficiently early with advance near the qualified consulate.

2. Place of application

If you wish to ask for a long-stay visa, you must address yourselves to the French consular authorities in your home country.

3. Conditions of application

- To fill and sign the form CERFA n°14571*05 for a long-stay visa.

Cabinet BRAHIN avocats

ADVOKATFIRMA I FRANKRIG / LAWYERS OFFICE IN FRANCE

- You must present a passport : for a long-stay visa “residence permit to request in the 2 next months arrival”, at least 3 months after the date expiry of your visa, and for a “long-stay visa being worth residence permit”, at least during the validity your visa.
- Your biometric data are recorded in a file, called “Visabio”:

These data are the digitized pictures of your photograph, and your digital fingerprints (child of less than 12 years is not concerned).

The other documents required vary according to the duration and from object of the visa you ask.

- Proof of your livelihood (cash, travelers checks, international bank cards, etc.),
- Proofs of the guarantees of your repatriation (return ticket, etc.),
- Insurance covering medical and hospital expenses, including social assistance, for the care you may receive in France (the minimum coverage requested is € 30,000)
- If your stay is on a private or family visit, a certificate of welcome or proof of accommodation in a hotel or a host institution,
- Or if your trip is touristic or professional or for the purpose of hospitalization or research, documents on the subject and conditions of your stay in France.

Information on these documents is available on the websites of the consulates or is sometimes posted outside of the consulates.

II. Condition of application to the short-stay visa « Schengen »

As a Chinese citizen, to be able to enter and stay up to 3 months in France, you must have a so-called "short-stay" visa.

You must present your request near the French consular authorities or another Schengen country

The short-stay visa allows you to enter and travel in France and in other Schengen countries.

Unlike a long-stay national visa, the Schengen visa does not allow you to settle in France.

This visa can be granted to you in particular for:

- a tourist trip,
- a professional trip,
- a family visit,
- receive a short training or an internship,
- perform a paid activity (i.e. if you are an artist on tour in France, sportsman, model, etc.), after obtaining a temporary work permit.

1. Length of stay allowed

The short stay visa allows you to stay up to 90 days in the Schengen countries.

Cabinet BRAHIN avocats

ADVOKATFIRMA I FRANKRIG / LAWYERS OFFICE IN FRANCE

It can be issued to:

- One entry
- 2 or more entries

Thus, you have an overall period of 180 days to make an uninterrupted stay of 90 days or several stays of cumulative duration of 90 days maximum. At the end of this maximum period of 90 days, you must leave Schengen. You will be able to return only 180 days after your first entry for a new maximum stay of 90 days, and so on for any other trip.

2. Moment of the request

Not more than 3 months before the beginning of the travel envisaged.

3. Place of application

If you want to obtain a short stay visa "Schengen", you must present your request to the French consular authorities or to the ones of another Schengen country:

- Either the single country of destination of the travel (thus, if France is the single destination of your travel, the French consulate is qualified),
- Either the principal country of destination of the travel (in terms of duration or object), it comprises several destinations (thus, if you want to spend one week to Germany and a month to France, is the French consulate which is qualified),
- That is to say the country entry in Schengen space, if the principal destination cannot be given (thus, if you intend to spend 15 days to Belgium and 15 days to France for tourism while arriving by Belgium, is the Belgian consulate, which is qualified).

4. Condition of registration

- To fill and sign the form "CERFA" n°14076*02 for the short-stay visa.
- To present a passport (for a visa "Schengen", at least 3 months after the date expiry of your visa (your passport must also be delivered since less than 10 years).
- Your biometric data are recorded in a file, called "Visabio":
- The other documents in proof required vary according to the duration and from object of the visa which you ask. Information on these documents in proof available on the websites of the consulates or is sometimes displayed with outside of the consulates.

III. Common part to both procedures (long-stay and short-stay visa)

1. Administrative fees

Your visa application will be examined only after the payment of these fees.

If the visa is refused or if you cancel your travel, the paid fee is not refunded to you.

Cabinet BRAHIN avocats

ADVOKATFIRMA I FRANKRIG / LAWYERS OFFICE IN FRANCE

When the reception of the visa applications is delegated to a private person, you must also pay additional service fees to him.

If your request is admissible, a receipt corresponding at the expenses of visa you paid is given to you. This receipt means acknowledgment of receipt of your visa application.

2. Deadline

The decision on your visa application “Schengen” must be taken by the consulate within a period of 15 maximum days according to the reception of your comprehensive directory, except typical cases where this time can be carried until 60 days.

The time is variable for the national visas of long stay. It depends in particular on your nationality, the reason for your stay in France and on the need for checking some of your civil status documents.

3. Access to the office of the visa service

A certain number of services of the visas of the consulates receive only by prior appointment.

In some countries, the management of these appointments is entrusted to private call centers. In other countries, the reception of the visa applications is outsourced: in fact, certified private agencies receive the files of visas solicitations. You can contact them by telephone or via their website to take appointment.

Lastly, in other countries, France ensure the role of “Schengen single window”, to represent the other countries. Contrarily, France can be represented by another Schengen country in some countries.

4. Validation of the visa

In the event of delivery of the visa, a label is affixed on your passport.

In the event of refusal, you can present without delay a new visa application. You can also dispute this refusal before the Commission of recourse against the refusal of visa.

Nicolas BRAHIN

Avocat au Barreau de Nice

Nicolas.brahin@brahin-avocats.com