

Remain in France Together

Bitesize Guide



Not yet resident in France

This guide provides information to help the decision-making process for people considering moving to France but not yet resident.

One of the side effects of the vote to leave the EU is that it has focused the minds of those who are still resident in the UK and want to move to France, either because that has been a long term ambition, or that they wish to leave 'Brexit' Britain. In this piece, we look at options, and necessary actions that will be needed to be completed on moving.

Why do I need to consider moving now?

The Withdrawal Agreement (WA) stipulates that any UK citizen exercising their right to Freedom of Movement (FoM) in the EU prior to the end of the Transition Period (TP) will be covered by the terms of the WA. The end of the transition period is 31st December 2020.

This means that if you want to be covered by the WA you must be legally resident in France by the 31st December 2020 (although it is recommended not to leave it that late!)

Not being resident in France by that date does not mean you can never move. What it does mean is that you will come under Third Country National (TCN) criteria. See the section on moving after the end of the transition period.

If you are a couple it is not a requirement that both of you need to be in France by the end of the TP, one of you must and the other can join them at a later date and still be covered under the WA as 'Family Reunion'. This also includes financially dependent relatives, up or down the ancestry lineage such as elderly parents or young children but not brothers or sisters etc.

What do I need to consider prior to moving?

It is very important that you consider all the pitfalls before you decide to move prior to the end of the TP.

Is the move right for you? Is the area of France you are moving to suitable to your needs? Is your income of a suitable level that you will not become a burden on the State in the future and that your standard of living is one you can comfortably live with? Can you afford to take out private health insurance to cover any potential medical costs until you accepted into the French Healthcare System? Do you have a contingency plan in case your move is not what you expected?

While these are considerations, we all had to take into account before moving to France, the fact that there is now a deadline it makes things that little bit more difficult. Everything is not always greener on the other side, and even with the best planning it is a very difficult and stressful move to make.



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What does 'exercising rights to Freedom of Movement' mean practically?

Exercising your rights to FoM is not just about moving physically to France, it is about France being your centre of affairs.

To do this you need to consider various things:

Accommodation

You will need to be living in a 'permanent' accommodation – rented or owned. It is not seen as stable to be living in a gîte (and gîte owners are not allowed to rent for longer period than 3 months in any case).

Healthcare

You need to notify the UK authorities of your intention to move to France. This means (unless you are entitled to S1 healthcare cover) that you will be leaving the NHS and joining the French Healthcare system. This can only be done, unless you have S1 cover, after 3 months and can take a substantial period of time to complete. In these cases, you have to be able to prove you have resources to cover any medical emergency – hence the possible need for private health care.

Tax

The UK authorities need informing of your move so you will need to contact [HMRC](#).

The system in France does not require you to declare your income until May of the following year. This means that if you move late in the year 2020, your first declaration in May 2021 may be for a very short period. It is still important to do this, even if you have no tax to pay, as it gives proof that you are

meeting all the legal conditions for residence. In this example your first declaration for a full tax year would not be until May 2022.

If you own your own home, you will need to change the status of your home from Secondary Home to Principal Home at your local 'Impots' (tax) office.

There is a 'Dual Tax Treaty' between the UK and France, which means that any tax paid in one country will be taken into account by the other country when working out your Tax liability – but again the appropriate paperwork requires completion – your local 'Impots' can advise and assist with this. The Dual Tax Agreement is not affected by Brexit.

Length of stay

While it is not necessary to stay in France permanently, you will need to spend at least 183 days of the year in France. Prudence suggests that you spend as much time in France as is possible in order to suggest that your 'centre of affairs' is indeed in France.

Residence permit

You will need to apply for a residence permit known as a Carte de Séjour (CdS) It is not necessary to apply immediately but there is a cut-off date by which to apply, in order to benefit from cover by the WA.

This date is the 30th June 2021. This will give you enough time to get your paperwork together to use the new online system.



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Moving after the end of the Transition Period

Not being resident in France by the end of the TP does not mean you can never move. UK citizens moved to France before the UK joined the EU and will continue to do so now they have left.

What it does mean is that you will come under Third Country National (TCN) criteria for assessment of suitability, meaning a higher level of income, French language skills, restrictions on setting up a business among other things.

If you are lucky enough to have dual nationality (UK plus another EU state such as Ireland) you can still move to the EU as an EU citizen after the end of the TP, but you will not be covered by the WA as you will be exercising your right to FoM as a non UK citizen, and it will be after the end of the TP.

At time of writing we do not know what the process involves, what criteria they are looking for to be successful in your application, but it will be important that you have sufficient resources, proof of accommodation (Contract of Sale or Rental Agreement) and sufficient healthcare cover, proof of residence i.e. utility bills (always advisable to be in both names).

Disclaimer

This is one of a series of guides and information sheets produced by Remain in France Together (RIFT). RIFT is a statutory association governed by French law and managed and run by volunteers. It exists to uphold the rights of British citizens living in, or moving to, France affected by the UK withdrawal from the EU.

The information is for general guidance and does not constitute legal advice. It is offered free for personal, non-commercial use.

The main source of information to keep up-to-date with developments in citizens' rights is our website <https://www.remaininfrance.fr/>

When using our printed guides, you should check the website to make sure that you have the latest version.

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