

GMS Flash Alert



Immigration Edition

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France - Government Plans Steps in Case of No-Deal Brexit

On January 17, 2019, 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 starting March 30, 2019, and the impact that would have on U.K. nationals in France and French nationals in the United Kingdom.¹

WHY THIS MATTERS

After Brexit, U.K. citizens are no longer European Union (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 that are planned 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; though much remains to be filled out and clarified. This is also of considerable importance for French companies that employ U.K. citizens in France.

Background

The U.K. decided to leave the European Union following a referendum vote in June 2016. After triggering article 50 of the European Union treaty in March 2017, the U.K. set its departure in motion with a target "Brexit" date of March 29, 2019, after which the country will no longer be a member state of the EU.

Following many months of negotiations, at this stage two scenarios are possible:

- Exit with withdrawal agreement²: a 21-month transitional period providing the same rights and obligations in the EU – until December 31, 2020 – would be in place.

- Exit without withdrawal agreement: the transitional period of 21 months does not apply and EU rules will be no longer applicable following March 29, 2019.

Either of the two scenarios is still possible, but the French government is preparing to adopt the necessary transitional measures in the event of a no-deal Brexit.

Measures in Event of No-Deal Brexit

Right of Entry and Right of Residence in France of British Nationals

British nationals will become third-country nationals and will be subject to common law, that is to say that they will have to meet the requirements to present a visa to enter France and to apply for a residence permit if they intend to reside in France. The residence permit is needed for each stay longer than three months. The same rules should apply to British citizens already residing in France.

Employment of British Nationals Legally Exercising an “Employee Activity” in France on Date of Withdrawal

British nationals who have a French employment contract may be required to obtain a work authorization, similar to what is requested of third-country nationals as per the French labor code.

Application to British Nationals Legally Residing in France on Date of Withdrawal of Social Rights and Social Benefits Legislation

European rules 883/04 regarding the coordination of social security regimes and the application rules 987/09 will no longer apply to U.K. nationals in France (and other EU member states) and to EU nationals (including French nationals) in the United Kingdom. New rules should be implemented to secure the rights of British nationals. We do not know at this stage which rules will apply.

FIDAL NOTE

According to French Prime Minister Edouard Philippe³, the French government will implement five orders to facilitate the rights and residence of British citizens for a period of one year after March 29, 2019, in order to give them some “breathing room” to regularize their situations in France should they decide to stay. This measure will be set up only if reciprocity is applied in the U.K. for French citizen expatriates.

At this stage, we are expecting updated measures to be forthcoming from the French government, EU member states, and the U.K. government.

It is a good idea for employers with U.K. nationals living and working in France and those with French nationals living and working in the U.K. to begin consultations with their global mobility service providers and immigration counsel to prepare for various contingencies.

FOOTNOTES:

1 Law n° 2019-30 of January 19, 2019, authorizing the French government to take the measures of preparation of the exit of the U.K. from the EU / *Loi n° 2019-30 du 19 janvier 2019 habilitant le Gouvernement à prendre par ordonnances les mesures de préparation au retrait du Royaume-Uni de l'Union européenne*. To see the text of the law published in France's Official Journal (*Journal Officiel*, no. 0017, 20 janvier 2019 (NOR: EAEX1825542L)) (in French), click [here](#).

For additional information (in French), see the [webpage](#) of the French *Sénat*.

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 website for the European Commission.

3 See on the prime minister's Web site (in French), the 17 January 2019 video, "[Un plan pour préparer la France à la sortie "sans accord" du Royaume-Uni de l'Union européenne](#)."

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