

MINISTÈRE DE L'INTÉRIEUR  
[FRENCH MINISTRY OF THE INTERIOR]

**Decree n° 2020-1417, dated 19<sup>th</sup> November 2020, concerning the entry, residence, occupational activity and social rights of foreign nationals covered by the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.**

OFFICIAL TEXT N° : INTV2006268D

*Public concerned* : British nationals residing regularly in France prior to January 1<sup>st</sup> 2021 and continuing to do so or engaged in some gainful activity in France before the above-mentioned date as cross-border workers and continuing this activity ; members of their family ; administrative services in charge of residency, social rights and foreign workers.

*Subject* : measures for the implementation, in France, of the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, regarding the entry, residence and occupational activity of the beneficiaries of this agreement.

*Entry into force* : the decree will come into effect on the day following its publication.

*Summary* : the decree incorporates, into French national legislation, the provisions of the agreement on the withdrawal of the United Kingdom from the European Union concerning the right of entry, of residence, of access to work and to social rights. It defines the conditions and procedures for application for and issuance of a residence permit or travel document, for retention of status, for equality of treatment as regards social or employment rights and for guaranty and limitation of social rights.

*References* : the decree may be consulted on the French Légifrance website (<https://www.legifrance.gouv.fr>).

The Prime Minister

*Acting upon* the report from the Minister of the Interior ;

*In pursuance of* the Treaty on European Union, and notably article 50 thereof ;

*In pursuance of* the Treaty on the Functioning of the European Union, and notably articles 21, 45 and 49 thereof ;

*In pursuance of* the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, published on 17<sup>th</sup> October 2019 ;

*In consideration of* Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States ;

*In application of* the French Social Action and Family Code, and notably article L.262-58 thereof ;

*In application of* the French Building and Housing Code, and notably articles L.300-1 and L.441-2-9 thereof ;

*In application of* the French Code governing Entry and Residence of Foreigners and the Right of Asylum ;

*In application of* the French Social Security Code, and notably article L.111-2-3 thereof ;

*In application of* the French Labour Code, and notably article L.5221-11 thereof ;

*In pursuance of* French law n° 87-563, dated 17<sup>th</sup> July 1987, reforming the old-age insurance scheme applicable to Saint-Pierre and Miquelon ;

*In pursuance of* ordinance n° 77-1102, dated 26<sup>th</sup> September 1977, extending and adapting various measures on social affairs for the overseas *département* of Saint-Pierre and Miquelon ;

*In pursuance of* ordinance n° 96-1122, dated 20<sup>th</sup> December 1996, on the improvement of public health, on health, maternity, death and disability insurance, on the financing of social security in Mayotte and on social security funding for Mayotte ;

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*ne varietur* – I the undersigned, A.J.F. Millar, sworn translator and expert to the Court of Appeal of Aix-en-Provence, do here set my hand, stamp and raised seal to certify the above an exact translation of the original in French submitted to me.

Marseille, 25<sup>th</sup> November 2020. Document reference n° 3301 / 2020. Page 1 of 12

*In pursuance of ordinance n° 2000-371, dated 26<sup>th</sup> April 2000, on the conditions for entry and residence of foreign nationals in the Wallis and Futuna Islands ;*

*In pursuance of ordinance n° 2000-372, dated 26<sup>th</sup> April 2000, on the conditions for entry and residence of foreign nationals in French Polynesia;*

*In pursuance of ordinance n° 2002-149, dated 7<sup>th</sup> February 2002, concerning extension and generalisation of family benefits and social protection in the territorial collectivity of Mayotte ;*

*In pursuance of ordinance n° 2002-388, dated 20<sup>th</sup> March 2002, on the conditions for entry and residence of foreign nationals in New Caledonia ;*

*In pursuance of ordinance n° 2002-411, dated 27<sup>th</sup> March 2002, on health and social protection in Mayotte ;*

*In pursuance of decree n° 2010-1433, dated 19<sup>th</sup> November 2010, on the entry and residence, in the Wallis and Futuna Islands, of the citizens of the European Union mentioned in article 13 of the ordinance n° 2000-371 of 26<sup>th</sup> April 2000 and their family members ;*

*In pursuance of decree n° 2010-1434, dated 19<sup>th</sup> November 2010, on the entry and residence, in French Polynesia, of the citizens of the European Union mentioned in article 14 of the ordinance n° 2000-372 of 26<sup>th</sup> April 2000 and their family members ;*

*In pursuance of decree n° 2010-1436, dated 19<sup>th</sup> November 2010, on the entry and residence, in New Caledonia, of the citizens of the European Union mentioned in article 14 of the ordinance n° 2002-388 of 26<sup>th</sup> April [sic. read 20<sup>th</sup> March] 2002 and their family members ;*

*In consideration of the opinion expressed by the government of New Caledonia on 7<sup>th</sup> July 2020 ;*

*In consideration of the opinion expressed by the government of French Polynesia on 9<sup>th</sup> July 2020 ;*

*In consideration of the opinion expressed by special technical committee of French prefectures on 15<sup>th</sup> October 2020 ;*

*In consideration of the opinion expressed by the government of New Caledonia on 7<sup>th</sup> July 2020 ;*

*In the light of the referral to the executive committee of Saint-Barthélemy on 12<sup>th</sup> June 2020 ;*

*In the light of the referral to the executive committee of Saint-Martin on 12<sup>th</sup> June 2020 ;*

*In the light of the referral to the territorial assembly of the Wallis and Futuna Islands on 16<sup>th</sup> June 2020 ;*

*And after consultation with the French Council of State (Conseil d'État) (Internal Affairs Division)*

hereby decrees as follows :

#### CHAPTER I

##### **RIGHTS OF ENTRY AND RESIDENCE OF BRITISH NATIONALS AND THEIR FAMILY MEMBERS DURING THE TRANSITION PERIOD STIPULATED IN ARTICLE 126 OF THE AGREEMENT ON THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY**

**Article 1** – Until 31<sup>st</sup> December 2020, a British national holding a valid passport shall be considered and treated, for admittance into French territory, as one of the nationals mentioned in the opening paragraph of article R.121-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum.

Until the above-mentioned date, any member of his or her family as defined in section II of Book I of the said code, who is neither British nor a national of the European Union or of another state within the European Economic Area or of the Swiss Confederation, shall be admitted into French territory under the conditions stipulated in articles R.121-1 to R.121-2-1 of the said Code.

**Article 2** – Until the date stated in article 1, British nationals and their family members shall continue to benefit from the provisions concerning right of residence indicated in section II of Book I of the said Code. Until this date, they will continue to enjoy all their social entitlements and keep their right to pursue an occupational activity as provided for under article 24 of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

#### CHAPTER II

##### **BENEFICIARIES OF A RIGHT OF ENTRY AND RESIDENCE UNDER THE 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 OF JANUARY 1<sup>ST</sup> 2021**

**Article 3** – Articles 5 to 33 of this decree apply to foreign nationals falling within the following categories :

- 1° Any British national who exercised the right to reside in France under the conditions stipulated in section II of Book I of the French Code governing Entry and Residence of Foreigners and the Right of Asylum prior to January 1<sup>st</sup> 2021 and continues to reside in France thereafter ;

- 2° Any British national, residing in France prior to January 1<sup>st</sup> 2021 and continuing to do so thereafter, who is the spouse or partner of a French national. A spouse must furnish proof of a marriage bond created prior to January 1<sup>st</sup> 2021 and a partner must supply proof of a lasting and duly substantiated relationship as a couple prior to January 1<sup>st</sup> 2021.
- 3° Any family members of a British national, who exercised the right to reside in France prior to January 1<sup>st</sup> 2021 and continue to reside in France thereafter or who began proceedings before this date to join the said national by applying for a visa from the consular authorities, if required, on condition that they satisfied before this date and continue to satisfy at the date of their application one of the following conditions :
- a) they are a direct descendant, aged below twenty-one or dependent on the British national mentioned in paragraph 1° or paragraph 5°, or the latter's direct and dependent ascendant, spouse, partner in a lasting and duly substantiated relationship as a couple or a direct and dependent ascendant or descendent of his or her spouse ;
  - b) they are, in the country from which they come, dependent on the British national mentioned in paragraph 1° or paragraph 5°, or part of his or her household or imperatively in need of the personal support of the said British national for serious medical reasons ;
- 4° Family members satisfying condition a) of paragraph 3° and joining, in France, the British national mentioned in paragraph 1° as of January 1<sup>st</sup> 2021, if :
- a) their family relationship was already established before this date and still continues at the date of the application for a residence permit ;
  - b) or if they were born of a person mentioned in paragraph 1° or if they have been legally adopted by this same person as of January 1<sup>st</sup> 2021 ;
  - c) or if the British national residing in France has sole or joint custody of them ;
- 5° Any British national engaged in some gainful activity in France as a cross-border worker prior to January 1<sup>st</sup> 2021 and pursuing this activity thereafter while residing in another member state of the European Union, in another state within the European Economic Area, on the territory of the Swiss Confederation or in the United Kingdom.

**Article 4** – British nationals and their family members who do not fall within the compass of article 3 will be subject, as of January 1<sup>st</sup> 2021, to the provisions of sections II and III of Book I or those of Book III of the French Code governing Entry and Residence of Foreigners and the Right of Asylum.

### CHAPTER III

#### RIGHTS OF ENTRY AND RESIDENCE FOR A MAXIMUM DURATION OF 90 DAYS AFTER JANUARY 1<sup>ST</sup> 2021

**Article 5** – As of January 1<sup>st</sup> 2021 and until 30<sup>th</sup> September 2021, if they do not already hold a residence permit (*titre de séjour*) or a travel document (*document de circulation*) issued under the conditions fixed in this decree, the British nationals defined in article 3 shall be entitled, subject to the provisions of article 28, to enter France if they hold a valid passport and documents proving that they benefit from the Withdrawal Agreement. As of October 1<sup>st</sup> 2021, these nationals must hold a valid passport and, depending on the case, a residence permit or a travel document to enter France.

As of January 1<sup>st</sup> 2021, the family members of a British national as defined in paragraphs 3° and 4° of article 3, who are neither British nationals nor citizens of the European Union nor nationals of another state within the European Economic Area or of the Swiss Confederation, shall be admitted, subject to the provisions of article 28, into French territory if they hold a valid passport, a residence permit issued by France bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the European Union » or an entry visa, unless they are exempted from holding such papers on grounds of their nationality.

When required, the entry visa will be issued free of charge by the consular authority, as promptly as possible and within the scope of an accelerated or 'fast-track' procedure, upon proof of the family relationship. Every facility will be granted for obtaining this visa.

**Article 6** – As of January 1<sup>st</sup> 2021, so long as they do not become an unreasonable burden on the social assistance system, the family members of a British national as defined in paragraph 4° of article 3 shall be entitled to reside in France for a maximum duration of three months without conditions or formalities other than those stipulated in article 5 of this decree for entry into French territory.

**CHAPTER IV****GENERAL PROVISIONS GOVERNING APPLICATIONS FOR A RESIDENCE PERMIT**

**Article 7** – When aged over eighteen and residing in France, the British nationals and their family members defined in paragraphs 1° to 4° of article 3 shall be issued residence permits under the conditions stipulated in articles 8 to 25, 27 and 28 of this decree.

They must be in possession of this residence permit as of October 1<sup>st</sup> 2021. Before this date and if they reside in France, the British nationals mentioned in paragraphs 1° to 4° of article 3 enjoy the right of residence without holding a residence permit, together with the right to pursue an occupational activity and to exercise the resulting social rights.

**Article 8** – If they resided in France before January 1<sup>st</sup> 2021 and if they were of full age [*i.e.* 18 in France] at that date, the British nationals and their family members defined in paragraphs 1°, 2° and 3° of article 3 must submit an application for a residence permit before July 1<sup>st</sup> 2021. The family members defined in paragraph 4° of article 3 must submit their application within three months of their entry into France or, if later, before July 1<sup>st</sup> 2021.

If they reside in France, the foreign nationals mentioned in article 3 who reach eighteen after 31<sup>st</sup> December 2020 must submit their application for a residence permit in the course of the year following their eighteenth birthday. If they state that they wish to pursue some occupational activity, however, they may submit their application between their sixteenth and their eighteenth birthdays.

When the time-limit for submission of the application for a residence permit stipulated in the preceding paragraphs is not respected, foreign nationals may nonetheless be authorised to submit their application within a reasonable additional time-frame if legitimate reasons are furnished to justify the failure to comply with the initial time-limit.

**Article 9** – A certificate proving that the application has been submitted [*attestation de dépôt*] will be issued immediately to any person applying for a residence permit on the basis of this decree.

**Article 10** – Residence permits issued or renewed under the conditions fixed by this decree will entitle the holders, as of their issuance, to exercise any occupational activity of their choosing within the scope of applicable legislation.

**Article 11** – The initial issuance of a residence permit on the basis of this decree is neither contingent upon presentation of the long-stay visa mentioned in paragraphs 1° and 2° of article L.311-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum nor upon submission of the medical certificate indicated in paragraph 3° of article R.313-1 of the said Code.

Residence permits are issued or renewed under the conditions fixed in this decree free of charge.

**CHAPTER V****RIGHT OF RESIDENCE FOR BRITISH NATIONALS AND THEIR FAMILY MEMBERS  
RESIDING REGULARLY IN FRANCE FOR LESS THAN FIVE YEARS**

**Article 12** – When they meet the conditions set by this decree and subject to the provisions of its article 28, the foreign nationals defined in article 3 and residing in France for less than five years will benefit from a residence permit bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU ». This permit will be valid for five years as of its date of issuance.

An order from the minister in charge of Immigration will determine the list of substantiating documents which these foreign nationals must furnish.

**Article 13** – British nationals residing in France for less than five years and exercising some occupational activity in France—whether employed or self-employed—as defined in paragraph 1° of article L.121-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum, will automatically benefit from the residence permit mentioned in article 12 above.

They will keep their residence permit :

- 1° if affected by any temporary inability to work resulting from illness or accident ;
- 2° if they find themselves involuntarily unemployed, as duly proven, after having exercised their occupational activity and are registered on the official list of job-seekers ;
- 3° if they engage in professional training.

**Article 14** – All British nationals who have been residing in France for less than five years and possessing, for themselves and their family members, as defined in paragraphs 3° and 4° of article 3, sufficient resources so as not to become a burden on the social assistance system and holding health insurance fulfilling the conditions set in the second, third and fourth paragraphs of article R.121-4 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum, will automatically benefit from the residence card mentioned in article 12 above.

**Article 15** – Any British national who has been residing in France for less than five years and is registered in an establishment, operating in accordance with current legislation and regulations, to primarily pursue a course of studies there, including professional training, will automatically benefit from the residence card mentioned in article 12 above.

**Article 16** – Family members, as defined in paragraphs 3° and 4° of article 3, who have been residing in France for less than five years, will automatically benefit from the residence card mentioned in article 12 above.

When they are dependent on a British national prior to January 1<sup>st</sup> 2021, their right of residence is not contested if this dependence ceases after this date.

Any British national, as defined in paragraph 2° of article 3, who has been residing in France for less than five years and is the partner of a French national, will automatically benefit from this same residence card.

**Article 17** – Residence permits for British nationals allowed residence as a family member, as defined in paragraphs 3° and 4° of article 3, will be continued or issued :

- 1° in the event of the decease of the British national who was accompanied or joined or if the latter leaves France ;
- 2° in the event of their divorce from or the annulment of their marriage with the British national who was accompanied or joined.

**Article 18** – Residence cards for foreign nationals who, not being British nationals, were allowed residence as a family member, as defined in paragraphs 3° and 4° of article 3, will be continued or issued :

- 1° in the event of the decease of the British national who was accompanied or joined and on condition that they established their residence in France as a member of the said British national's family more than one year before this decease ;
- 2° in the event of their divorce from or the annulment of their marriage with the British national who was accompanied or joined :
  - a) when the marriage lasted at least three years prior to the inception of the judicial procedure for divorce or annulment, with at least one of these years in France ;
  - b) or when custody or access to the children of the British national who was accompanied or joined has been granted to them in their capacity as marriage partner, whether by agreement between spouses or court decision ;
  - c) or when particularly difficult circumstances require this, notably in the case of victims of domestic violence or spousal abuse.

In order to benefit from the renewal of their residence card or for acquisition of the right to permanent residence provided for in article 21, the foreign nationals mentioned in the opening paragraph above must be, they themselves, within one of the situations described in the opening paragraph of article 13, in article 14 or in article 15.

**Article 19** – In the event of the decease of the British national who was accompanied or joined or if the latter leaves France, the children and the family member who has custody of them keep their right of residence until these children complete their schooling in a French secondary educational establishment.

**Article 20** – Subject to the provisions of article 28, foreign nationals having obtained a residence card in application of articles 13 to 16 are entitled to renewal thereof, as of right, by justifying that they continue to satisfy the conditions laid down for its initial issuance or that they fulfil the conditions for continuance of a residence card stipulated in articles 13, 17, 18 or 19.

## CHAPTER VI

### RIGHT OF PERMANENT RESIDENCE FOR BRITISH NATIONALS AND THEIR FAMILY MEMBERS

**Article 21** – Subject to the provisions of article 28, a residence card with a validity of ten years, indicating « Permanent residence - Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » will be issued as of right to those foreign nationals defined in paragraphs 1° to 4° of article 3 if they fulfil one of the following conditions :

- 1° they were issued, prior to January 1<sup>st</sup> 2021, with a permanent residence card in application of article L.122-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum ;
- 2° they have resided in France for five years and continue to regularly reside here in compliance with the provisions of articles 13 to 19.

In the event of an absence from French territory for a period not exceeding five consecutive years prior to the end of the period indicated in article 1, the foreign nationals mentioned in this present article do not lose the benefit of entitlement to permanent residence.

**Article 22 – I.** - Any British national defined in paragraph 2° of article 3, who is married to a French national, automatically obtains the residence card described in article 21 on condition that their conjugal life (consortium and cohabitation) has not ceased since the marriage, that the spouse has kept French nationality and, when the marriage was celebrated outside France, that it has been previously recorded in the French civil-status registers.

**II.** – British nationals—whether employed or self-employed—defined in article 13 who cease their professional activity on French territory obtain, as of right, the residence card described in article 21 before the expiry of the five-year residency period :

- 1° when they attain the age fixed by applicable legislation or regulations to claim a retirement pension on condition that they have exercised their occupational activity throughout the last twelve months in France and that they have been residing in France for more than three years ;
- 2° following imposition of early retirement and on condition that they have exercised their occupational activity throughout the last twelve months in France and that they have been residing in France for more than three years;
- 3° following some permanent incapacity to work and on condition that they have been residing in France for more than two years ;
- 4° following some permanent incapacity to work and without the condition of duration of residence if this incapacity results from a workplace accident or an occupational disease giving entitlement for the person concerned to a pension from a social security organisation ;
- 5° after three years of activity and residence in France, in order to pursue some employed or self-employed occupational activity on the territory of another member state of the European Union, of another signatory state of the Agreement on the European Economic Area, of the Swiss Confederation or of the United Kingdom, on condition to maintain their residence on French territory and to return there at least once a week.

The periods of activity thus pursued on the territory of another member state of the European Union, of another signatory state of the Agreement on the European Economic Area, of the Swiss Confederation or of the United Kingdom are considered as exercised in France for acquisition of the rights described in paragraphs 1° to 4°.

Also considered as periods of employment are periods of involuntary unemployment duly substantiated by an appropriate employment authority, periods of interruption in employment for reasons beyond the control of the person in question together with absence or stoppage of work for reasons of illness or accident.

**III.** – The family members defined in paragraphs 3° and 4° of article 3 who reside with a British national mentioned in article 13 exercising an occupational activity will obtain, as of right, the residence card described in article 21 before the expiry of the five-year residency period :

- 1° if the worker himself or herself benefits from the right of permanent residence in application of section II ;
- 2° if the worker deceases either as a result of a workplace accident or as the outcome of an occupational disease or after having resided regularly and continuously in France for at least two years.

**Article 23** – In the event of absence from French territory throughout a period of more than five consecutive years, the residence card issued in application of articles 21 and 22 ceases to be valid.

**Article 24** – Any foreign national holding a residence permit issued in application of articles 21 and 22 obtains renewal thereof, as of right, subject to the provisions of article 28.

## CHAPTER VII

### RESIDENCY TO SEEK EMPLOYMENT

**Article 25** – Subject to the provisions of article 28, British nationals who enter or entered France before January 1<sup>st</sup> 2021 to seek employment cannot be made to leave on grounds of unauthorised residence when they are able to prove that they continue to seek employment and that they have genuine chances of being hired.

They will benefit from a temporary residence permit bearing the indication « Agreement on the withdrawal of the United Kingdom from the EU », valid for six months and entitling the holder to exercise any occupational activity.

Applications for issuance of this temporary residence authorisation must be filed before July 1<sup>st</sup> 2021. If this deadline is not respected, British nationals may nonetheless be authorised to lodge their applications within a reasonable additional lapse of time if there are well-grounded reasons to substantiate the failure to respect the original deadline.

This temporary residence permit is renewable if the British national continues to seek employment and justifies real chances of being recruited.

The provisions of the opening paragraph of article 5 and of articles 7, 9 and 11 are applicable to these British nationals.

#### CHAPTER VIII

##### EMPLOYED OR SELF-EMPLOYED CROSS-BORDER WORKERS

**Article 26 - I.** – British nationals will continue to enjoy, as employed or self-employed workers, the right to pursue an economic activity in France whilst residing in another member state of the European Union, in another signatory state of the Agreement on the European Economic Area, on the territory of the Swiss Confederation or in the United Kingdom, until 31<sup>st</sup> December 2020.

**II.** – The British nationals defined in paragraph 5<sup>o</sup> of article 3 will receive a travel document bearing the indication « Article 50 TEU – Cross-border worker/Agreement on the withdrawal of the United Kingdom from the EU – Non-resident ».

This document, together with a valid passport, will authorise them to enter and to leave France. It grants the bearer the right to pursue any occupational activity and will remain valid for five years as of its date of issuance.

It must be requested before July 1<sup>st</sup> 2021. If this deadline is not respected, however, British nationals may nonetheless be authorised to lodge their applications for a residence permit [*sic. read perhaps* travel document] within a reasonable additional lapse of time if there are well-grounded reasons to substantiate the failure to respect the original deadline.

The British nationals defined in paragraph 5<sup>o</sup> of article 3 must hold this travel document as of October 1<sup>st</sup> 2021. Prior to this date, they have the right to enter and to leave France without presenting this document, together with the right to pursue any occupational activity and to exercise the resulting social rights.

The provisions of the first paragraph of article 5, those of articles 9 and 11, together with those of the last four paragraphs of article 13 concerning residence cards are applicable to the beneficiaries of this travel document.

#### CHAPTER IX

##### GUARANTEES AND LIMITATIONS OF RIGHT OF ENTRY AND RESIDENCE

**Article 27** – Pending the decision of the appropriate administrative authority, or a final judgment in the case of an appeal against the rejection of an application for a residence card by the administrative authority, but excepting in the case of a fraudulent or unjustified application, the foreign nationals mentioned in article 3 continue to enjoy the right to reside, the right to pursue an occupational activity and to exercise the resulting social rights.

**Article 28** – Entry into French territory and issuance of residence cards and travel documents as provided for in this decree may be refused if the presence of the applicant represents a threat to public policy and order.

If the behaviour underlying this threat is noted before January 1<sup>st</sup> 2021, the entry and the issuance of a residence card or a travel document may be refused on condition that this behaviour represents a genuine, present and sufficiently serious threat to the fundamental interests of society.

#### CHAPTER X

##### EQUALITY OF TREATMENT

**Article 29** – A residence card bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or « Permanent residence - Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or the travel document bearing the indication « Article 50 TEU – Cross-border worker/Agreement on the withdrawal of the United Kingdom from the EU – Non-resident », issued in application respectively of articles 12, 21 and 26 of this decree, constitutes the work permit (*autorisation de travail*) stipulated in paragraph 2<sup>o</sup> of article L.5221-2 of the French Labour Code.

**Article 30** - A residence card bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or « Permanent residence - Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or the travel document bearing the indication « Article 50 TEU – Cross-border worker/Agreement on the withdrawal of the United Kingdom from the EU – Non-resident », issued in application respectively of articles 12, 21 and 26 of this decree, entitles the holder to affiliation with the social security and enjoyment of the social and welfare benefits provided for in Books III, IV, V and VIII of the French Social Security Code, together with entitlement for those members of his or her family as defined in article L.161-1 of the said Code, subject to fulfilment of the conditions set forth in paragraphs 3° and 4° of article 3 of this decree and specific to each benefit concerned.

**Article 31** – In application of section *a*) of paragraph 2° of article L.262-4 of the French Social Action and Family Code, entitlement to 'active solidarity income' (*revenu de solidarité active*) is open—subject to fulfilment of the other conditions stipulated for this benefit—to holders of a residence card bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or « Permanent residence - Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or the travel document bearing the indication « Article 50 TEU – Cross-border worker/Agreement on the withdrawal of the United Kingdom from the EU – Non-resident », issued in application respectively of articles 12, 21 and 26 of this decree.

**Article 32** – For application of the provisions of article R.300-1 and of paragraph 1° of article R.441-1 of the French Building and Housing Code, holders of a residence card bearing the indication « Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or « Permanent residence - Article 50 TEU/Article 18(1) Agreement on the withdrawal of the United Kingdom from the EU » or the travel document bearing the indication « Article 50 TEU – Cross-border worker/Agreement on the withdrawal of the United Kingdom from the EU – Non-resident », issued in application of this decree, are considered to fulfil the conditions of permanent residence in France.

## CHAPTER XI

### FINAL PROVISIONS

**Article 33 – I.** – For the application of this present decree in Mayotte :

- 1° For the implementation of article 30, equivalent provisions are applied in Mayotte to those of the Social Security Code as provided for—according to the case—in the above-mentioned ordinance of 20<sup>th</sup> December 1996, in the above-mentioned ordinance of 7<sup>th</sup> February 2002 and in the above-mentioned ordinance of 27<sup>th</sup> March 2002 ;
- 2° Article 32 is not applicable as regards article R.300-1 of the French Building and Housing Code.

**II.** – The provisions of this decree are applicable in Saint Martin and in Saint Barthélemy, subject to the following amendments :

- 1° In article 2, the reference to article 24 of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States is replaced in Saint Barthélemy with the reference to locally applicable legislation and regulations ;
- 2° In articles 7, 26 and 27, the phrases « right to pursue any occupational activity » or « right to pursue an occupational activity and exercise the resulting social rights » must be completed with the following ending : « , in compliance with locally applicable legislation and regulations » ;
- 3° In article 10, the phrase « within the scope of applicable legislation » is replaced with the phrase : « in compliance with locally applicable legislation and regulations » ;
- 4° In the first paragraph of article 13, after the words « and the Right of Asylum », the following phrase is inserted : « and in compliance with locally applicable legislation and regulations » ;
- 5° In article 29, the words « constitutes the work permit or authorisation mentioned in paragraph 2° of article L.5221-2 of the French Labour Code. » are replaced by the following phrase : « authorises the holder to pursue an occupational activity in compliance with locally applicable legislation and regulations. ».

**III.** – For the application of article 30 in Saint Pierre and Miquelon, equivalent provisions in Saint Pierre and Miquelon are applied to those of the Social Security Code as provided for—according to the case—in the above-mentioned ordinance of 26<sup>th</sup> September 1977 and in the above-mentioned law of 17<sup>th</sup> July 1987.



IV. – The provisions of this decree are applicable in the Wallis and Futuna Islands, subject to the following amendments :

- 1° The references to France or to French territory are respectively replaced by references to the Collectivity or to the territory of the Collectivity ;
- 2° In the second paragraph of article 1 and in articles 2 and 3, the references to the provisions of section II of Book I of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 4, 13 and 13-1 of the above-mentioned ordinance n° 2000-371 of 26<sup>th</sup> April 2000 and to the above-mentioned decree n° 2010-1433 of 19<sup>th</sup> November 2010 ;
- 3° In the second paragraph of article 1 and in articles 3, 5 and 22, the words « or of another state within the European Economic Area or of the Swiss Confederation », « in another state within the European Economic Area, on the territory of the Swiss Confederation », « nor nationals of another state within the European Economic Area or of the Swiss Confederation » or «, of another signatory state of the Agreement on the European Economic Area, of the Swiss Confederation » are deleted ;
- 4° In the second paragraph of article 1, the references to articles R.121-1 to R.121-2-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 1 and 2 of the above-mentioned decree n° 2010-1433 of 19<sup>th</sup> November 2010 ;  
The notion of family member is to be understood as defined in article 3 of this present decree.
- 5° In article 2, the reference to article 24 of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States is replaced by reference to locally applicable legislation and regulations ;
- 6° In article 4, the reference to the provisions of sections II and III of Book I or those of Book III of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced by the reference to articles 4, 13 and 13-1 of the above-mentioned ordinance n° 2000-371 of 26<sup>th</sup> April 2000 and to the decree n° 2010-1433 of 19<sup>th</sup> November 2010 or by reference to the provisions concerning the residence of nationals of third-party countries set forth in the ordinance n° 2000-371 of 26<sup>th</sup> April 2000 and the decree n° 2001-634 of 17<sup>th</sup> July 2001 ;
- 7° In articles 7, 26 and 27, the words « right to pursue an occupational activity and to exercise the resulting social rights » must be followed by the phrase : « in compliance with locally applicable legislation and regulations, » ;
- 8° In article 10, after [*sic. to be deleted*] the words « within the scope of applicable legislation » are replaced with the phrase « in compliance with locally applicable legislation and regulations » ;
- 9° Article 11 is drafted as follows :  
« Article 11 - The initial issuance of a residence permit on the basis of this decree is not contingent upon presentation of the long-stay visa and the applicant is exempted from furnishing a medical certificate. »
- 10° In article 13, the words « as defined in paragraph 1° of article L.121-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum » are replaced with the phrase : « as defined in locally applicable provisions » ;
- 11° In article 14, the references to the second, third and fourth paragraphs of article R.121-4 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by reference to article 13 of the above-mentioned ordinance n° 2000-371 of 26<sup>th</sup> April 2000 ;
- 12° In article 21 :
  - a) The reference to article L.122-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced by reference to section I of article 13-1 of the above-mentioned ordinance n° 2000-371 of 26<sup>th</sup> April 2000 ;
  - b) Article 21 is completed by the following additional paragraph :  
« By way of derogation from the duration of validity indicated in the initial paragraph, the UK national with right of permanent residence is issued with a residence card with a validity of twenty years. »
- 13° In article 29, the words « constitutes the work permit stipulated in paragraph 2° of article L.5221-2 of the French Labour Code. » are replaced by the following phrase : « authorises the holder to pursue an occupational activity in compliance with locally applicable legislation and regulations. » ;

- 14° In article 30, the words « provided for in Books III, IV, V and VIII of the French Social Security Code » are replaced by the phrase « [provided for] by locally applicable legislation and regulations concerning family benefits, social insurance and welfare aids » and the words « those members of his or her family as defined in article L.161-1 of the said Code » are replaced by the phrase « the members of his or her family » ;

15° Articles 31 and 32 are not applicable.

V. – The provisions of this decree are applicable in French Polynesia, subject to the following amendments :

- 1° The references to France or to French territory are respectively replaced by references to the Collectivity or to the territory of the Collectivity ;
- 2° In the second paragraph of article 1 and in articles 2 and 3, the references to the provisions of section II of Book I of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 4, 14 and 14-1 of the above-mentioned ordinance n° 2000-372 of 26<sup>th</sup> April 2000 and to the above-mentioned decree n° 2010-1434 of 19<sup>th</sup> November 2010 ;
- 3° In the second paragraph of article 1 and in articles 3, 5 and 22, the words « or of another state within the European Economic Area or of the Swiss Confederation », « in another state within the European Economic Area, on the territory of the Swiss Confederation », « nor nationals of another state within the European Economic Area or of the Swiss Confederation » or «, of another signatory state of the Agreement on the European Economic Area, of the Swiss Confederation » are deleted ;
- 4° In the second paragraph of article 1, the references to articles R.121-1 to R.121-2-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 1 and 2 of the above-mentioned decree n° 2010-1434 of 19<sup>th</sup> November 2010 ;  
The notion of family member is to be understood as defined in article 3 of this present decree.
- 5° In article 2, the reference to article 24 of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States is replaced by the reference to locally applicable legislation and regulations ;
- 6° In article 4, the reference to the provisions of sections II and III of Book I or those of Book III of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced by the reference to articles 4, 14 and 14-1 of the above-mentioned ordinance n° 2000-372 of 26<sup>th</sup> April 2000 and to the decree n° 2010-1434 of 19<sup>th</sup> November 2010 or by reference to the provisions concerning the residence of nationals of third-party countries set forth in the ordinance n° 2000-372 of 26<sup>th</sup> April 2000 and the decree n° 2001-633 of 17<sup>th</sup> July 2001 ;
- 7° In articles 7, 26 and 27, the words « right to pursue an occupational activity and to exercise the resulting social rights » must be followed by the phrase : « in compliance with locally applicable legislation and regulations, » ;
- 8° In article 10, the words « within the scope of applicable legislation » are replaced with the phrase « in compliance with locally applicable legislation and regulations » ;
- 9° Article 11 is drafted as follows :  
« Article 11 - The initial issuance of a residence permit on the basis of this decree is not contingent upon presentation of the long-stay visa and the applicant is exempted from furnishing a medical certificate. »
- 10° In article 13, the words « as defined in paragraph 1° of article L.121-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum » are replaced with the phrase : « as defined in locally applicable provisions » ;
- 11° In article 14, the references to the second, third and fourth paragraphs of article R.121-4 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by reference to article 14 of the above-mentioned ordinance n° 2000-372 of 26<sup>th</sup> April 2000 ;
- 12° In article 21 :  
a) The reference to article L.122-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced by reference to section I of article 14-1 of the above-mentioned ordinance n° 2000-372 of 26<sup>th</sup> April 2000 ;  
b) Article 21 is completed by the following additional paragraph :  
« By way of derogation from the duration of validity indicated in the initial paragraph, the UK national with right of permanent residence is issued with a residence card with a validity of twenty years. »

- 13° In article 29, the words « constitutes the work permit stipulated in paragraph 2° of article L.5221-2 of the French Labour Code. » are replaced by the following phrase : « authorises the holder to pursue an occupational activity in compliance with locally applicable legislation and regulations. » ;
- 14° In article 30, the words « provided for in Books III, IV, V and VIII of the French Social Security Code » are replaced by the phrase « [provided for] by locally applicable legislation and regulations concerning family benefits, social insurance and welfare aids » and the words « those members of his or her family as defined in article L.161-1 of the said Code » are replaced by the phrase « the members of his or her family » ;
- 15° Articles 31 and 32 are not applicable.

**VI.** – The provisions of this decree are applicable in New Caledonia, subject to the following amendments :

- 1° The references to France or to French territory are respectively replaced by references to the Collectivity or to the territory of the Collectivity ;
- 2° In the second paragraph of article 1 and in articles 2 and 3, the references to the provisions of section II of Book I of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 4, 14 and 14-1 of the above-mentioned ordinance n° 2002-388 of 20<sup>th</sup> March 2002 and to the above-mentioned decree n° 2010-1436 of 19<sup>th</sup> November 2010 ;
- 3° In the second paragraph of article 1 and in articles 3, 5 and 22, the words « or of another state within the European Economic Area or of the Swiss Confederation », « in another state within the European Economic Area, on the territory of the Swiss Confederation », « nor nationals of another state within the European Economic Area or of the Swiss Confederation » or «, of another signatory state of the Agreement on the European Economic Area, of the Swiss Confederation » are deleted ;
- 4° In the second paragraph of article 1, the references to articles R.121-1 to R.121-2-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by references to articles 1 and 2 of the above-mentioned decree n° 2010-1436 ;  
The notion of family member is to be understood as defined in article 3 of this present decree.
- 5° In article 2, the reference to article 24 of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States is replaced by the reference to locally applicable legislation and regulations ;
- 6° In article 4, the reference to the provisions of sections II and III of Book I or those of Book III of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced by the reference to articles 4, 14 and 14-1 of the above-mentioned ordinance n° 2002-388 of 20<sup>th</sup> March 2002 and to the decree n° 2010-1436 of 19<sup>th</sup> November 2010 or by reference to the provisions concerning the residence of nationals of third-party countries set forth in the ordinance n° 2002-388 of 20<sup>th</sup> March 2002 and the decree n° 2002-1219 of 27<sup>th</sup> September 2002 ;
- 7° In articles 7, 26 and 27, the words « right to pursue an occupational activity and to exercise the resulting social rights » must be followed by the phrase : « in compliance with locally applicable legislation and regulations, » ;
- 8° In article 10, the words « within the scope of applicable legislation » are replaced with the phrase « in compliance with locally applicable legislation and regulations » ;
- 9° Article 11 is drafted as follows :  
« Article 11 - The initial issuance of a residence permit on the basis of this decree is not contingent upon presentation of the long-stay visa and the applicant is exempted from furnishing a medical certificate. »
- 10° In article 13, the words « as defined in paragraph 1° of article L.121-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum » are replaced with the phrase : « as defined in locally applicable provisions » ;
- 11° In article 14, the references to the second, third and fourth paragraphs of article R.121-4 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum are replaced by reference to article 14 of the above-mentioned ordinance n° 2002-388 of 20<sup>th</sup> March 2002 ;
- 12° In article 21 :
  - a) The reference to article L.122-1 of the French Code governing Entry and Residence of Foreigners and the Right of Asylum is replaced, in New Caledonia, by reference to section I of article 14-1 of the above-mentioned ordinance n° 2002-388 of 20<sup>th</sup> March 2002 ;

b) Article 21 is completed by the following additional paragraph :

« By way of derogation from the duration of validity indicated in the initial paragraph, the UK national with right of permanent residence is issued with a residence card with a validity of twenty years. »

13° In article 29, the words « constitutes the work permit stipulated in paragraph 2° of article L.5221-2 of the French Labour Code. » are replaced by the following phrase : « authorises the holder to pursue an occupational activity in compliance with locally applicable legislation and regulations. » ;

14° In article 30, the words « provided for in Books III, IV, V and VIII of the French Social Security Code » are replaced by the phrase « [provided for] by locally applicable legislation and regulations concerning family benefits, social insurance and welfare aids » and the words « those members of his or her family as defined in article L.161-1 of the said Code » are replaced by the phrase « the members of his or her family » ;

15° Articles 31 and 32 are not applicable.

**Article 34** – The Minister for Europe and Foreign Affairs, the Minister for the Ecological Transition, the Minister of the Economy, Finance and the Recovery, the Minister of the Interior, the Minister of Labour, Employment and Economic Inclusion, the Minister for Overseas France and the Minister for Solidarity and Health are entrusted, each as concerned, with the implementation of this decree, which shall be published in the Official Gazette (*Journal officiel*) of the French Republic.

Dated 19<sup>th</sup> November 2020.

JEAN CASTEX

*The Minister of the Interior*

GÉRALD DARMANIN

*The Minister for Europe and Foreign Affairs*

JEAN-YVES LE DRIAN

*The Minister for the Ecological Transition*

BARBARA POMPILI

*The Minister of the Economy, Finance and the Recovery*

BRUNO LE MAIRE

*The Minister of Labour, Employment and Economic Inclusion*

ELISABETH BORNE

*The Minister for Overseas France*

SÉBASTIEN LECORNU

*The Minister for Solidarity and Health*

OLIVIER VÉРАН

