

French government publishes no-deal Brexit decree for UK citizens living in France

Decree 2019-264 dated 2 April 2019 was published in the *Journal Officiel* on 3 April. It sets out the residence rules for UK citizens living in France in the event of a no-deal exit from the European Union by the UK. What you are reading is an unofficial overview only - for authoritative information, the decree itself can be consulted [here](https://www.legifrance.gouv.fr/eli/decret/2019/4/2/INTV1907962D/jo/texte)

If the UK leaves the EU with the Withdrawal Agreement in place, none of the following will apply. Unless an extension is granted by the European Council, the date of the UK's exit is expected to be 12 April 2019 at midnight CET.

If the UK leaves the EU with no Withdrawal Agreement in place, the following will apply.

Provided we already reside legally in France, we shall keep that right for one year from the date of the no-deal Brexit to continue to live and work in France, but we must apply for a new-style non-EU residence permit within six months of that no-deal Brexit date.

Many details of how this will happen remain unresolved. Among these is the question of how *préfectures* are going to organise themselves to be able to process a couple of hundred thousand applications in a year or less. However, the good news is that the new procedures require less documentation than was necessary for the EU citizens' *carte de séjour permanent*.

In all cases, applicants for the new-style non-EU residence permit must show a current UK passport and provide a recent identity photograph of the regulatory size (3.5 cm x 4.5 cm) and type, and pay a fee of 100 euros.

Holders of a current EU citizens' *carte de séjour permanent*

Those of us who already hold this type of card will be able to exchange it for a new-style non-EU residence permit by presenting it along with their passport.

Less than five years' residence in France

Those who have lived legally in France for less than five years but who do not hold a EU citizens' *carte de séjour permanent* will have to apply for a new-style card, which will involve providing proof of their arrival date in France and:

- for salaried workers, a copy of their employment contract and a salary slip less than three months old;
- for the self-employed, proof of having registered as such with the appropriate French authority, and proof of having sufficient resources to live (depending on individual circumstances, such as whether or not one owns

one's own home); the sufficient resources condition will be not higher than the level of the RSA (*Revenu de solidarité active*);

- pensioners (who are included in the "others" category) must similarly prove that they have sufficient resources, as above, and that they have healthcare cover (*carte Vitale*);
- previously salaried workers in France, or former students in France, who are now jobseekers must prove that they are registered with Pôle Emploi, that they have healthcare cover (*carte Vitale*) and provide salary slips proving at least three months' work in the year preceding the application; former students who intend to create a business here must also provide a copy of their diploma;
- current students must provide certification of being registered in an educational institution and, if they have been students for more than one year, proof of their assiduity and of the real and serious nature of their studies;
- non-British family members must prove their link to the family and demonstrate how their living arrangements are organised and financed.

More than five years' residence in France

UK nationals in this category will have to prove their date of arrival in France (unless they have already held one or more *carte(s) de séjour*, which would prove their date of arrival) and provide proof of having sufficient resources, depending on individual circumstances, such as whether or not one owns one's own home. The sufficient resources condition will be not higher than the level of the RSA (*Revenu de solidarité active*). Those in this category must also show that they have healthcare cover (*carte Vitale*).

The BCC and British in Europe will monitor closely the implementation of this scheme and remain in contact with the Ministry of the Interior and the British Embassy.