

INFORMATION NOTE

In-country family reunification in France

("regroupement familial sur place") — the rule, the conditions and practical advice

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Key takeaways

1. French law normally requires the spouse and minor children of a non-EU resident to **apply from abroad** for a long-stay visa after the family reunification request has been approved (the "introduction procedure").
2. By exception, Article **R. 434-6 CESEDA** allows the prefect to grant family reunification **in France**, without the family having to leave, where the spouse **already lives lawfully in France under a residence card valid for at least one year** (or a multi-year card).
3. All the ordinary conditions still apply: **18 months** of lawful residence of the sponsor, **stable and sufficient resources** (SMIC-based, assessed over 12 months), **adequate housing**, respect for the principles of family life in France and absence of public-order threat.
4. The place of marriage is irrelevant. In a ruling of **10 June 2026 (n° 25LY02981)**, the Lyon Administrative Court of Appeal held that a refusal based solely on the fact that the marriage was celebrated abroad is unlawful.
5. The exception is discretionary ("may be granted"). The quality of the file — resources table, housing evidence, proof of conjugal life, timing — makes the difference.

1. The rule: what "in-country" family reunification is

Family reunification ("regroupement familial") allows a non-EU national residing lawfully in France to be joined by his or her spouse and minor children. The application is filed in France by the resident (the **sponsor**), examined by the French Office for Immigration and Integration (**OFIGI**) and the town hall, and decided by the **prefect**.

In principle, the family must be **living abroad**: once reunification is authorised, each family member applies for a long-stay visa at the French consulate. The Code even allows the prefect to exclude from reunification a family member who already resides in France (Article L. 434-6, 3° CESEDA).

Article **R. 434-6 CESEDA** creates a derogation to this "introduction procedure". Subject to the substantive conditions of Article L. 434-7, the benefit of family reunification **may be granted to the spouse and, where applicable, the children under 18** who already reside in France, **without having to return** to their country of origin to obtain a visa. The text targets in particular the spouse who resides

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lawfully in France under a temporary residence card of at least one year or a multi-year residence card and who marries the sponsor, himself or herself lawfully resident.

In practice, this is the typical situation of two foreign nationals who both live in France under their own status — for instance as employee, student, job-seeker after studies or visitor — and who marry, or who are already married, and wish to secure the spouse's right of residence on a **family basis** rather than on a status that may come to an end (end of studies, end of employment contract, etc.).

2. Who can benefit

2.1 The spouse

- The spouse must be **married** to the sponsor (civil partnership — PACS — and cohabitation do not qualify for family reunification) and be at least **18 years old** at the filing date.
- The spouse must **reside lawfully in France** under a **temporary residence card of at least one year** or a **multi-year residence card** (“carte de séjour pluriannuelle”). Typical eligible statuses: employee (“salarié”), temporary worker, student, visitor, “talent”, or the post-study card “recherche d'emploi ou création d'entreprise” (Article L. 422-10 CESEDA — the status held by the spouse in the Lyon case).
- **Not eligible** as such: a spouse in irregular stay, under a short-stay visa, holding only a receipt (“récépissé”) for a first application, a temporary authorisation (APS) that is not a residence card, or an asylum-seeker certificate. A long-stay visa equivalent to a residence permit (VLS-TS) valid for one year is generally treated in the same way as a one-year card, but this should be **checked with the competent prefecture** before filing.
- The polygamy rules apply: reunification cannot be granted for a second spouse where another spouse already lives in France with the sponsor.

2.2 The children

- Minor children (under 18 at the filing date) of the couple, or of one of the spouses where the other parent is deceased or deprived of parental authority, or where parental authority has been granted by a court decision, may also benefit, if they **already live in France** with the spouse.
- Family reunification is in principle **collective**: all eligible family members should be included in the same application. Partial reunification is allowed only exceptionally, in the interest of the children.
- Children born in France do not need to be “reunified”; they do not need a residence permit before the age of 18 (a travel document for minors — DCEM — can be requested). They should nonetheless be declared in the application, as they count for the resources and housing thresholds.

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3. The conditions applying to the sponsor

The in-country route only removes the visa step. The **substantive conditions are exactly the same** as for ordinary family reunification.

3.1 Eighteen months of lawful residence

The sponsor must have resided lawfully in France for **at least 18 months** at the filing date (Article L. 434-2 CESEDA), under a residence card valid for at least one year (temporary card, multi-year card, resident card) or a receipt for the renewal of such a card. The extension of this period to 24 months, voted in the immigration law of 26 January 2024, was **struck down** by the Constitutional Council (decision n° 2023-863 DC of 25 January 2024): the 18-month rule remains in force.

Algerian nationals are governed by Article 4 of the Franco-Algerian Agreement of 27 December 1968: the residence period is reduced to **12 months** and the resource threshold is the SMIC regardless of family size.

3.2 Stable and sufficient resources

The resources of the **sponsor and of his or her spouse** are assessed over the **12 months preceding the application**, by reference to the **average net monthly minimum wage (SMIC)** during that period (Article L. 434-7, 1° and Article R. 434-4 CESEDA). The reference is increased by one tenth for a family of 4 or 5 persons and by one fifth for 6 persons or more.

Family size (including the sponsor)	Reference	Indicative amount — application filed on 1 September 2026*
2 or 3 persons	Average SMIC over 12 months	c. €1,446 net / month
4 or 5 persons	Average SMIC + 1/10	c. €1,591 net / month
6 persons or more	Average SMIC + 1/5	c. €1,735 net / month

* Our calculation: net SMIC of €1,426.30 until 31 December 2025, €1,443.11 from 1 January 2026 and approximately €1,477 after the revaluation of 1 June 2026. The exact average must be recomputed for the actual 12-month window of each file.

- **Key advantage of the in-country route:** the spouse already works or earns income in France, so his or her **resources count** alongside those of the sponsor. This often makes the resource condition much easier to meet than for a spouse abroad.
- Resources taken into account: salaries, self-employed income, pensions, income from assets, unemployment benefits (ARE). **Excluded:** family benefits, RSA (minimum income), ASS, ASPA (old-age minimum) and similar solidarity allowances (Article L. 434-8 CESEDA). Holders of the disabled adult allowance (AAH) or the supplementary invalidity allowance (ASI) are exempt from the resource condition.

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- Stability is assessed beyond the 12-month window: the prefect may also take account of the evolution of resources after filing, favourably or unfavourably (for a recent illustration, TA Lyon, 27 July 2026, n° 2507657, admitting resources that remained stable despite a workplace accident).

3.3 Adequate housing

The sponsor must have — or justify that he or she will have at the arrival of the family, which in the in-country case means at the time of decision — housing considered “normal” for a comparable family in the same area (Article L. 434-7, 2° and Article R. 434-5 CESEDA). The housing must meet decency standards (heating, water, sanitation) and a **minimum living area** depending on the housing zone:

Zone	Household of 2 persons	Each additional person (up to 8)	Beyond 8 persons
A bis and A (Paris, much of Île-de-France, Côte d'Azur, Genevois...)	22 m ²	+ 10 m ²	+ 5 m ²
B1 and B2 (large and medium-sized cities)	24 m ²	+ 10 m ²	+ 5 m ²
C (rest of the territory)	28 m ²	+ 10 m ²	+ 5 m ²

3.4 Other conditions

- The sponsor must comply with the **essential principles governing family life in France** (Article L. 434-7, 3° CESEDA); the mayor may be asked to verify this point.
- The presence of the family member must not constitute a **threat to public order** (Article L. 434-6 CESEDA).
- The marriage must be **genuine and the conjugal life effective**: a marriage concluded solely for immigration purposes will lead to refusal or later withdrawal.

4. Recent case law: the place of marriage does not matter

Many prefectures — and several practical guides — read the words of Article R. 434-6 (the spouse “who marries” the sponsor) as requiring a **marriage celebrated in France**, and therefore refuse in-country reunification to couples married abroad.

In a judgment of **10 June 2026 (CAA Lyon, 3rd ch., n° 25LY02981)**, the Lyon Administrative Court of Appeal rejected this reading. A Moroccan national holding a ten-year resident card had married abroad, in October 2023, a compatriot who already lived in France under a post-study card (Article L. 422-10 CESEDA); the prefect refused in-country reunification on the sole ground that the marriage had been celebrated in Morocco. The Lyon Administrative Court annulled the refusal and ordered a re-examination; the Court of Appeal confirmed.

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The Court reasoned that Article R. 434-6 must be read in the light of **Directive 2003/86/EC** on the right to family reunification, which it transposes. The Directive aims at preserving family unity **whether the family relationship arose before or after the sponsor's entry** (Article 2(d)); it is indifferent to where and when the family tie was created. The Court therefore held that Article R. 434-6 does **not** make in-country reunification conditional on the marriage having been celebrated in France. Neither the CESEDA nor the Directive lays down such a requirement, and the Franco-Moroccan Agreement of 9 October 1987 refers back to French law on this point.

Scope and limits. The ruling removes an obstacle; it does not create an automatic right. All other conditions (sections 2 and 3) remain applicable. It is a Court of Appeal decision: its authority is persuasive, it may be appealed before the Conseil d'État, and published decisions on this precise point remain rare. It is nonetheless directly usable in a request for re-examination or in litigation against a refusal based on the place of marriage.

5. Procedure and timeline

1. **Filing with OFII.** The sponsor files the family reunification application (form cerfa n° 11436*05 and supporting documents) with the OFII territorial directorate of his or her place of residence, using the online service where available, and **expressly requests the in-country procedure** for the spouse and children present in France. When the file is complete, OFII issues an **acknowledgement of filing** ("attestation de dépôt"), which starts the processing time.
2. **Investigation by the town hall.** The mayor verifies resources and housing; authorised agents may **visit the dwelling**. The mayor has **two months** to give an opinion, failing which it is deemed favourable.
3. **Decision of the prefect** (in Paris, the Prefect of Police). The decision must be notified within **six months** of the complete filing. **Silence for six months amounts to an implicit refusal.**
4. **After approval.** The spouse undergoes the **OFII medical examination**, signs the **Republican Integration Contract (CIR)** and applies — via the ANEF online platform — for a **temporary residence card "vie privée et familiale"** (one year, renewable). Where the sponsor holds a ten-year resident card, certain bilateral agreements (in particular with Maghreb and francophone sub-Saharan countries) allow the spouse to obtain the same card. Children receive a residence card when they reach 18 (or from 16 if they wish to work).
5. **Fees.** No visa fee is due in the in-country route. The residence tax and stamp duty applicable to the first card must be paid (amounts increased by the 2026 Finance Law — to be checked at the time of filing).

In practice, the whole process typically takes **6 to 12 months**, depending on the département.

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A word of caution on timelines. The statutory six-month deadline is frequently exceeded. In some départements, and for certain files (heavy workload of the OFII territorial directorate or of the prefecture, late town-hall investigation, requests for additional documents, change in the family situation during processing), processing times can reach **18 months on average**. Families should plan accordingly — in particular by keeping the spouse's own residence card valid throughout — and should not hesitate to act on the implicit refusal arising after six months (see section 8) where the delay becomes unreasonable.

6. Practical advice

1. **Secure the spouse's own status throughout the procedure.** Eligibility is assessed on the basis of the spouse's lawful residence under a card of at least one year. Renew it on time (at the latest two months before expiry, via ANEF) and keep the extension certificates. Do not let it lapse while waiting for the decision, and do not change status without prior advice.
2. **Time the filing.** Check that the sponsor has completed 18 months of lawful residence on the filing date and that the 12-month resource window is the most favourable one. Delaying the filing by a few weeks can sometimes avoid a month of low income.
3. **Build a month-by-month resources table** for both spouses (payslips, contracts, tax notices, bank statements), compared with the average SMIC of the period. This makes the file readable for the administration and, if needed, for the judge.
4. **Document the housing.** Lease or title deed, exact living area (Carrez/Boutin measurement if available), zone of the municipality (official simulator), recent utility bills. If the family is about to move, use form cerfa n° 11437 (housing availability certificate) and make sure the new dwelling is available for the visit.
5. **Prove the marriage and the conjugal life.** Foreign marriage certificate legalised or apostilled, with a sworn translation; evidence of shared life (joint lease, joint bank account, bills, insurance, correspondence).
6. **Anticipate prefectural objections.** If the prefecture argues that the marriage must have been celebrated in France, or that the spouse “should go back” to apply for a visa, refer to Article R. 434-6 read in the light of Directive 2003/86/EC and to CAA Lyon, 10 June 2026, n° 25LY02981. Article 8 ECHR (right to family life) and the best interests of the child (Article 3-1 of the UN Convention on the Rights of the Child) complete the argument.
7. **Include all family members.** Omitting a child may lead to a refusal of later reunification for that child. Children born during the procedure should be reported to OFII and the prefecture in writing.
8. **Travel during the procedure** is possible as long as the spouse's own residence card is valid; avoid prolonged absences and keep evidence of continued residence.
9. **Track the deadlines.** Calendar the six-month deadline from the acknowledgement of filing. In case of implicit refusal, request the reasons in writing within the time limit for appeal (Article L. 232-4 of the Code of Relations between the Public and the Administration).

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10. **Think ahead.** After reunification, the renewal of the “vie privée et familiale” card depends on the continuation of conjugal life; a breakdown in the first years may lead to refusal of renewal (with protection for victims of domestic violence). Since 1 January 2026, access to a multi-year card is also subject to strengthened French-language and civic requirements, which should be prepared early.

7. Alternatives worth checking first

Family reunification is not always the best — or the fastest — route. Before filing, the following options should be reviewed:

- **“Talent — family” card** (Article L. 421-22 CESEDA): where the sponsor holds a “talent” card (including EU Blue Card), the spouse obtains a card without the 18-month, resources and housing conditions of family reunification, and with immediate access to work.
- **The spouse's own status:** a change of status (for instance from student to employee or “talent — skilled employee”) may give a stronger and faster right of residence than reunification.
- **Spouse of a French or EU national:** different regimes apply (“vie privée et familiale” as spouse of a French national; residence card as family member of an EU citizen), without family reunification.
- **Private and family life** (Article L. 423-23 CESEDA): in specific situations, a direct application based on the intensity of family ties in France may be considered.

8. Remedies in case of refusal

- **Administrative appeal:** request for re-examination to the prefect (recours gracieux) and/or hierarchical appeal to the Minister of the Interior, within **two months**.
- **Judicial review** before the competent **administrative court**, within **two months** of the express or implicit refusal, with a request for an **injunction** to grant reunification or to re-examine the application. Where the situation is urgent (e.g. imminent loss of the spouse's own status), an **interim suspension procedure** (“référé-suspension”) may be combined with the action.
- Grounds frequently successful: error of law (condition not provided by the texts, such as the place of marriage), error in the calculation of resources, failure to examine the overall situation, disproportionate interference with family life (Article 8 ECHR).

Main references

- CESEDA, Articles L. 434-2, L. 434-6, L. 434-7, L. 434-8, R. 434-1 to R. 434-6.
- Directive 2003/86/EC of 22 September 2003 on the right to family reunification, Article 2(d).
- Constitutional Council, decision n° 2023-863 DC of 25 January 2024 (Law “to control immigration, improve integration”).

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- CAA Lyon, 3rd ch., 10 June 2026, n° 25LY02981 — commented on [lexcase-immigration.com](https://www.lexcase-immigration.com) (“Regroupement familial “sur place” : quelles conditions ?”, 9 July 2026).
- TA Lyon, 27 July 2026, n° 2507657 (stability of resources); TA Melun, 2 July 2026, n° 2510669 (Algerian nationals — resources).
- Franco-Algerian Agreement of 27 December 1968, Article 4; Franco-Moroccan Agreement of 9 October 1987.

This note is provided for general information purposes only and does not constitute legal advice. Each situation requires an individual analysis. The amounts given are indicative and must be checked on the date of filing. The Immigration & International Mobility department of LexCase is at your disposal to review your file, in French or in English.

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