

FREE MOVEMENT OF PERSONS BETWEEN FRANCE & UK - FAQs

Under EU law, EU nationals¹ and their family members have the right to travel, live and work in all member states. As a result of the UK's withdrawal from the EU, EU laws on free movement ceased to apply to EU nationals in the UK and UK nationals in the EU with effect from 11pm, GMT on 31 December 2020.

In this briefing, we will set out the rights of EU nationals in the UK and UK nationals in France as of 1 January 2021. If you are a UK national or an EU national already travelling, living or working in France or the UK, or if you wish to travel or work in France or the UK following the transition period, we aim to address your main questions and direct you to the appropriate resources.

EU NATIONALS COMING TO THE UK

TRAVELLING TO THE UK (SHORT TERM TRIPS)

Do EU nationals travelling to the UK on holiday or to spend time with family and friends need a visa?

EU nationals visiting the UK as a tourist or to spend time with family and friends can stay in the country for up to six months without a visa.

Whilst on a visit to the UK, EU nationals cannot:

- do paid or unpaid work for a UK company or as a self-employed person;
- claim public funds (benefits);
- live in the UK for long periods of time through frequent or successive visits; and
- marry or register a civil partnership, or give notice of marriage or civil partnership (a [Marriage Visitor visa](#) is needed instead).

What documents must be provided at the UK border for travelling on holiday, or to spend time with family and friends?

At the UK border, EU nationals can present their passports (provided they are valid for the entire duration of the stay).

Alternatively, national ID cards can be used until 31 December 2025 for EU nationals who:

- have settled or pre-settled status under the EU Settlement Scheme;
- have an [EU Settlement Scheme family permit](#);
- have a [frontier worker permit](#); or
- are an [S2 Healthcare Visitor](#).

¹ Please note that 'EU nationals' referred to in this guidance should be read to include EU, EEA and Swiss nationals.

EU nationals can continue to use their ID cards at the UK border until 1 October 2021, but they may also be asked to provide proof of the following:

- the visit is for tourism;
- the traveller has sufficient financial means for the trip;
- the traveller has arranged accommodation covering the whole duration of the stay;
- the traveller has the ability to pay for a return or onward journey (or have funding from someone else); and
- the traveller will leave the UK at the end of the visit.

Do EU nationals travelling to the UK for business need to apply for a visa?

EU nationals travelling to the UK for certain business activities² (such as attending a conference or a meeting) are not required to obtain a visa as long as their stay does not exceed six months.

The following activities cannot be undertaken by business visitors:

- paid or unpaid work for a UK company or as a self-employed person;
- work placements or internships; and
- selling directly to the public or providing goods and services.

Do EU nationals travelling to the UK as experts in their profession need a visa?

EU nationals travelling to the UK because they are invited as experts in their profession can stay in the UK for up to one month without a visa but can only be paid by a UK-based organisation to do the following:

- give guest lectures at a higher education institution;
- provide advocacy in legal proceedings; or
- take part in arts, entertainment or sporting activities.

² A business visitor may:

1. (a) attend meetings, conferences, seminars, interviews;
2. (b) give a one-off or short series of talks and speeches provided these are not organised as commercial events and will not make a profit for the organiser;
3. (c) negotiate and sign deals and contracts;
4. (d) attend trade fairs, for promotional work only, provided the visitor is not directly selling;
5. (e) carry out site visits and inspections;
6. (f) gather information for their employment overseas; and
7. (g) be briefed on the requirements of a UK based customer, provided any work for the customer is done outside of the UK.

What documents must be provided at the UK border for travelling for business or as expert in a profession?

At the UK border, EU nationals must present a valid passport or travel document. The passport should be valid for the entire stay in the UK. The following documents may also be requested at the border:

- proof of eligibility for the activities the traveller wants to do;
- the traveller has sufficient financial means for the trip (including to support any dependents) or has funding from someone else;
- the traveller has arranged accommodation covering the whole duration of the stay; and
- the traveller will leave the UK at the end of the visit.

RIGHT OF RESIDENCE IN THE UK

Do EU nationals already living in UK before 31 December 2020 need a visa to continue living in the UK/travel back to the UK?

The rights and status of EU nationals living in the UK on 31 December 2020 remain the same until 30 June 2021 (i.e. no visa is required to travel/continue living in the UK before that date).

In order for EU nationals to be able to continue living and working in the UK after 30 June 2021, they have to [apply to the EU Settlement Scheme](#) for settled or pre-settled status, depending on their situation. Members of the family of EU nationals may also be able to apply to the EU Settlement Scheme (even if they are not from the EU).

The process for applying to the EU Settlement Scheme differs depending on whether the EU national has [permanent UK residence or indefinite leave to remain](#). They may also be able to apply for [British citizenship](#).

What is the difference between settled and pre-settled status?

Settled status

EU nationals who have lived in the UK for five consecutive years for at least six months in any 12-month period³ ("**Continuous Residence**") will usually get settled status.

Once they receive settled status, EU nationals can stay in the UK as long as they wish and may be eligible to apply for British citizenship.

Pre-settled status

EU nationals who do not meet the Continuous Residence requirement will usually get pre-settled status.

³ Exceptions apply (e.g. one period of up to 12 months for an important reason such as childbirth, serious illness, study, vocational training or overseas work posting, compulsory military service etc.).

In order to get pre-settled status, EU nationals need to prove that they started living in the UK on or before 31 December 2020, unless they are applying as the existing close family member of an EU national who had started living in the UK by that date.

If they are awarded pre-settled status, EU nationals can live and work in the UK for up to five years from the date they receive their pre-settled status.

Upgrading from pre-settled status to settled status

After achieving Continuous Residence, EU nationals can apply for settled status (provided they do so before the expiry of the pre-settled status).

What are the rights of EU nationals under the settled or pre-settled status?

EU nationals with pre-settled or settled status can work in the UK, continue to use the National Health Service (NHS) without charge if eligible, enrol in education or study in the UK, access public funds such as benefits and pensions if they are eligible, and travel in and out of the UK.

[Different rights apply](#) if the settled or pre-settled status was obtained as a result of joining an EU national family member and arrival in the UK was after 31 December 2020.

Can EU nationals with settled or pre-settled status spend time outside the UK without losing their status?

EU and EEA nationals with settled status can spend up to five continuous years outside the UK without losing their status⁴.

EU nationals with pre-settled status can spend up to two continuous years outside the UK without losing their status. However, if they want to later qualify for settled status, they will have to maintain Continuous Residence in the UK (i.e. they should not leave the UK for more than six months in every 12 months during the five-year period⁵).

What is the procedure for applying to the EU Settlement Scheme for EU nationals already living in the UK before 31 December 2020?

EU nationals already living in the UK on 31 December 2020 need to provide:

- proof of identity (in the form of a valid passport or valid national ID card and a digital photograph); and
- proof of their residence in the UK unless they have a [valid permanent residence document](#), or valid [indefinite leave to remain in or enter](#) the UK⁶.

The application can be either scanned with the ['EU Exit: ID Document Check' app](#) using an Android phone or an iPhone 7 or a later version or sent in the post (with the photo being taken and uploaded using the app).

Applicants are notified by email of the outcome of their application.

⁴ Swiss citizens and their family members can spend up to 4 years in a row outside the UK without losing their settled status.

⁵ This proof will be needed again when applying to change the pre-settled status for settled status.

If the application is unsuccessful, the applicant can apply again free of charge, at any time until 30 June 2021 if they think the decision should have been different. An unsuccessful applicant may be able to [apply for an administrative review](#) for a £80 fee if they think there has been a mistake. The decision can also be [appealed to an independent tribunal](#) if the application was submitted after 11pm on 31 January 2020.

Do EU nationals arriving in the UK after 31 December 2020 need a visa to settle in the UK?

EU nationals not residing in the UK by 31 December 2020 and who do not have rights under the Withdrawal Agreement need to meet specific requirements in order to work or study in the UK from 1 January 2021. Various checks will be carried out, including criminal records.

It will still be possible to visit the UK for up to six months without applying for a visa.

How can EU nationals living in the UK be granted British citizenship?

EU nationals can apply for British citizenship if they have [indefinite leave to remain \(ILR\) or Settled Status under the EU Settlement Scheme](#) or if they have [permanent residence status](#)⁷.

WORKING IN THE UK / EMPLOYING EU NATIONALS

Do EU nationals not residing in the UK by 31 December 2020 need to apply for a work visa?

EU nationals moving to the UK for work from 1 January 2021 will need to apply for the appropriate [work visa](#) under the [UK points-based immigration system](#) before travelling to the UK.

Visa applicants will need to demonstrate that they meet the relevant criteria and score the number of points required for the visa for which they are applying.

As part of the online visa application process, applicants' identities will be verified through the 'UK Immigration: ID Check' application. Those who cannot use this online service will need to physically attend a [visa application centre](#).

The appropriate application fee will need to be paid as well as the [Immigration Health Surcharge](#).

The [processing times for visa applications](#) vary depending on the visa applied for and the service available (i.e. whether there is a visa priority service at the visa centre).

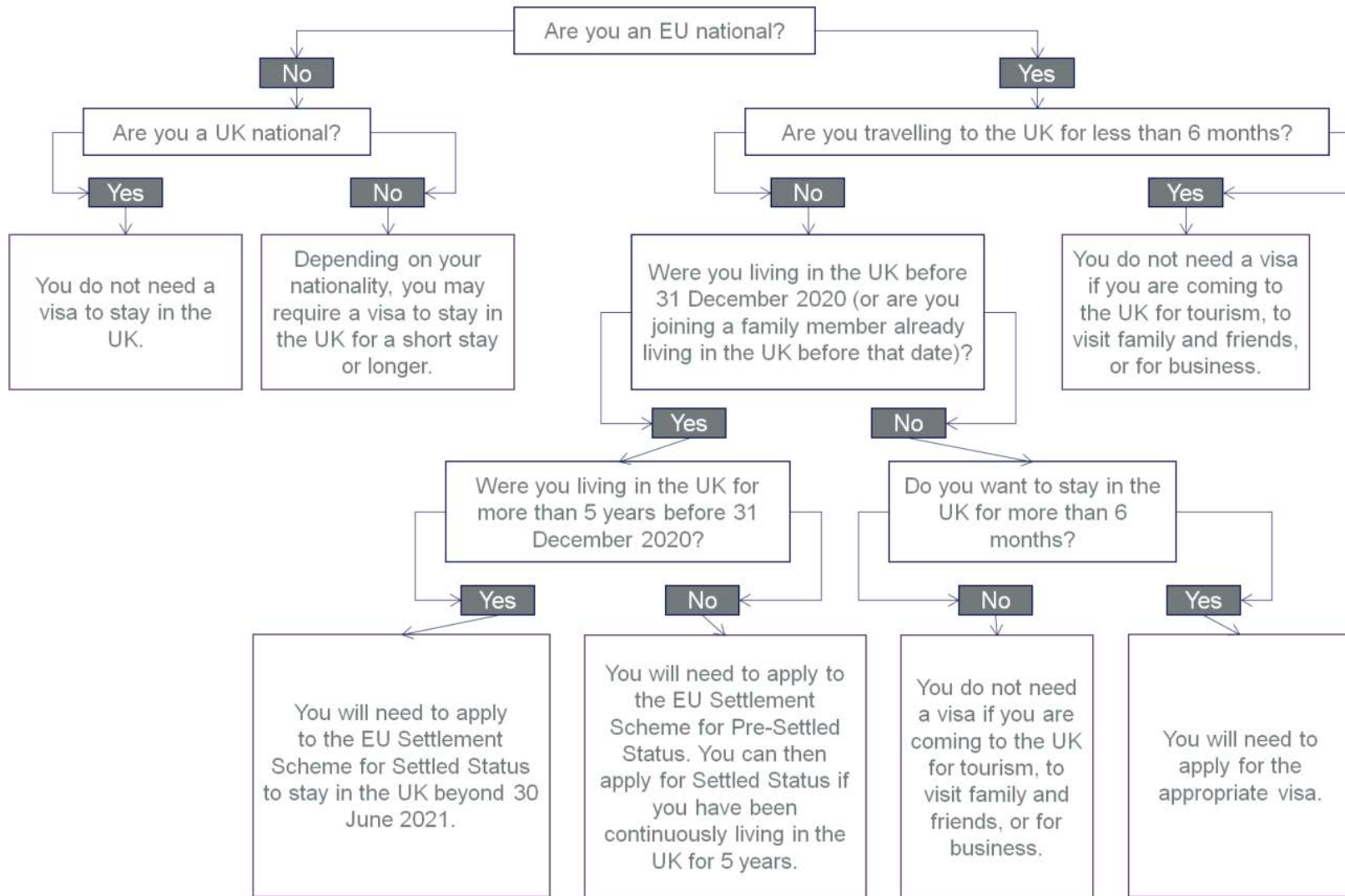
Can a UK employer continue to employ EU nationals under an ongoing employment contract?

Existing EU nationals working in the UK by the end of 2020 must apply to the EU Settlement Scheme by 30 June 2021 to preserve their rights to live and work in the UK. Employers should not be monitoring whether employees have applied but should offer support.

Please find a summary flowchart for EU nationals wishing to travel to the UK below.

⁷ Please note that it is no longer possible to apply for a UK permanent residence document.

Summary flowchart for EU nationals wishing to travel to the UK



UK NATIONALS COMING TO FRANCE

TRAVELLING TO FRANCE

Do UK nationals travelling to France for 90 days or less need a visa?

No, UK nationals (without resident status in an EU member state), wishing to visit France for a maximum of 90 days, or in transit to another member state, do not need a visa. The maximum period for a short stay is 90 days in any 180-day period.

However, upon arrival in France they may have to present the following supporting documents at the request of the Border Police:

- a valid passport;
- proof of accommodation covering the whole duration of the stay;
- sufficient financial means;
- a return ticket;
- any documents detailing the profession or capacity of the traveller in the context of a professional trip; and
- an insurance certificate.

The details of the supporting documents needed to meet the entry conditions can be found in Annex I of Regulation (EU) 2016/399.

Do UK nationals travelling to France for business need to apply for a visa?

UK nationals travelling to France on business are not required to obtain a visa as long as their stay is shorter than 90 days.

They will not need a work permit as long as they are not performing any paid work in France (i.e. even if you are paid in the UK and travel to France for a meeting, you will not need a visa).

Do UK nationals travelling to France after 31 December 2020 and wishing to stay more than 90 days but less than a year need a visa?

UK nationals wishing to stay in France after 31 December 2020 for a duration exceeding 90 days should contact the [French visa application centre in the UK](#) to apply for a long-stay visa before travelling to France at least 20 days, and not more than 180 days, before their travel. They will have to present this long-stay visa upon arrival in France.

The duration of the long-stay visa must be between three months and one year.

For as long as it is valid, the long-stay visa is equivalent to a Schengen visa, enabling UK nationals to move around and stay in the Schengen Area outside France for periods not exceeding 90 days over any period of 180 consecutive days.

What are the categories of long-stay visas?

There are four categories of long-stay visas:

- [stay for an extended period for tourist or personal reasons](#);
- [to carry out a professional activity](#);
- [to pursue education](#); or
- [to join family members](#).

Do UK nationals already living in France before 31 December 2020 need a visa to travel back to France?

UK nationals living in France or another EU member state before 31 December 2020 are covered by the provisions of the Withdrawal Agreement and will not need visas to go back to France after 31 December 2020 as long as they are able to show:

- a residence permit marked "Article 50 TUE" or confirmation of a residence permit application (this option will be available only until 1 October 2021); or
- if they have not yet applied for a residence permit in France or to the competent authority of another member state, documentary evidence of their resident status (proof of residence provided by a local authority, tenancy agreement, utility bills in their name dating from 2020).

Are non-UK and non-EU nationals living in the UK able to travel to France?

Depending on their nationality, non-EU and non-UK nationals living in the UK may require a visa to travel to France for a short stay. The "[Assistant visa](#)" tool enables you to quickly find out whether you need a short-stay visa, which supporting documents should be submitted and what are the applicable fees.

RIGHT OF RESIDENCE IN FRANCE

Do UK nationals already living in France before 31 December 2020 (or joining UK family members already living in France before that date) need a residence permit?

Yes, UK nationals living in France or another EU member state before 31 December 2020 will need to apply for a residence permit online [here](#) by 1 July 2021.

By way of exception, UK family members of UK nationals already living in France prior to 31 December 2020 will be issued with a visa free of charge and will be entitled to a residence permit upon their arrival in France.

Possession of a residence permit will be compulsory from 1 October 2021 for any UK nationals over the age of 18 (minors are exempt).

What is the procedure for requesting a residence permit for UK nationals already living in France before 31 December 2020?

They need to send a photograph or scan of their passport as well as additional documents depending on their situation (this table [here](#) sets out which documents are required). Once their file has been processed, they will need to make an appointment at the prefecture to finalise their request (for fingerprinting, and to be photographed).

They will be issued at home with a residence permit marked "*Agreement on the withdrawal of the United Kingdom from the European Union*".

What are the conditions to be fulfilled by UK nationals living in France before 31 December 2020 who wish to apply for a residence permit?

UK nationals will have to prove they fall under one of the following categories:

- carrying on a professional salaried or self-employed activity (or having carried on such an activity or being registered as a jobseeker);
- having sufficient resources for themselves and their family, as well as health insurance;
- being a student or undergoing vocational training, as well as having health insurance; or
- being a family member of a UK national who is based in France prior to 31 December 2020 and having a right of residence (spouse, partner, child, ascendant or dependent family member or belonging to the household of a UK national).

Which residence permit is a UK national who has lived in France for more than 5 years before the end of the transition period entitled to?

UK nationals who have lawfully resided in France for more than five years before 31 December will be entitled to a 10-year residence permit.

Which residence permit is a UK national who has lived in France for less than 5 years before the end of the transition period entitled to?

UK nationals who have lawfully resided in France for less than five years before 31 December will be entitled to a residence permit valid for one to five years depending on their circumstances.

Is there a charge for a residence permit for a UK national who has lived in France prior to 31 December 2020?

No, it will be provided free of charge.

Are residence permits granted prior to 31 December 2020 still valid after this date?

Permits marked "*citoyen Union européenne*" obtained prior to the end of the transition period will remain valid until 1 October 2021.

UK nationals in possession of an EU permit will need to file a new [permit application online](#) by 1 July 2021 in order to obtain a permit marked "*Accord de retrait du Royaume-Uni de l'UE*".

Do UK nationals arriving after 31 December 2020 to settle in France need a residence permit?

A UK national wishing to extend his stay beyond the period of validity of his long-stay visa, needs to apply for a standard residence permit ("*carte de séjour*") at the prefecture.

In order to apply for a "*carte de séjour*", UK nationals will need to go to the prefecture or sub-prefecture nearest their home and either validate their visa, which will serve as residence permit (VLS TS), or apply for a residence permit within three months of their arrival in France.

How can UK nationals living in France be granted French citizenship?

There is no special procedure to facilitate access to French citizenship for UK nationals. Depending on their circumstances, they may use the [citizenship by decree procedure](#) or nationality declarations in their capacity as [spouse](#), [ascendant](#), [brother or sister of a French citizen](#).

In practice, the timeframe is between twelve and fifteen months from filing the application to an offer of citizenship.

Both France and the UK permit citizens to hold double nationality (or even multiple nationalities).

UK nationals who came to France prior to the UK's withdrawal from the EU and who have lived in France are lawfully exempted from executing a Republican Integration Contract.

WORKING IN FRANCE

Are UK nationals already living in France before the end of the transition period required to apply for a work permit to continue working in France?

No, UK nationals and their family members who began working in France prior to 31 December 2020 are not required to apply for a work permit.

Are UK nationals who started working in France after 31 December 2020 required to apply for a work permit?

Yes, UK nationals who moved to France and started working as of 1 January 2021 are required to apply for a work permit, with the exception of family members of UK nationals already living in France prior to 31 December 2020.

The work permit can either be a visa, a residence permit or a separate work permit. This will depend on [personal circumstances](#).

EMPLOYING UK NATIONALS

Can a French employer continue to employ UK workers under an ongoing employment contract?

Yes, all rights acquired before and during the transition period will continue to apply following the UK's withdrawal from the EU. The employment contract, the trial period or a promise of employment cannot be terminated because of Brexit.

European and national labour law provisions (e.g. working hours, paid leave, bonus rights) continue to apply, regardless of the employee's nationality, provided that a French labour law contract has been entered into.

Nonetheless, French employers will need to inform their UK employees of any necessary steps to be taken with regards to their right of residence and work permits.

What are the formalities for the UK employer of an employee seconded to France?

If a UK employee is seconded to France before 1 January 2021, their secondment may continue until the end of the assignment.

The Trade and Cooperation Agreement provides for the continuation of secondments for up to 24 months after 1 January 2021. However, this provision must be approved individually by each member state, and its decision notified by the end of January 2021. It is still under review in France, so it is not yet known whether or not the secondment provision will apply between the UK and France.

Please find a summary flowchart for UK nationals wishing to travel to France below.

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Summary flowchart for UK nationals wishing to travel to France

