



# GMS Flash Alert

## Immigration Edition

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## France – New Action by Government to Define Rules if No-Deal Brexit

We recently reported that France’s parliament voted to authorize the French government to move forward on formulating and implementing a package of measures to prepare for a “no-deal” Brexit situation (see [GMS Flash Alert 2019-014](#), 28 January 2019). On February 6, 2019, the government published an order to implement new measures.

As announced, the new order implements various measures relating to entry, residence, social rights, and professional activities of/by U.K. nationals in France at the time of a no-deal Brexit and those who enter France subsequently.<sup>1</sup>

This order shall enter into force on the date of the withdrawal of the United Kingdom from the European Union (EU) in case of a no-deal Brexit.

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### WHY THIS MATTERS

After Brexit, U.K. citizens are no longer EU citizens and thus can no longer claim residence in an EU or European Economic Area (EEA) member state on the basis of the EU treaty. As a result, they will be subject to rules and conditions similar to those afforded third-country nationals in France and the rest of the EU. The measures the French government is planning should help address many of the uncertainties and concerns in respect of U.K. citizens living and working in France in the event of a no-deal Brexit and aim to help clarify and assure their rights following March 29, 2019.

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### Context

Two Brexit scenarios are possible:

- Exit with withdrawal agreement: a 21-month transitional period will be in place providing the same rights and obligations in the EU – until December 31, 2020.

- Exit without withdrawal agreement: the transitional period of 21 months does not apply and the EU rules will be no longer be applicable to U.K. citizens.

At this stage, British Prime Minister Theresa May is trying to persuade her European colleagues to amend the Withdrawal Agreement<sup>2</sup> in order to be able to secure enough votes for it to be approved by a majority in the House of Commons. If there is no agreement on the withdrawal of the United Kingdom from the EU, the U.K. will leave the EU with no deal on March 29, 2019.

## Who Is Concerned? What Are the Measures?

The measures taken by the French government concern U.K. nationals who regularly reside in France on the date of withdrawal from the EU (March 29, 2019). The new measures are as follows:

1. The U.K. national must submit a residence permit application to be authorized to reside and work in France. An authorized period to submit the residence permit application will be fixed by a decree. The period during which the residence permit application should be submitted would be of at least three months after the date of withdrawal and up to one year from the date of withdrawal of the United Kingdom.

This period will allow U.K. nationals to “regularize” their situation after the no-deal Brexit.

2. Delivery of a French residence permit, without a long-stay visa or a work permit required, for U.K. citizens who reside in France will occur as follows:

- Such individuals who are in France for less than five years at the moment of withdrawal of the U.K. (for study, accompany family, work or long stay visit) will be able to obtain a residence permit that will allow them to both stay and work in France. The residence permit will have the reason of the individual’s stay in France stipulated and should be valid from one to four years depending on the status in France of the individual.
- Such individuals who are in France for more than five years at the moment of withdrawal of the United Kingdom, will obtain a residence card that is valid for 10 years.

In both cases, a deadline for submitting the residence permit application will be fixed by decree. Specific documents will be requested in each situation.

It is important to note that the order includes a reciprocity clause allowing the suspension of its application if the United Kingdom does not adopt equivalent measures.

## Next Steps

This situation remains very fluid at this stage and Fidal will endeavor to keep readers informed when additional measures are adopted and as developments occur.

## FOOTNOTES:

- 1 To see (in French) *Ordonnance n° 2019-76 du 6 février 2019* in the *Journal Officiel n°0032 du 7 février 2019 texte n° 30*, click [here](#).
- 2 See “[Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, as agreed at negotiators’ level on 14 November 2018](#),” on the Web site for the European Commission. Also see the European Commission’s Press Release “[Joint statement on behalf of President Juncker and Prime Minister May](#)” (7 February 2019).

## Contact us

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