

Client Alert – 30 Dec. 2020

**Brexit and professional immigration
What changes on 1st January 2021.**

The transition period provided for by the United Kingdom's withdrawal agreement from the European Union will end on 31st December 2020. This Client Alert lists the main changes concerning the entry and stay of the British nationals in France as of 1st January 2021, and the next deadlines.

Two main categories should be distinguished:

- British nationals already residing in France on 31st December 2020, and who are covered by the provisions of the Withdrawal Agreement.
- British nationals who will travel or settle in France as of 1st January 2021.

For British nationals already residing in France on 31st December 2020

Before 30 June 2021

Applications for a “withdrawal agreement” residence permit can be submitted since October 2020 by British nationals who settled in France before 1st January 2021.

These residence permit applications can be filed until 30 June 2021, by providing, among other documents, proof of residence in France in 2020.

The applications are filed online on a dedicated website, and then lead to an in-person appointment with the local authorities for the collection of fingerprints and of an ID photo, that will launch the manufacturing of the residence permit.

Four types of documents are issued:

- The residence permit marked "Article 50 TEU / Article 18 (1) Agreement on the withdrawal of the United Kingdom from the EU" for British nationals residing in France for less than five years,

- The residence permit marked "Permanent stay - Article 50 TEU / Article 18 (1) Agreement on the withdrawal of the United Kingdom from the EU" for British nationals residing in France for more than five years,
- The circulation document marked "Article 50 TEU - Frontier worker / Agreement on the withdrawal of the United Kingdom from the EU - Non-resident" for frontier workers, not residing in France but working there.
- A 6-month Provisional Residence Authorization for British nationals who entered France before 31st December 2020 to look for a job.

From October 2021

Only from October 2021 will the British nationals be required to be in possession of such a document. Until that date, provided that they were already residing in France by 31 December 2020, British nationals have the right to stay and work in France without being in possession of a residence permit.

Specific provisions for posted workers

Posted workers are not covered by the withdrawal agreement and therefore cannot apply for a "withdrawal agreement" residence permit. The French Ministry of Interior very recently confirmed that the British nationals, whose secondment contract began before 1st January 2021 and continues after that date, will be authorized to continue their assignment until the end of the period initially provided for in their contract. No work permit will be necessary within the framework and the duration of the assignment initially planned. They will however, like any British national, be required to have a residence permit from 1st October 2021. More detailed information on the procedure that will enable them to obtain the residence permit is expected to be communicated at the beginning of January by the Ministry of Interior.

British nationals traveling or settling in France from 1st January 2021

From 1st January 2021, British nationals traveling or settling in France will be subject to the same provisions as other third-country nationals.

For stays of 90 days or less

British nationals will be able to travel to France and the other Schengen countries for stays of up to 90 days per period of 180 days. A visa will not be required and they will be able to enter France on the basis of their valid passport.

The 180-day period is a floating period. At any time during the stay, looking back 180 days, one must not have exceeded 90 days in the Schengen Area. When crossing the border, British nationals should be able to present the supporting documents usually required for any third-country national, depending on the reason for their trip (resources, accommodation, travel insurance, etc.).

For long stays (more than 90 days)

British nationals will be subject to long-stay visas as other third-country nationals. Long-stay visa applications can be applied for as of 1st January 2021 at the French Consulate in London, or any other relevant French Consulate depending on the British applicant's country of residence.

After arrival in France, they will have to apply for a residence permit at the Prefecture having jurisdiction over their address of residence. If a VLS-TS (long-stay visa equivalent to a residence permit) is issued, its online validation will replace the residence permit application.

Work permits

British nationals arriving in France from 1st January 2021 will be subject to a work permit under the same conditions as those already applicable for third country nationals.

For more information, you can reach out to your usual contact at Karl Waheed Avocats or send an inquiry at cabinet@karlwaheed.fr. We can assist you in determining the applicable process, timing and actions to be taken for your mobility projects from the UK to France.

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