

GMS Flash Alert

Immigration Edition

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France – Entry Measures and Temporary Protection for People Fleeing from Ukraine

To help people fleeing Ukraine, the French authorities, in large part guided by decisions at the European Union (EU) level, have introduced measures/policies aimed at aiding the entry of and establishing the rights of Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date.

(For related coverage, see [GMS Flash Alert 2022-045](#), 4 March 2022.)

WHY THIS MATTERS

The war between Russia and Ukraine has given rise to a significant departure of individuals from Ukraine. Specific rules have been put in place in the countries of European Union. The new rules should facilitate the movement and entry of individuals coming from Ukraine into countries of the European Union and their settlement in those countries, if they wish. In this *GMS Flash Alert* we cover France's response.

Immigration counsel, global-mobility professionals, and companies with employees (and their families) relocating as they flee danger in Ukraine, will want to be aware of the rules intended to address displaced persons resulting from the war in Ukraine.

General Measures Influenced by the European Union

Do Ukraine Nationals Need a Visa to Enter France?

Ukrainians with biometric passports do not need a visa to enter the Schengen Area and therefore to enter France.

For Ukrainians wishing to enter France with a biometric passport, they should know that it is not required to apply for a

visa to consular authorities.

Ukrainians without a biometric passport can go to a consular post in a country bordering Ukraine (for example Poland, Romania, Hungary, etc.) so that their situation can be assessed to determine how best – and whether – to obtain a visa or a pass to enter France.

Ukrainians with biometric passports are allowed to stay up to 90 days after they enter the Schengen Area.

If their stay in France is extended beyond 90 days, and/or they need accommodation, they can go to the prefecture of the department in which they arrived, to extend their right to stay. Also, at the prefecture, they can ask for protection if they so wish.

On 4 March 2022, the European Council adopted the entry into force of the European directive 2022/382¹ introducing a system of temporary protection in case of a mass influx of displaced persons from Ukraine. This system is different from the asylum status which is in place in France since it offers immediate protection with certain rights for all individuals coming from Ukraine and this status is temporary. (For related coverage, see the following issues of *GMS Flash Alert*: [GMS Flash Alert 2022-045](#) (4 March 2022) and [GMS Flash Alert 2022-064](#) (18 March 2022).)

Temporary Protection Status

Temporary protection in France is effective from 4 March 2022, and is valid for one year. It has been notified by an instruction dated 10 March 2022.²

The conditions for obtaining temporary protection in France:

- Ukrainian nationals residing in Ukraine before 24 February 2022;
- Ukrainian nationals who, on this date, were on the territory of a member state of the European Union or a partner state and whose permanent residence is in Ukraine;
- Non-Ukrainian nationals who benefit from protection (international or equivalent national) granted by the Ukrainian authorities;
- Non-Ukrainian individuals with a valid permanent residence permit issued by the Ukrainian authorities who are not able to return to their country of origin in a safe and sustainable manner;
- Family member of a person falling under one of the previous cases (family members are: spouse, unmarried minor children, and dependent relatives).

Few situations are listed in the French instruction dated 10 March 2022, indicating that certain persons cannot ask for a temporary protection (for example when the situation of the person is against the public order).

Ukrainian nationals who hold a residence permit in France which will expire soon are invited to present themselves at the préfecture in order to assess their own situations. Also, non-Ukrainian nationals who can return to their country of origin under safe conditions are not supposed to ask for temporary protection. Their right to reside in France may be analysed by the French authority.

The rights allowed by temporary protection are:

- The issuance of a temporary residence permit on French territory for a period of six months, bearing the mention “beneficiary of temporary protection.” This authorisation will be renewed during the period of validity of the decision of the Council on Temporary Protection.

- The payment of the asylum-seeker's allowance depending on the conditions of resources and family situation;
- The authorisation to exercise a professional activity when the work permit is obtained;
- The right to access medical care;
- Schooling for minor children;
- Support for housing.

To ask for temporary protection, the Ukrainian nationals are invited to go to the local prefecture of the department where they live or are staying with the documents in their possession justifying their situation (passport, place of stay) and accompanied by their family members.³

Note: Regarding a refugee's health situation, the European Commission indicated that the lack of travel documents or medical documents (certificate of vaccination, COVID-19 test) should not be an obstacle to entering the EU. Consequently, the general COVID-19 travel restrictions/formalities should not be applicable when entering European countries and France.

FOOTNOTES:

1 Council implementing decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection.

2 Instruction NOR: INTV2208085 dated 10 March 2022, notifying the decision of the Council of the European Union of 4 March 2022 on Directive 2001/55/EC.

3 See: www.interieur.gouv.fr/actualites/dossiers/situation-en-ukraine/you-wish-to-apply-for-temporary-protection-in-france.

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Contact us

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The information contained in this newsletter was submitted by the KPMG International member firm in France.

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