

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

Ministerial order, dated 20th November 2020, establishing the list of documents to be furnished by British nationals and their family members for issuance of the residence card or travel document bearing the indication « Agreement on the withdrawal of the United Kingdom from the EU ».

OFFICIAL TEXT N° : INTV2029220A

The Minister of the Interior,

Acting 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 17th October 2019 ;

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

In application of the French Labour Code ;

And in pursuance of the French decree n° 2020-1417, dated 19th 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 ;

hereby determines and orders the following measures :

SECTION I

**LIST OF DOCUMENTS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR A RESIDENCE PERMIT
FILED BY A BRITISH NATIONAL OR A MEMBER OF HIS OR HER FAMILY
RESIDING REGULARLY IN FRANCE FOR LESS THAN FIVE YEARS**

Article 1 – British nationals or members of their family, who have been residing in France for less than five years and apply for a residence permit under articles 12 to 16 of the above-mentioned decree n° 2020-1417 of 19th November 2020, must furnish the following documents in support of their application :

- a valid passport ;
- a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
- if held, the residence permit already issued to the applicant ;
- proof of residence in France for the year 2020 ;
- the documents detailed in articles 2 to 5 below, depending on the applicant's specific circumstances.

Article 2 – In addition to the items specified in article 1, British nationals applying for a residence permit under article 13 of the said decree in consideration of their occupational activity must furnish the following documents :

- I. – In the case of occupational activity within France as an employee :
 - a binding offer of work (*promesse d'embauche*) or a certificate of employment made out by the employer.
- II. – In the case of self-employed occupational activity within France :
 - proof of listing in the official register of self-employed professionals (*répertoire des métiers*) or in the official Register of Businesses and Companies (*registre du commerce et des sociétés*) or proof of affiliation to the social security scheme for the self-employed ;
 - proof of genuine activity.
- III. – In the case of occupational activity outside French territory :
 - a certificate of insurance cover affording the protection stipulated in articles L.160-8 and L.160-9 of the French Social Security Code ;
 - documents showing proof of sufficient resources for the applicant and, as the case may be, the members of his or her family. The notion of sufficient resources is assessed with consideration for the personal circumstances of the applicant. Whatever the number of persons forming the household, the required amount cannot exceed the minimum sum of the 'active solidarity income' (*revenu de solidarité active*) indicated in article L.262-2 of the French Social Action and Family Code for a single person without children.
- IV. – In the case of business within France as the legal agent of a company or organisation (*mandataire social*) or as an investor :
 - proof of status as authorised agent ;
 - or proof of some direct investment commitment in tangible fixed assets or intangible assets.
- V. – In the case of work as a researcher within France or in another member state of the European Union :
 - a hosting agreement (*convention d'accueil*) signed with an accredited organisation.
- VI. – In the event of interruption of the applicant's occupational activity :
 1. When the British national suffers temporary inability to work resulting from illness or accident :
 - a certificate of temporary inability to work as a result of illness or accident.
 2. When the British national becomes involuntarily unemployed :
 - proof of registration with the official unemployment agency (*Pôle emploi*) ;
 - proof of previous occupational activity in France : a salary slip or proof of listing in the official register of self-employed professionals (*répertoire des métiers*) or in the official Register of Businesses and Companies (*registre du commerce et des sociétés*) or proof of affiliation to the social security scheme for the self-employed, or any other form of proof ;
 3. When the British national engages in professional training :
 - proof of enrolment in an educational establishment to follow professional training ;
 - a certificate of regular attendance or the diploma awarded or a summary of marks or grades attained, except if the course has just begun.

Article 3 – In addition to the items specified in article 1, British nationals who apply for a residence permit under article 14 of the said decree, as provided for 'non-active' persons (*i.e.* persons outside the labour market), must furnish the following documents in support of their application :

- proof of insurance cover affording the protection stipulated in articles L.160-8 and L.160-9 of the French Social Security Code ;
- documents showing proof of sufficient resources for the applicant and, as the case may be, the members of his or her family. The notion of sufficient resources is assessed with consideration for the personal circumstances of the applicant. Whatever the number of persons forming the household, the required amount cannot exceed

the minimum sum of the 'active solidarity income' (*revenu de solidarité active*) indicated in article L.262-2 of the French Social Action and Family Code for a single person without children.

Article 4 - In addition to the items specified in article 1, British nationals who apply for a residence permit under article 15 of the said decree, as provided for those in an educational establishment, must furnish the following documents in support of their application :

- proof of enrolment in an educational establishment to primarily pursue a course of studies or professional training ;
- in the case of a course already begun : a certificate of regular attendance or a diploma awarded or a summary of marks or grades attained.

Article 5 – I. In addition to the items specified in article 1, foreign nationals applying for a residence permit as family members of a British national under the first and second paragraphs of article 16 of the said decree must furnish the following documents in support of their application :

- a document proving the family connection or proof of a registered partnership or of a duly-attested relationship as a couple ;
- the passport of the British national to whom they are related or, failing this, the residence permit held by the said national or the certificate evidencing that the said national's application for a residence permit has been submitted [*attestation de dépôt*] ;
- for a direct descendant aged at least twenty-one, for a direct and dependent ascendant and for the direct descendants and ascendants of the spouse, documents proving that they are genuinely dependent ;
- for family members already dependent on the British national in the country from which they come or part of his or her household, genuinely residing with the said national in France, proof of this material or financial support in the country from which they came to France ;
- for family members who are dependent for serious medical reasons on the British national with whom they genuinely reside in France : a medical certificate attesting to the seriousness of the health condition and the need for care, together with documents evidencing this assumption of care.

II. - In addition to the items specified in article 1, British nationals applying for a residence permit as the partner of a French national under the final paragraph of article 16 of the said decree must also furnish, in support of their application, a document attesting to the existence of a registered partnership or of a duly-attested relationship as a couple, together with proof of the French nationality of the said partner.

III. - If they fall within the compass of article 17 of the above-mentioned decree, British nationals who are or were family members of another British national with whom the connection has changed, who apply for a residence permit under article 16 of this decree, must furnish in support of their application, in addition to the documents stipulated in article 1 and in section I. of this present article, either the death certificate of the national who was accompanied or joined or a document proving the latter's departure from France or the judgment of divorce or the decision of annulment of marriage.

IV. - If they come under the provisions of articles 18 or 19, foreign nationals who are not British citizens and who apply for a residence permit in application of article 16 of the said decree as family members, when the connection has changed, must furnish in support of their application, in addition to the documents stipulated in article 1 and in section I. of this present article, according to their circumstances :

1. In the case defined in paragraph 1° of article 18 : the death certificate of the British national who was accompanied or joined, together with proof of the date of installation in France if they have never held a residence permit ;
2. In the case defined in paragraph 2° of article 18 : the judgment of divorce or the decision of annulment of marriage, together with, as appropriate :
 - a) proof of the date of their installation in France if they have never held a residence permit ;

- b) a court decision or an agreement between parents concerning custody of the children or access rights ;
 - c) any document concerning particularly difficult circumstances ;
3. If they are in the case defined in article 19 : the death certificate of the British national who was accompanied or joined, or a document attesting to the latter's departure from France, together with a certificate of school attendance for the children.

SECTION II

LIST OF DOCUMENTS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR A PERMANENT RESIDENCE PERMIT FILED BY A BRITISH NATIONAL OR A MEMBER OF HIS OR HER FAMILY

Article 6 – Any foreign national applying for a permanent residence permit under paragraph 1° of article 21 of the above-mentioned decree n° 2020-1417 of 19th November 2020 must submit the following documents in support of this application :

- a) a valid passport ;
- b) a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
- c) the 10-year residence permit already held by the applicant.

Article 7 – Any foreign national applying for a permanent residence permit under paragraph 2° of article 21 of the above-mentioned decree must submit the following documents in support of this application :

- a) a valid passport ;
- b) a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
- c) if held, the residence permit already issued to the applicant ;
- d) if the applicant has never held a residence permit, proof of the date of installation in France ;
- e) proof of residence in France for the year 2020.

Article 8 – I. British nationals, married to a French national, applying for a permanent residence permit under section I of article 22 of the said decree must furnish the following documents in support of their application :

1. a valid passport ;
2. a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
3. a marriage certificate prior to January 1st 2021 and, when the marriage was celebrated outside France, proof that it has been already been entered in the French civil-status registers ;
4. proof of the spouse's French nationality ;
5. proof of residence in France for the year 2020.

II. – British nationals who have ceased their professional activity on French territory—whether as employed or self-employed—and who apply for a permanent residence permit under section II of article 22 of the said decree must furnish the following documents in support of their application:

1. a valid passport ;
2. a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
3. if held, the residence permit already issued to the applicant ;
4. proof of residence in France for the year 2020 ;
5. and, depending on circumstances :
 - a) if the applicant is in any of the cases defined in paragraphs 1°, 2°, 3° or 5° of section II of article 22 of the said decree :
 - proof of the applicant's date of installation in France, if he or she has never held a residence card ;
 - b) if the applicant is in either of the cases defined in paragraphs 1° or 2° of section II of article 22 of the said decree :
 - notification of retirement or of pension rights ;

- any document evidencing pursuit of occupational activity during the foregoing 12 months in France or 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 ;
- c) if the applicant is in either of the cases defined in paragraphs 3° or 4° of section II of article 22 of the said decree :
 - a certificate of permanent incapacity to work ;
 - if this certificate indicates that the permanent incapacity to work results from a workplace accident or an occupational disease : a document evidencing payment of a Social Security benefit ;
 - any document attesting to pursuit of an occupational activity in France ;
- d) if the applicant is in the case defined in paragraph 5° of section II of article 22 of the said decree :
 - any document evidencing pursuit of 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 ;
 - any document proving pursuit of some occupational activity in France for three years.

III. – Foreign nationals, who are family members of a British national pursuing or having pursued some occupational activity, applying for a permanent residence permit under section III of article 22 of the said decree must furnish the following documents in support of their application :

1. a valid passport ;
2. a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
3. if held, the residence permit already issued to the applicant ;
4. proof of residence in France for the year 2020 ;
5. and, but solely if the applicant is in the case defined in paragraph 2° of section III of article 22 of the said decree :
 - a) the death certificate of the British national ;
 - b) any document evidencing the pursuit of an occupational activity in France by the late British national ;
 - c) proof of the applicant's date of installation in France, if he or she has never held a residence card ;
 - d) and, according to circumstances :
 - either a document establishing that the decease of the British national was the result of a workplace accident or the outcome of an occupational disease, and a document proving that the late British national pursued some occupational activity in France ;
 - or any document proving that the British national had been in France for at least two years at the date of his or her decease.

SECTION III

LIST OF DOCUMENTS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR A RESIDENCE PERMIT FILED BY A BRITISH NATIONAL RESIDING IN FRANCE TO SEEK EMPLOYMENT

Article 9 – Any British national applying for a residence permit under article 25 of the above-mentioned decree n° 2020-1417 of 19th November 2020 must submit the following documents in support of this application :

- a valid passport ;
- a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
- if held, the residence permit already issued to the applicant ;
- proof of residence in France for the year 2020 ;
- a certificate of registration as a job-seeker, issued by the official unemployment agency (*Pôle emploi*).

SECTION IV**LIST OF DOCUMENTS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR A TRAVEL DOCUMENT
FILED BY A BRITISH CROSS-BORDER WORKER**

Article 10 – Any British national applying for a travel document under article 26 of the above-mentioned decree n° 2020-1417 of 19th November 2020 must submit the following documents in support of this application :

- a valid passport ;
- a recent facial photograph, with no head covering, showing a perfect frontal likeness, measuring 3.5 × 4.5 cm ;
- a certificate of employment or proof of self-employed activity on French territory.

SECTION V**FINAL PROVISIONS**

Article 11 – This ministerial order will come into effect on the day following its official publication.

Article 12 - This ministerial order will be published in the Official Gazette (*Journal officiel*) of the French Republic.

Dated 20th November 2020.

For the Minister and by delegation of authority :

The Director of Immigration

H. BESANCENOT
