

Practical Guide

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International students' apprenticeship

Basic principle

As an international student, the requirements to be eligible for an apprenticeship are different whether the student is a minor or over 18 years old, citizen from a European Union country (EU) or not.

If the student is over 18 years old and is a citizen from a country outside the EU, both a resident permit called « titre de séjour » and a work permit are mandatory (according to the number of working hours).

1. Students who are citizens of the EU and of the European Economic Area (EEA)

Thanks to the freedom of movement of workers within the European Union, the candidates originating from the European Union and from the EEA are authorized to work in France without asking for a work permit. When the apprenticeship contract is signed, the student needs to provide a valid ID (passport, national identity card).

European Union countries:

Austria, Belgium, Bulgaria, Cyprus (Republic of), Croatia, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden

EEA countries: EU countries + Iceland, Liechtenstein and Norway.

Plus Switzerland (Confédération helvétique)

2. Students not having an EU or EEA nationality

In order to sign an apprenticeship contract, the over 18 years old student citizen of an EU/EEA country, holding a student visa (« titre de séjour ») with the "student" status has to:

- Justify of a year spent in France except if he is registered in a Master degree program (recognized by the government or stated on the list referred to in the 1° [D. 421-6 article](#) and in the 1° of the article [D. 422-13 du "Code de l'entrée et du séjour des étrangers et du droit d'asile"](#));
- Hold a valid « titre de séjour » allowing a legal stay in France.

There are different types of « Titres de séjour » (residence permits) giving the right to sign an apprenticeship fixed term contract (CDD) with a French company:

- Carte de résident / Resident permit;
- Carte de séjour compétences and talents / Skills and talent resident permit;

- Carte de séjour temporaire ou pluriannuelle « étudiant » / Temporary or multiannual “student” resident permit, referring to articles L. 313-7, L. 313-17 et L. 313- 27 of the « Code de l’entrée et du séjour des étrangers et du droit d’asile »;
- Carte de séjour « scientifique chercheur » / Research scientist resident permit;
- Carte de séjour « vie privée, vie familiale » / Privacy, family life resident permit;
- Carte de séjour « carte bleue européenne » / European Blue resident permit;
- Carte de séjour « salarié en mission » / Employee on assignment resident permit;
- Carte de séjour « travailleur temporaire » ou « travailleur saisonnier » / Temporary worker or seasonal worker resident permit;
- Récépissé de première demande ou de demande de renouvellement d’un titre de séjour portant la mention « autorise son titulaire à travailler » / Receipt of a first application or application for renewal of a residence permit bearing the words “authorizes the holder to work”;
- Autorisation provisoire de travail / Temporary work authorization;
- Carte de séjour communauté européenne / European Community resident permit;
- Visa d’une durée supérieure à 3 mois / Visa longer than 3 months;
- Visa de long séjour valant titre de séjour portant la mention « étudiant » ou « étudiant-programme de mobilité » / Long-stay visa as a resident permit bearing the words “student” or “exchange program student” mentioned in article R. 311-3, 6° of the « Code de l’entrée et du séjour des étrangers et du droit d’asile ».

Algerian nationality students: they have to hold a « certificat de résidence Algérien étudiant » except if they have a « certificat de résidence scientifique », a « certificat de résidence vie privée et familiale » or a ten year resident permit.

3. Work permit conditions

General framework:

To be eligible to sign an apprenticeship contract, foreign students, whether minor or over 18, should hold a work permit. The work authorisation is included in their « titre de séjour » in the following cases: above 18 student holding a « titre de séjour salarié » (work permit), a temporary worker permit or a 10 year resident permit.

Other types of « titres de séjour » or status do not allow to work: for example minor without a « titre de séjour » (resident permit) or over 18 student holding a « titre de séjour » not allowing full time work for example. In this case, in order to get a temporary work authorisation (Autorisation Provisoire de Travail APT), of a duration depending on the « titres de séjour », students have to submit an application to the DREETS (previously called DIRECCTE) of the department where they live, enclosing their work contract and the working authorisation request CERFA form among other documents.

The DREETS will then issue a temporary working permit (APT), of a duration depending on the « titre de séjour » but never exceeding one year. Every year, the student will need to get back to the DREETS to renew his/her APT. The APT is specifically attached to the employer's name who submitted the request as well as to the contract. Therefore, in case of a breach of contract, a new work authorisation shall be requested to the DREETS.

➔ Focus on the student status

- Basic foreign student status rules

Algerian nationality:

- authorized to work up to 50 % of a fulltime (meaning up to 850h per year);
- a work authorization is necessary as of the first working hour (request to be submitted on this website <https://administration-etrangers-en-france.interieur.gouv.fr>).

Nationality outside the EU (excluding Algerian citizens):

- authorized to work up to 60 % of a fulltime (meaning up to 964h per year);
- no need for a work authorisation up to this number of hours, the student « titre de séjour » allows to work aside of studying.

- The right to sign an apprenticeship contract

In the two above cases, to sign an apprenticeship contract (on a full time basis), foreign citizens holding a student « titre de séjour » have to get a temporary work permit (autorisation provisoire de travail). In order to get one, students must apply to the DREETS of the department where they live, according to the process described above.

➔ Is a work permit necessarily temporary?

The work permit delivered to an apprentice is necessarily temporary. Indeed, the apprenticeship contract is a subsidised contract (the salary equals to a SMIC percentage, companies benefiting from financial aids, etc.) and does not allow the issue of an employee or temporary worker « titre de séjour ».

4. Suspension or breach of contract in case of a « titre de séjour » is not renewed?

The employer cannot breach the apprenticeship contract of a student because of the renewing of his « titre de séjour » or APT (this is not a reason why the employer could breach the contract after the first 45 days - [art. L.6222-18 du Code du travail](#)). The work contract must be suspended during the time necessary to the renewing of the « titre de séjour ». In case the « titre de séjour » indicates that it authorises its holder to work (« autorise son titulaire à travailler »), the apprentice is allowed to continue working while waiting for the renewal of his « titre de séjour ».

5. Does the student or the employer need to pay a tax to be hired as an apprentice?

There is no tax to be paid to the OFII (Office Français de l'Immigration et de l'Intégration) for an apprenticeship contract. Therefore, a student who has signed an apprenticeship contract and is given a temporary fulltime work permit, does not have to pay any tax. There is only a tax to be paid when the foreign citizen is granted an employee status (« salarié »). However, the student keeps his status during the whole duration of his studies. It is only after his apprenticeship period is over and, if he wants to sign a "regular" work contract with an employee status, that his employer will need to pay a tax.

6. Before signing an apprenticeship contract

The student has to:

- ➔ Hold a « titre de séjour » stating the following « autorise son titulaire à travailler ». For the students of Algerian nationality, a work permit (« autorisation de travail ») is required in addition to the « titre de séjour ». The work authorisation request must be submitted to the DREETS of the department where he lives.
- ➔ Apply to the national health insurance which is mandatory to sign a work contract. To do so, the student needs to apply online etudiant-etranger.ameli.fr on the Caisse Primaire d'Assurance Maladie (CPAM) web site in order to get a social security number. This is simple and free of charge.
- ➔ Open a bank account in France in order to receive his/her salary.

7. Useful links

Service-public.fr

Préfecture.de.police.interieur.gouv

Alternance-professionnel.fr

Sources : [décret n°2007-801 du 11 mai 2007](#) (procédures concernant l'embauche de nouveaux candidats étrangers dans le cadre d'un contrat d'apprentissage), [loi n°2016-274 du 7 mars 2016](#) (droits des étrangers en France), www.service-public.fr, Cabinet d'avocats Vaccaro

For more information, please contact your CFA Afia advisor.

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