



RIFT SOUNDS THE ALARM BELL FOR BREXIT BRITISH IN FRANCE

Report by RIFT, the largest organisation of British citizens in France, on the likely impact of the Withdrawal Agreement

RIFT SONNE L'ALARME POUR LES BRITANNIQUES EN FRANCE

Rapport de RIFT, la plus grande organisation de citoyens britanniques en France, sur l'impact probable de l'accord de retrait

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Preface (EN)

RIFT, the largest organisation of UK citizens in France, would like to thank the nearly 200 members who, in the short period since 20 February 2020, have found the time to provide us with over 600 comments on all the various issues concerning them in relation to residency in France.

We thank you all and sincerely hope the relevant authorities in France, the UK and in the EU will give the attention to your views and concerns that they deserve and that have been loyally communicated in this report. Anything less is not good enough.

RIFT has been and will remain dedicated to supporting and helping British citizens in France as we all face the challenges of the post-Brexit future together

Thank you again.

Préface (FR)

RIFT, la plus grande organisation représentative des citoyens britanniques résidents en France, remercie les 200 membres qui ont pris le temps de partager leurs commentaires sur leur vécu et leurs soucis par rapport à leur résidence en France.

Nous espérons vivement que les autorités compétentes en France, au Royaume Uni et dans l'Union Européenne prêteront attention aux avis et interrogations transmis dans ce rapport.

RIFT s'engage à continuer à soutenir et à aider les citoyens britanniques résidents en France, afin de faire face ensemble aux défis de l'avenir post-Brexit.

Encore, merci.

1.0 Executive Summary/Résumé

1.1 Executive Summary (EN)

In 2003, unlike most other EU member states, France stopped requiring EU citizens to register as legal residents. This situation has created two problems.

First, nobody has any clear idea of how many British citizens are resident in France. The fact that current estimates vary from 150,000 to 400,000 is an indication of the lack of basic information.

Second, this lack of registration has now resulted in many UK residents fearing that they may not meet the requirements in order to remain in France if the Withdrawal Agreement (WA) is rigidly applied by the French Government.

Many believe that they could face deportation and may not be able to continue to live with their family. That is how bad the situation is today.

And, in the background, there has been poor communication on how citizens should correctly exercise their treaty rights for almost two decades.

This qualitative analysis of our members' concerns is part of RIFT's ongoing monitoring of its 17,000+ members, the largest organisation of British residents in France.

And this report is truly shocking, we are looking at a potential humanitarian emergency in France.

As well as the nitty-gritty and sometimes harrowing detail that underpins this report, we offer our recommendations on how to help avoid this potential crisis. All our recommendations are firmly based on the written concerns of our members as expressed to us very recently indeed.

RIFT stands ready to work constructively and in a positive way with the French, British and EU authorities, and particularly the French, who hold the future of the British community in France in their hands.

1.1 Résumé (FR)

En 2003, et à la différence de presque tous les autres États membres de l'Union Européenne, la France a cessé d'obliger les citoyens européens sur son territoire à détenir un titre de séjour. Cette décision a engendré deux problèmes.

Tout d'abord, il est impossible de connaître avec certitude le nombre de citoyens britanniques qui vivent en France. La variation dans les estimations actuelles - entre 150.000 et 400.000 - illustre le problème ; il nous manque des données précises.

Deuxièmement, de nombreux ressortissants britanniques craignent de ne pas pouvoir remplir les conditions de résidence. Certains ont peur de se voir refuser un titre de séjour, si la France décide d'appliquer les conditions prévues dans l'Accord de Retrait de manière stricte.

Il existe une crainte répandue chez les Britanniques d'être obligé de quitter la France, et le cas échéant de se séparer de leurs familles : leur moral est au plus bas aujourd'hui.

L'absence d'informations pendant presque deux décennies au sujet des modalités d'exercice légale des droits consacrés par les Traités européens ne fait qu'aggraver l'incertitude actuelle.

Les situations rapportées dans ce document illustrent, parfois de manière dramatique, les problèmes auxquels certains Britanniques ou les membres de leur famille doivent faire face pour être sûrs de rester : tels qu'une insuffisance de revenus ou de ressources, des soucis avec les autorités locales, et l'absence provisoire des jeunes qui font des études hors de France. Certains s'angoissent pour leur avenir devant le manque de communication au sujet de leurs droits spécifiques, en particulier les droits relatifs aux situations d'handicap.

La présente analyse qualitative des problèmes rencontrés par les membres de RIFT est issue de son suivi permanent des questions qu'ils posent quotidiennement, en sachant que RIFT représente le plus grand groupe de Britanniques résidents en France (17 000 membres).

L'étude montre que les conditions d'une éventuelle crise humanitaire ne sont pas à exclure en France.

En plus des illustrations pratiques et parfois angoissantes des différentes situations rapportées, nous présentons des recommandations détaillées dans le but d'éviter une telle crise. Ces recommandations se fondent sur les expériences de nos membres qu'ils ont partagées avec nous tout récemment.

Les responsables de RIFT sont prêts à travailler de manière constructive avec les autorités françaises, britanniques et européennes, surtout avec les acteurs français qui sont amenés à décider de l'avenir des Britanniques dans notre pays hôte.

2.0 France and the Application of the Withdrawal Agreement

2.1 Introduction of RIFT (EN)

RIFT represents the interests of UK citizens and is working to protect members' rights to remain in France. We do not want to see UK citizens who exercised their EU right to Freedom of Movement disadvantaged by Brexit and suffering through ignorance of their rights.

RIFT is a Facebook group consisting of over 17000+ UK citizens currently living or hoping to live in France which was set up after the referendum in June 2016.

We help each other through the sharing of information and have several regional groups that offer support and information specific to their region.

Our total membership extends to more than 20,000 individuals and with their family and friends in France we believe we can reach in excess of 100,000 UK residents in France impacted by Brexit.

On our Facebook page, 14,179 members - over 80% - have viewed, posted, commented on, or reacted to RIFT posts in the last 28 days.

This shows that most of our members are actively engaged via RIFT with the issues they face. In these 28 days, we have had 72,500 posts, comments and reactions and 818 new discussion threads.

In this way, RIFT reaches far more British citizens associated with France than any other similar group.

Our website, www.remaininfrance.fr, gives information about potential outcomes after Brexit and links to articles on topics such as healthcare, children in France and naturalisation along with "bitesizes" for issues. It is all original work by RIFT Admins and it is referred to by both RIFT and non-RIFT members.

The RIFT Facebook group is open for discussion on all aspects of citizens' rights but is not a chat group or social forum and doesn't cover more general subjects, either related to 'life in France' or to Brexit.

RIFT is a group that is currently non-funded. It is led by a team, currently comprising: Mike Harlow, Justine Wallington, Anne Berrurier, James Brannan, Julie Hall, Leigh Chandler,

Claire Phillips, Alison Wyld, Jacques Fade, Debra Williams and Lucy Ogden. All members of the team are volunteers.

The information provided in the group is for personal use only. The information may not be used for commercial purposes. We are experienced in citizens' rights but are not lawyers and we do not give advice. We inform our members very clearly that the information available is for general guidance only. If members need professional advice, we advise that they seek that appropriate professional advice from a lawyer or accountant, etc.

2.1 Présentation et rôle de Remain In France Together (RIFT) (FR)

RIFT représente les intérêts des citoyens britanniques et s'efforce de protéger le droit de ses membres de rester en France. Nous ne voulons pas que les citoyens britanniques résidents en France soient désavantagés, soit par le Brexit lui-même, soit par ignorance de leurs droits prévus par l'accord de retrait.

RIFT est un groupe Facebook de plus de 17 000 membres, pour la grande majorité des citoyens britanniques vivant déjà, ou espérant vivre, en France. Le groupe a été créé suite au référendum de juin 2016.

Nous nous entraînons par le partage d'informations et nous avons également créé plusieurs groupes régionaux, qui proposent un soutien et des informations spécifiques à leur région.

En comptant les familles et amis de nos membres, nous pensons pouvoir atteindre plus de 100 000 britanniques en France.

Notre page Facebook indique qu'au cours des 28 derniers jours, 14 179 membres ont consulté, publié, commenté ou réagi aux messages de RIFT. Cela montre que la plupart de nos membres sont actifs ou l'ont été récemment et qu'un nombre plus restreint d'entre eux se contente de lire les fils. En 28 jours, nous avons eu 72 500 messages, commentaires et réactions, et 818 nouveaux fils de discussion.

De cette manière RIFT est en contact avec un plus grand nombre de citoyens britanniques associés à la France que tout autre groupe similaire.

Notre site web, www.remaininfrance.fr, fournit des informations sur les conséquences potentielles du Brexit et des liens vers des articles sur des sujets tels que le système de santé, les enfants en France, et la naturalisation, ainsi que les "*bitesizes*" (des articles courts et simples sur des sujets pratiques). Il s'agit d'un travail original des administrateurs de RIFT, auquel font référence les membres et les non-membres de RIFT.

Le groupe Facebook accueille la discussion de toute question en lien avec les droits des citoyens, mais n'est pas un forum social, et ne couvre pas des questions plus générales, ni sur la vie en France, ni sur les autres aspects du Brexit.

Aujourd'hui, RIFT n'a aucune source de financement. Le groupe est dirigé par une équipe de bénévoles : Mike Harlow, Justine Wallington, Anne Berrurier, James Brannan, Julie Hall, Leigh Chandler, Claire Phillips, Alison Wyld, Jacques Fade, Debra Williams et Lucy Ogden.

Les informations proposées par le groupe sont destinées à l'usage personnel des membres. Nous refusons toute utilisation commerciale. Nous avons de l'expérience dans le domaine des droits des citoyens, mais nous ne sommes pas des juristes. Nous communiquons très clairement sur le fait que nos articles et nos réponses aux questions sont fournis à titre d'information. Si nos membres ont besoin de conseils spécialisés, ils sont invités à consulter les professionnels compétents (juriste, notaire, avocat, comptable, etc).

2.2 The Withdrawal Agreement and No Deal decree

The Withdrawal Agreement (WA), came into force on 1 February 2020. [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/TXT\(02\)&from=EN#d1e469-1-1](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12019W/TXT(02)&from=EN#d1e469-1-1)

We would in particular draw your attention to Art.18 1 and (e) and (f)

"1. The host State may require Union citizens or United Kingdom nationals, their respective family members and other persons, who reside in its territory in accordance with the conditions set out in this Title, to apply for a new residence status which confers the rights under this Title and a document evidencing such status which may be in a digital form." **"the host State shall ensure that any administrative procedures for applications are smooth, transparent and simple, and that any unnecessary administrative burdens are avoided;"** **"application forms shall be short, simple, user friendly and adapted to the context of this Agreement;** applications made by families at the same time shall be considered together;"

Also please refer to the EU Free Movement law - used by the WA and what France could use to determine WA eligibility

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32004L0038&from=GA#d1e1283-77-1>

And, finally, the Joint negotiation/working document which is an easier read than the full WA and was largely adopted

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/665871/December_-_Joint_technical_note_on_the_comparison_of_EU-UK_positions_on_citizens_rights.pdf?fbclid=IwAR2v5XMv8mMZhDUH9FJMuYZuLuTNoSAMBFEJWZSNwiCfiFWSe5H1Oro6-xA

Nos. 22 and 23 in here outline the declaratory (directly conferred rights) and constitutive systems (applied for rights). Indications are that France favours the latter, we provide our

views on this point later in the report. This is both a far more expensive method and will also lead to higher levels of exclusion.

The No-deal decree allowed for some flexibility on income grounds. In particular, those over age 65 were not to be tested for allocation de solidarité aux personnes âgées (Aspa) income levels. However, self-employed were to be treated worse than under EU rules of 'genuine and effective work' and would have been tested for a minimum income of Revenu de Solidarité Active (RSA).

2.3 How RIFT can help in the Future

Today nobody knows how many British citizens are resident in France, and that fact may come as a surprise to many people. Current estimates vary from 150,000 to 400,000, in other words nobody has much of an idea. This makes effective communications more important than ever.

Under these circumstances RIFT, with its nearly 20,000 members and potential through its membership to reach up to 100,000 British citizens, can play a key role in the communications process that will be vital to a successful outcome.

RIFT stands ready to work with the relevant French and EU authorities to ensure that the interests of British citizens in France are, as President Macron promised earlier in February in his letter to his "British friends", defended and protected.

Note that the Withdrawal Agreement, part of an International Treaty, puts the onus on member states to inform their UK residents. This information is required to be clear, concise and simple. And that means in French and in English since, as everybody knows only too well, the French language is a challenge for some British. And administrative French is a whole new challenge for many British citizens, as our members frequently inform us.

Another word of warning. While the RIFT Facebook Group and website are 'online' and by their very nature are accessed in the main by people who have internet access and use online groups and websites, there are an unknown number of British people who do not have either the IT knowledge or equipment to make online applications. We have been made aware of this by our members who, often in the rural areas of France, know friends and neighbours who are in this situation, frequently older people. If the new application system due to be launched in July 2020 for the obligatory Cartes de Séjour is, as announced, online only then how will these people be informed of the requirements of their applications and supported in the making their applications?

On all of these issues, and any new ones arising, RIFT is ready to help constructively and positively. We all want a successful outcome.

3.0 RIFT Policy Recommendations (EN)

Once the Joint Committee, the Citizens' Rights sub-committee and the European Commission has informed France of the next steps on WA implementation, France will need to decide between a declaratory (directly conferred rights) system or a constitutive system (applied for rights). All the indications are that France favours the latter.

RIFT considers the declaratory system preferable for British citizens in France. This would be consistent with systems being applied in many other EU Member States and would immediately remove many of the future-threatening measures rendering British citizens' lives here a source of daily stress and anxiety.

We note that other EU Member States already require EU citizen registration and France is the only Member state that ceased doing this in 2003/2004. Hence the current fog on how many British citizens there are actually resident in France. Operating in a fog is no reason to put British citizens' futures at peril.

Should France persist with a constitutive system, we would make the following recommendations:

- ❑ **No income test and no exclusion of income benefits recipients either previously or potentially regardless of the length of residence.**

- ❑ **An end to the postcode lottery and removal of decision-making powers from Préfectures. A centralised system that is easy to use and locally mobile units available to reach the vulnerable who cannot use the internet.**

- ❑ **Children studying abroad (after in many cases having primary and secondary education in France) should be allowed to obtain and retain, throughout their course, their rights to be with their family even if no longer financially dependent when they return. DCEMs for children of WA parents should also be through the new system.**

- ❑ **A system established quickly to stop British people being refused employment and communication on this matter from the French Government to employers**

- ❑ **Clarity for those with disabilities and their carers**

- ❑ **Continued WA rights for our lifetime (lifetime right to return for permanent residents) which is within the gift of the French Government. Permanent cards to be truly permanent.**

- ❑ **A replacement service for SOLVIT rather than relying on each individual to litigate in case of administration errors**

- ❑ **Card renewals to not retest under more strict criteria. Free renewals.**

- ❑ **Naturalisation process should be speeded up**

- ❑ **Flexibility for late applicants - including those temporarily outside France at the end of the transition. The rules for those entitled to arrive after the transition (family members) should already be clarified, in terms of what conditions will apply to them, including what evidence of dependency they will need. They should be allowed to accumulate residence rights thereafter.**

- ❑ **Guarantee that those already entitled to permanent residence will get the appropriate card.**

- ❑ **Improved communications on a host of issues such as - cross border services permitted, dual nationals, travel under *récépissé*, later arrivals procedures and all with correct and clear English language versions.**

3.0 Recommandations de RIFT (FR)

Une fois que le comité mixte, le sous-comité des droits des citoyens ou la Commission européenne auront informé les autorités françaises des prochaines étapes de la mise en œuvre de l'accord de retrait, la France aura à choisir entre deux mécanismes pour l'octroi du nouveau statut de résident : un système dit "déclaratif", sur la base d'une simple déclaration, ou un système "constitutif", exigeant une demande formelle et conditionnelle. Il semblerait que la France soit favorable à cette dernière option.

RIFT préférerait que la France adopte un système déclaratif, qui correspondrait à l'approche de plusieurs autres Etats membres de l'UE. Un tel système, par sa simplicité, ferait disparaître une source de stress et d'inquiétude pour de nombreux Britanniques.

Nous constatons que d'autres Etats de l'UE exigent que les citoyens européens déclarent leur présence aux autorités, tandis que la France est le seul pays membre qui ne l'exige plus, et ceci depuis 2003/2004, d'où notre incertitude au sujet du nombre exact de Britanniques résidants en France. Mais cette absence d'information ne justifierait pas la

mise en place de nouvelles exigences susceptibles de compromettre l'avenir des citoyens britanniques.

Si, malgré tout, la France décide d'opter pour un système constitutif, RIFT présente les recommandations suivantes :

- ❑ **Renoncer à toute exigence de revenu minimum, et à l'exclusion des bénéficiaires antérieurs ou potentiels d'allocations de revenu (Revenu de solidarité active (RSA) ou l'Allocation de solidarité aux personnes âgées (Aspa)).**

- ❑ **Mettre fin aux disparités régionales et aux variations aléatoires d'appréciation de la part des autorités préfectorales ; mettre en place un système centralisé facile à utiliser et des unités mobiles locales disponibles pour aider les personnes vulnérables, surtout ceux qui ne peuvent pas utiliser l'internet.**

- ❑ **S'assurer que les enfants qui étudient à l'étranger (après avoir suivi dans de nombreux cas des études primaires et secondaires en France) puissent obtenir et conserver, pendant leurs études, leur droit de résider en France auprès de leur famille, même s'ils ne seront plus financièrement dépendants de leurs parents à leur retour.**

- ❑ **Communiquer sans délai les informations pertinentes aux employeurs, de la part des autorités françaises, pour clarifier que les résidents britanniques qui relèvent de l'accord de retrait conservent pleinement les droits dont ils jouissaient en tant que travailleurs en France.**

- ❑ **Garantir la clarté des droits pour les personnes handicapées et leurs aidants.**

- ❑ **S'engager à maintenir les droits prévus par l'accord de retrait avec un droit de retour permanent, sans limite d'absence, ce qui sera du ressort du gouvernement français ; que le droit de séjour permanent soit vraiment permanent et à vie.**

- ❑ **Mettre en place un service d'arbitrage centralisé pour remplacer le recours à Solvit.**

- ❑ **Permettre le renouvellement gratuit des titres de séjour, sans nouveau contrôle qui serait basé sur des critères plus stricts.**

- ❑ **Accélérer le processus de naturalisation des Britanniques qui en font la demande.**

- ❑ **Réserver une tolérance aux demandeurs tardifs, y compris ceux qui se trouvent provisoirement hors de France à la fin de la période de transition ; tout en clarifiant les règles sur le regroupement familial, y compris les critères qui seront appliqués pour justifier de la qualité de personne à charge ; et garantir aux membres de la famille arrivant après la période transitoire qu'ils pourront acquérir le droit de séjour permanent par le cumul des périodes requises.**

- ❑ **Garantir que ceux qui ont déjà droit au séjour permanent recevront bien le titre de séjour approprié.**

- ❑ **Améliorer la communications sur une série de questions telles que : les services transfrontaliers autorisés, les binationaux, les voyages sous récépissé, les procédures d'arrivée tardive ; tout cela avec des versions anglaises fiables et claires.**

4.0 Conclusion (EN)

We sincerely hope that this report will be seen as it is intended, the ringing of an alarm bell in advance of potentially seriously damaging problems. There is still time to steer away from the rocks that, from our members' point of view and it is a view we share, are looming over the horizon.

One glance through the analysis of members' verbatim comments (see below) will suffice to clearly see the gravity of the situation. There is no time to lose.

There is a great deal of work to be done to avoid many people failing to secure the legal residency document that will allow them to Remain in France. RIFT stands ready to help in that task.

Thank you.

4.0 Conclusions (FR)

Nous vous soumettons ce rapport afin de tirer la sonnette d'alarme avant que des problèmes graves n'apparaissent. Il n'est pas encore trop tard pour changer de cap et éviter beaucoup de difficultés qui pourraient se présenter.

Même une lecture rapide des commentaires des membres ci-dessous permettra de mieux comprendre la gravité de la situation.

Il reste beaucoup de travail à faire pour s'assurer que tous les Britanniques qui sont actuellement résidents en France pourront recevoir le titre de séjour approprié afin de pouvoir poursuivre leur vie en France. RIFT continuera à relever ce défi en apportant son aide et son soutien.

5.0 VERBATIM EVIDENCE

NB Gathered in one week between 20 February and 27 February 2020

5.1 The Question asked of our Members

On 20 February 2020 through our main and regional Facebook groups RIFT asked its members, under guarantee of anonymity, to contact RIFT with their concerns in relation to free movement should the French government choose to apply strict criteria.

We provided information on the current EU free movement rules as this is the basis of eligibility for the Withdrawal Agreement. We also provided minimum incomes under RSA and Aspa.

In one week nearly 200 of our members responded, providing more than 600 relevant comments. Those comments have been analysed and are summarised below by theme.

Given the anxieties expressed by our members we have replied to the majority, seeking to reassure them about what the future holds.

It is our considered opinion, driven by our members' descriptions of their situation, that unless an effective system is put in place in France along the lines of our recommendations we could be facing a humanitarian emergency. We do not employ such terms lightly. Read the evidence and see for yourselves.

It is our judgement that these comments are just the tip of the iceberg and our daily experience of helping people deal with Brexit-related issues over the past years leads us to

believe that there is a large number of British citizens in France who will potentially fail the residency requirements.

Almost unbelievable though it may sound, there are potentially thousands of British residents in France who would be considered illegal and would face deportation. The alarm bell cannot sound soon enough.

5.2 Members' Responses: Issues raised by Theme

RIFT has chosen to highlight a representative selection of our members' responses, those illustrating most clearly the major issues raised in the replies.

Minimum Income Categories

It is clear from many of the responses that a significant number of RIFT Members risk not meeting minimum income requirements and may be considered to be a burden or potential burden on the French state.

This theme was recurring throughout the responses.

Self Employment - SAS and Genuine and Effective

How will self-employed be tested for income?

DH "Ok I think I see another gap. If you are an entrepreneur and found a company (eg SAS) and you are president then unlike other employees of the company, you are not eligible for unemployment benefit if your company goes out of business. if that happened just as you needed to register for residence, what would the situation be? My company is fine at the moment but you never know...."

SH "seconded. Potentially same here"

JC "1) "Self Employed people need to prove their business is genuine and effective" How? And aren't the words "genuine" and "effective" vague? 2) "RSA for under 65 (single) - 559,74€ per month". Is this AFTER déductions for cotisations or before? Also before or after

the allowance for abbattement? 3) "Whilst we are EU citizens, France cannot specify a set amount for "sufficient resources" and they have to consider your personal situation." I understood our EU citizenship finished on 31/1/20."

KS "We are both employees of a uk company registered as an employer in France (through TFE) with cdi contracts. Will the regulations for the employer remain the same moving forwards, enabling us to continue working for the uk company?"

SE "Until recently we were both co-gerants non-salaries so our annual tax return is zero each year. We bought a property and invested heavily into it through our SARL and live off repayment of directors loans as the business grows - i.e. our own money. Cotisations paid in full for the past 5 years. Turnover this year apprx. 100k - not sure where that would all sit in the scheme of things so yes it is a worry."

RT: "In brief, our current position is that:

- We own and have been resident in our home since 2003.*
- We are fiscally resident here in France since 2004.*
- Both children have been educated in France (arriving here aged 3 and 7).*
- We own no other property anywhere.*
- We have no savings.*
- Due to circumstances beyond our control, our glassblowing business has not been financially successful.*
- Currently we receive no welfare, except for:*
 - o Cartes Vitales (currently Tiers Payante, although in the past we had 100% CMU)*
 - o We have a Mutuelle for our medical costs.*
 - o We receive ASPA as a loan on our house. This has recently been increased to around 900€ as a top-up to my husband's UK pension of around £350pcm.*
- I earn very little as an auto entrepreneur (commerçante ambulante) as my work is very seasonal. As a writer, it is too early to tell what sort of royalty payments I may receive.*
- Both our children are now out of fulltime education and are enrolled in the Mission Locale Garantie Jeunes Programme.*
- Both children are completely integrated. Our daughter was honoured by the Regional Government and the local Mairie for her creation of an environmental association called Oeuvre d'Eau which cleaned the town's rivers.*
- My husband has given glassblowing demonstrations to school children.*
- I have written a book about the history of the town.*
- In 2018, we started the process of obtaining Cartes de Sejour. I was eventually granted a CdS for 1 year, until April 2020. My husband was granted a 10 year card, until 2029. Our daughter was given 6 months (it expired on 1 Jan 2020) and our son who was a university student at the time, has not received one yet.*
- We accept that for the moment we do not earn enough money to meet the criteria for legal residency, however that situation may change. Yes, we are not rich, but we have managed to survive and bring our children up to be responsible and active members of society.*

But,

- *Our biggest fear is that we simply do not have the means to return to the UK and have nowhere to go once there. If we are obliged to leave France what will that mean for our house? Will we be forced to sell it?*

Background:

We are a married British couple with two British born children (a daughter born 1995 and a son born 2000). We bought our French house in October 2002. It was, and is, the only house we have ever owned. We had intended to use it as a holiday home, but were encouraged by a member of the city council to move here full time. My husband is an internationally known glassblower and the council was giving out start-up funding for artisan craftspeople. We were promised a grant of 1000€ to set up a glassblowing studio, as it would benefit the town. With the council's promises in mind, we moved over definitively the following July (2003), settled the children in local schools, found a location for the studio and started installing our equipment. In November 2003, we tried to apply for our Cartes de Séjour at the local Commissariat, only to be told that they wouldn't process the applications because, as British nationals, we were no longer obliged to have one. The promised grant never materialized.

In May 2004, the same council member who had promised the grant and ran the Pole des Métiers Art – Horizons Interieurs – advised us to join a cooperative as “Salarié Entrepreneurs.” They facilitated running our business and we paid all our social contributions through them.

Being with the cooperative gave us the right to a low income benefit, RMI, which we started receiving in July 2004, as well as French Child Benefit (Allocations Familiales) and CMU.

However, the glassblowing business was not an instant success. The location of the studio was very bad, my husband was hospitalized for several weeks with a ruptured appendix. The following year, our now 9 year old daughter was hospitalized with a severe kidney infection and kidney stones. The same year, just before her 10th birthday she was sexually molested by a 72 year old neighbour. We were forced to leave our home and rent a flat in another town, because while the trial was going on, and the man was still at large, he made life very difficult for us all. Shouting and spitting at us in the street, for example. This also impacted our business.

In March 2006, we left the cooperative and started a Micro-Entreprise. We continued to receive RMI, but put the equipment into storage and looked for a better location for the business. This we eventually found in early 2007, although it wouldn't be fit for purpose for over a year later.*

During the summer of 2008, we received a letter stating that after my husband's 60th birthday, he would no longer be eligible for RMI unless he deferred his pension. The RMI stopped. Although the steps took longer than anticipated, we did finally get a piece of paper stating that we neither wanted nor were eligible for a pension in France. We were allowed to reapply for RMI.

In February 2009, the CAF informed us verbally, that our request for RMI had been rejected, but it wasn't until April 2009 that we had the refusal in writing”.

Savings and Investment Income

Some Préfectures allow savings and investment income to be considered to meet the income requirements and others do not

NN "Doubtless there are many in a similar situation to us - early retired, small work pensions (insufficient to reach what we assume will be the minimum income levels for CDS come July) but with sufficient savings to last til State pension age (which would appear not to be going to be taken into account)"

LCW "A similar friend who has very small state pension and renting but lots of savings."

DB "The drop in the value of the pound, since the referendum, has meant we are now borderline. Have savings and own home."

Aspa and low pension

PC "Already been refused on income grounds. Basic state pension & own our home. Been here 9 years in April. Partner due his pension in 2021."

CS "I am a single woman who will receive her English pension in March 2021 (I will be 66 yrs old). If they require ASPA income of 868.20 euros I will not be able to get a CDS"

GO "Lived here 14 years ,own own home, retired on just uk state pension, have diminishing savings, worried that when one of us dies will then not meet income levels"

BD " just to add another 'number' to the 'uncertain income level' category. I've met the criteria for the last 3 years (but only just!) and I should be ok this time (in December), based on 2019 income, as although I have yet to do the conversion into euros (the £ was at £1.08 when I changed the last 6/12 income), I should just about be ok, as I own my home. Whether I'll be ok next year (Dec 2021) when I should get my permanent card is worrying me. My pension upgrade arrived this week and it's £23 per 4 weeks (£270 per annum) so if they put up the required amount by any significant amount, I could be in trouble. I don't pay Income tax (I do declare it, though) as I'm just under the threshold, and I don't pay TH, for the same reason. I do have enough to live on, but possibly not as much as they think I should need!!!. As with so many others, I have have nothing to return to in the UK, couldn't actually afford to move back, and couldn't afford to buy or rent when I landed."

KS "I also have a friend of 69. She receives a state pension and the small widow's supplement, but that's it. She gets around 630€/month, but owns her own home. She has lived in France for 15 years and has been told in the past that she didn't need a cds, but now regrets not pushing for one."

AS "I also have a friend like that. He owns and lives on a large boat, barge type, which is legally moored in our marina. He has been there many years. His income is very low, not

even full state pension, in his 70s but he manages. He has nowhere to go back to in the UK. He has applied for a CDS which has been somewhere in the system this past year or so. His French is not very good either (but we are happy to help him)."

SPT "I'm 51, my husband 54. We have a property in France with an €80,000 mortgage on it. He will have a small pension, I will have no income. We will have health cover. Our income will be low but we will have some money in the bank. Not sure if we meet the requirements"

BM "I have lived in France since 2002. My husband left me in 2004 and I have been alone since then. I own my house but apart from that have 600 euros per month which is taxed in France plus a share in my ex husband's pension of 1600 euros per. Month, taxed in England. Most of the latter is taken by monthly bills and taxes. I am 76 years old and a graduate in English and French and taught all my working life in England. I have made no attempt to be au fait with my position as my health is poor and the whole Brexit affair has depressed and exhausted me. If there is any help available I would be grateful to know about how to survive here safely."

KP "We have concerns about income requirements post Brexit, and specifically what type of income will be taken into account. My husband receives State pension of £168.60 together with a private pension of £156, monthly. I receive a monthly private pension of £200, but no State pension. We have two rental properties in the UK, with a combined monthly rental income of £1,945. We also own our property in France and a further property in the UK. We would like to know whether the French authorities will accept rental income after the transition period. If this is not the case we may run the risk of being below the required income threshold."

Low income not working or little - With and without CAF - RSA and PA

MT "Why isnt the minimum income linked to postal codes. It makes a huge difference if you live in a city have to rent and buy all your food, plus envitable extras like fashion to if you live in a rural area, own your own home, grow food and 80% of the time happy in a pair of wellies. How can they compare the cost of living in Paris as the same as for e.g Charente?"

FB "I am in the process of a divorce here in France, I am an AE but on low income & with no savings & at present no money coming from my ex, although I hope that will be changing. I know I could claim for some benefits to help me, but haven't as I want to prove that I can cope. I own my home so have no mortgage, loans, etc., but at present (until my divorce is finalised, which could take time as my ex is being very difficult even though the separation was his fault) I cannot fulfill the minimum money requirements to get my CDS, I have been living in France for 9 years, & on my own for 5 years."

JG "Lived in France 6 years, CdS after 5. Pensions from Army and Fire Service, 1,000 / month. We own our house, but all the money is mine, so I worry that if I drop off me perch my wife is utterly penniless. I'm 61, she's nearly 60. Currently trying to find work as HGV driver to get some savings for when i go to join the choir invisible. However all the work I've been offered is international, and no-one knows if I'll be allowed freedom of movement as a worker in Europe on a UK passport."

BM "We've been here for 18 years. My husband is ME, but had a stroke 18 months ago so our income has reduced as he can't work full time. I'm on chomage and we are a burden on the state because we receive CMU-C. We own our home, mortgage free. Looking at all the Avis des Imports that we have, several of them are over the threshold but not the last 5 years. I have Irish citizenship but my husband doesn't. We did have a CdS from 2002 to 2012."

RM "I own house for 20 years no mortgage. Moved permanently 2017/8 and am self employed on very low income.

Would not meet minimum income if reciprocal with UK.

In process of CdS application but put on hold by Carcassonne prefecture last October now waiting on online service to open.

Nothing to go back to in Uk.

Worried"

P&C "Our situation is as follows. We moved here in 2010 to the vineyard we had brought. We supported ourselves without any help until 2015 paying all taxes and cotisations to pensions healthcare etc with the MSA and still do.

In 2013 and again in 2017 we lost our entire harvest first to hail and then to frost. We lost 40 % last year to frost too. Since we've been here we've replanted over half the vineyard and brought land to increase out hectarage. We sell our grapes to the local co-op who pay us bi monthly over two years for each harvest and are contracted to do so for another year when the contract will be renewed.

Because of these losses we have recieved RSA top up since 2015.

We applied for CDS in 2019 and were refused a permanent one saying we were "inactif" which we are not. We were granted 2 yr cards instead by Perigueux prefecture. The case is with SOLVIT as we were here for a full five years without need of help and they have claimed we are inactive. Also because of the way we are paid it looks as if we dont reach the income requirements whereas our overall payment for one years harvest means we often are... with the exceptions of 2013 and 2017. We aim to come out if the co-OP and make our own wine when all of our replanted vines reach full maturity and therefore increase our income.

We own our house and land with a small mortgage on it and have two girls who were born here, go to the local school and are 6 and 3.

Please help. We have worked hard since we got here are fully integrated here and committed and sometimes farming is hard and the weather is beyond our control! I cannot begin to think about how our girls would feel if we had to leave here and the worry is making me sick. I'm not proud of needing the RSA and hope things change for the better soon. I

have applied for french nationality which I pretty sure will be refused due to our income levels.... it's often not stable (farming!) income but it is regular.”

ASJ “Okay so bought our very small B and B December 2011 which we own outright, our income was supposed to be me running the B and B and hubby getting work here and there in the building trade that he came from in the UK however in December 2014 he got blood cancer had a stem cell transplant and has basically been unable to work since so our income is solely what we make in the B and B. Even our best year we only made 14k gross, have constantly struggled to meet bills etc and only just manage to keep our heads above water. So although we don't claim anything from the state we don't make enough to really contribute either. Although I would say that pretty much every penny gets ploughed back into our local economy and our guests spend locally too so we do contribute in that way. I don't think we would have enough income to get a cds and the prospect of being sent back to the UK literally fills me with dread. I don't want to be overly dramatic but I am seriously concerned about my mental health with all this 😞”

G “struggling to find a clear answer to what needs to be done to secure residency in France during this transition year.

Basically, me and my brothers have a house in France and currently live in the UK. I am selling a rental property in the UK to give me sufficient funds to live on whilst setting up as a freelance consultant, based and tax resident in France. I plan to enrol at the local university to study French and work part-time as a freelancer until these studies are finished.

Since I'm leaving full-time employment in the UK, I won't have proof of minimum income coming into my account each month (c. 600 euros) unless I get some freelance work fairly quickly and also get paid super quick (which doesn't tend to happen in the world of environmental consulting). The fact that I will have substantial savings to live on until freelance work is secured, or I can access my stakeholder pension - at 55, currently 52 years old, doesn't seem to be taken into account when establishing if I wouldn't be a burden on the French state. This seems to be very odd and could undermine my, and many others I suspect, plans to relocate to France to ensure they can have continued, and unfettered, access to their French properties.

In an ideal world, none of this would be necessary and I could just split my time between France and UK as planned, gradually spending more time in France as my workload decreased in the UK. However, time is not on my side so I feel compelled to take fairly drastic action this year - I just don't want it to be for nought because I fail some arbitrary minimum monthly income requirement at a crucial point in time.”

JGA “i meet all the criteria for staying at the moment, but my job isn't secure, my home is just about habitable, i am the wrong age, with dependents and have no safety net. I try not to think too hard about the future, it scares the hell out of me. “

SL “I'm no where near retirement age, I dont meet requirements, low income, not a home owner etc. Despite 17 years continuous residency I have been unable to secure a CdS permanent even after involving SOLVIT AS during my last 5 years I didn't meet requirements. I have a 17 year old daughter still under follow up care for ovarian cancer who

will finish lycee in 2021 at age 18 and won't qualify in her own right for a CdS either. Worried about uni options and health care for her. plus having 2 of my children here in France and 2 in UK make the future worrying for us all."

HM "Here is a brief outline of my situation. I can if needed provide more information. I moved to France in August 2006 with my husband and our two daughters ages one and two years. The plan was I would stay at home caring for our daughters and maybe sell stuff online, while my husband was the main bread winner. I became pregnant in 2008 and my husband left. he has now returned to the UK while I have remained in France with our three daughters.

My ex husband refuses to pay the pension that the French courts ordered he should pay, and it is proving very difficult to chase this as I have been told that it can not be looked at the moment due to Brexit? this leaves me in the position of being in receipt of benefits from the CAF and although I am registered self employed, have been for 11 years, ironing cleaning and selling online, trying to make a living but I am well below the minimum income. I do speak some French, but struggle because I am dyslexic, which makes obtaining other forms of employment in the area I live in impossible.

I own my house with a small mortgage, I have no problem proving my long term residency with tax forms and school registration etc. I applied for my CDS and received a 5 year card because of my lack of income. My ex husband left France in 2013, his income would have been above the earning threshold but I was led to believe that would not help me, even though we were still married until October 2011

Like many others this has caused me a lot of stress and anxiety, my daughters are also worried, they have never know any other home, or education, one of them was born here, they consider themselves to be French and are all hoping to take French citizenship as soon as they can. We have nothing in the UK."

CL " Have lived here for 4 years, own our own house, but only earn about 6,000 euros a year from a gite. Husband does not have an income but will receive his pension in October this year. Our money is made up from CAF."

JV "My partner has his own home here but returns to the uk to see his father . He is an antique dealer and has his own health insurance but has not started his business here as yet ." "I'm in the process of buying my home here close to my partner however I'm retired and just have the state pension plus 2 small pensions . Can I become a brocanter and will I be able to stay if I don't"

FC "My friends who are doing well but under the income minimum."

AC "I am most definitely precarious...18yrs in France completely legal...I live here, it is my home but I don't meet any obligations to remain...sometimes terrified as to what the future holds"

BH "We are Family of four with my partner and two little girls 2 years and one year old. Started living France permanently 4 months ago.

My partner has a business in U.K. with not enough income to meet the criteria. I am looking for job here but it's very hard with limited french. (I've just sold my little business few months ago)

We are in rented accommodation.

Apart from attestation from Marie and healthcare cover haven't done anything yet."

RL "Hello I think my husband and I are in a precarious situation. We have lived here for 10 years this April. Rent our house, am ME since 2013 with varying levels of income but always something. Husband works CESU which can vary depending on the weather. I have worked fixed term contracts of varying length from 6 weeks to a year. Have completed paid formation am currently looking for work to supplement our resources to make our situation more secure if possible. Until November my mum lived with us and she had 2 pensions. However due to her dementia she is now in a maison de retraite. We have always declared all earnings but are very much in diminished circumstances. Can pm if further details required."

MJ "Thanks. Maybe our post retirement story might be of interest. Just for clarity, my wife LL, has never been registered to work in France, because we set up a small lifestyle business back in 2003 (we have nothing left in the UK) incorporating a basic gite offering mixed with all inclusive walking holiday packages, with me as the guide. I'm qualified as a mountain guide, and registered as a micro-entrepreneur. We own our home, where we run the business from, and have no liabilities. It's worked for us - never be rich - but we succeeded in achieving the change in lifestyle that we'd targeted. As mentioned above, I am now 68, and Liz will turn 60 this year, and I would dearly like to slow down a bit. So, planning to declare my retirement in France at some point in the next 2 to 3 years. Problem will be, is that Lizzy won't get her UK state pension for another 7 years, and our private pensions and invested savings are generating not a huge return. So, we do intend to sell the property for something smaller as part of the retirement plan, so that we can invest the profit to gain a little more income. But it may well be that we struggle to justify the financial criteria, come the day - in particular if we're forced to take on health care insurance, once "inactive", just to meet the criteria - and that's critical, because it's a large chunk of money each month. We're both fit and healthy, and have paid into the French system from the outset, and apart from a couple of accidents, and the usual doctor's visits, we have never had to rely on the state for support. We intend to stay here, come what may and are more than happy to jump through French hoops to do so - it is their country after all, and we have applied for nationality, and our dossiers have been accepted at the local Pref. However, it's interesting that the Embassy is talking about a little more flexibility in meeting the financial criteria, because in our opinion, if one has proven over several years that they are no burden on the state, and will do their best to not be so, and have paid into the French system also, then all that should be taken into account in the decision making process, as opposed to a purely numbers based system. Thank you for all the work you've put into this, I follow the postings, but am not that vocal within it."

SA "Moved to France in 2006 , with my husband who was 65 and claiming uk state pension. We lived here ever since. He died last year and I am now a widow and still under pension age for another 5 years.

I have no income whatever! But I sold our family home here in France and bought a wreck and am living on the proceeds of the sale but that has to provide for living costs as well as renovations so my savings are dwindling fast. In total I have around 35000 euros in the bank, no other savings, no income but I am a homeowner. When I reach 67 I will get UK state pension but that won't be till 2025.

I have no assets at all in the UK and no home there.

I am registered for tax here in France but not liable to pay tax.

My healthcare stopped when my husband died as my 'ayant droit' no longer was valid but I have reapplied under PUMA and am told that I will be eligible under residency. Just waiting!! In the meantime I have taken out exorbitant private health insurance at almost 3000 euros per year."

LC "I am slightly concerned about our situation with regard to income should anything change with DWP ESA payments.

Currently. My husband (67) has full pension plus £50 gov pension.

I have ESA of 409 a month plus NHS pension of 375. As I am only 63 and won't get my UK pension until 66 (2023), if we lose my ESA we won't have enough income to meet the requirements.

We have capital and own our property but I've read that this may not help.

So currently meet requirements, just, I think.

Worried this will change.

Thanks for your help with our rights"

MB "I would like to comment and ask why gross is not accountable as the deductions they make is what they give to you, so it makes our net income for a family lower than the level required but we still have all our gross amount to live on which is over the RSA level."

Intermittent du Spectacle /Actors

CC "Been in France since 2005 but went back to Scotland in 2014 then have been coming and going. Work as an actor here in France and Scotland. Very worried how I can continue with this. More time now spent in France."

WK "I have an English friend who is a musician. Lived in France 29 years (is aged 37), did all her education here. She tours internationally, gets paid for touring, royalties from the music as well, but ultimately and depending on period is in a precarious situation. Sometimes for a 1 year period will be intermittent du spectacle (1300€/month), but sometimes will be on RSA (500€/month). Musicians don't have CDI contracts, each gig is a contract that only gets signed on showday."

Illness

MP "I've been in France 16 years but all low income (average 5-8k) working as AE. But I was a homeowner and with partner. Now house sold due to impending divorce and no current income due to serious illness amongst other things). I'm happy to give full detail by email (it's a lot more complicated than this). I should be entitled to aid but I'm not willing to chance it."

JF "We are a retired couple, and wanted to make the move to France but Husband has to have operation whilst still on the NHS this year in the UK. Waiting lists and pre-operative screening mean operation likely won't happen till August or September and then there's three months before husband can travel. In addition we have to clear up a house and sell it, whilst husband not fit enough to help do any clearing or sorting...so am very, very worried we will not get to France in time before the end of the transition period to claim residency. Under EU rules we meet the minimum income criteria, but not after Brexit. We already have a house in France, but we cannot afford to run UK house and a French house anymore. The trouble is too, that after the end of the transition period the minimum income demands are too great for us ever to move to France. Then if we dont move, what can we do for health care for our 90/180 stays? Ehic will disappear and travel health insurance even now with EHIC is extremely hard to get with pre-existing conditions, totally unaffordable (several thousands of pounds), so after withdrawal of EHIC it will be a complete bar when the insurance companies have to pick up the entire medical bill for any health treatment that might be needed." "PS I think it worth adding for the report, we are generally in good health, its just OH is diabetic and years ago suffered a heart attack. The minute you've had something like a heart attack even if you've been discharged from outpatients for years, and had no further problems, the insurance companies for travel insurance in the UK throw wobbles.. The thing is he just needs hip replacements, but may need another op for something minor, before having this hip replacement. Other than that we're independent, dont need nurse or other care support and have stable pensions coming in. Once OH has had his surgery I think we can expect good health for the future. We would not need to lean on French system heavily at all. pps, no mortgage on French house."

RT: "Thank you for helping with this - i have what i consider to be a precarious situation...I am 49, i have been married to Thierry since 1999 and i have lived in France since 1994. We have two daughters both born in Annecy (74) in 2001&2003. The oldest is now in her first year at uni in Manchester the youngest in Premiere at Lycee. I have a carte de sejour 10 years from prefecture d'Annecy (nov 2019). I started the application for French nationality via mariage in Oct 2018 via Adacaes ... not heard anything yet. I am an auto entrepreneur wedding & portrait photographer. Our house will (should be) paid off by Feb 2021. Should be straight forward enough ...BUT in August 2019 Thierry was diagnosed with aggressive brain cancer which is inoperable. It is a Glioblastoma grade4. His prognosis is 12-18 months from diagnosis. Devastating and terrifying.

I am caring for him full time and so i am not working and have no income of my own. By the time the process for nationalisation goes through to interview stage he will very probably be gone and i have no income 1 child in uni one in school. I will not meet the criteria for staying and i am very very scared.

Revenue Fiscal de Référence (RFR) and not income for gîte owners

DW "Perigueux prefecture only consider what's shown as RFR on the avis d'impots when assessing income for permanent residence rights. They've refused inactive people whose RFR is below the RSA limits but the RFR is after allowances and the allowances for gite income are quite high (50 or 71%?) and even straightforward unfurnished rentals have an allowance deducted of 30%. People living off mainly rental income may be managing quite well and have a good income because their expenses aren't anywhere near the standard allowances - but are refused because their RFR isn't high enough.

Not sure if RFR is what other prefectures use? I know mine (Angouleme) looked at it but they did accept that our actual family income looked low but was enough when we first came here because part of our income was tax exempt (in both UK and France so not reflected in the RFR at all, though declared and shown on the avis d'impots). Perigueux however, definitely only looked at RFR and also ignored exempt income in cases I've discussed with people.

I know it makes it easy for them but it doesn't make sense to only consider RFR. People get allowances for being aged and having an ALD so their RFR is reduced but that doesn't mean they don't have the money cancelled out of the RFR by that allowance available to them."

WASPI, Low income, poor health, no CdS

LG "My husband is disabled and has ESA Support (previously INVALIDITY Benefit) and PIP (personal independence payment) which combined is less than AAH (French Equivalent) however we get just less than AAH.

My husband has a disability card 80% for accompaniment,. I myself have a tumour on my pituitary gland which was not able to be removed totally (too close to main brain artery). I also have been found on biopsy of some of the tumour to have EDC (Erdheim Chester, a VERY RARE type of blood cancer.) As also problems with my spine, Chronic fatigue and live on a cocktail of drugs, always tired and in pain.

My husband has an S1 but I was in " The system first" in PUMA. However due to the fall in the pound our money is now drastically reduced. I am 62 (waspi woman who should have had my pension at 60)Having paid full stamp until 15 years ago! I have only been able to accumulate 450 hrs towards chomage (unemployment payment) 750 hours needed."

CB "I have lived 4 years in France in the past, but circumstances led to my having to return to the UK. My dream has always been to retire in France, however Brexit is turning my dream into a nightmare.

My previous years' living in France were so easy - I obtained CDS just by asking, similarly my CV to join the health system.

I am presently in France searching for my forever home near Civray - though with a heavy heart and troubled mind - should I dare to try, or just give up the dream?

I shall be 64 in June and a single lady and will not gain my UK State Pension until June 2022 - aged 66! It was always to be 60 until the UK government added on a further 6 working years. I have not worked these past 5 years and was initially supported by now ex husband and the last 2 years living off my savings.

So, I have enough capital from the sale of my UK house to but a low cost house in France, of around €50,000 outright. I receive rental income from a UK property of gross £625 per month, after agency fees I receive £543 per month, out if this I pay a mortgage of £190 a

month leaving me a net income of £353 per month. I do not receive my state pension for another 2 years. After buying the French house I will have savings of about £30k - more if I find a cheaper house. I've managed well these past 2 years and know that my 30k will last me more than 2 years, added to the little income I have. Also, in 2 years when my state pension starts, I plan to sell my little UK property, but this will net only about another £45k. This is more than enough for me to live on - this capital and my state pension, until I pass... But technically, I cannot demonstrate next year when I would need to file a French tax return, or indeed this year when applying for a CDS that I can quite meet the RSA single person under 65 income requirement of 560€, which will go up to around 900€ after age 65 - next year - a year before I get my state pension.

So, it's a huge risk to take at this age in my life. But I am going to do it - I do not want to spend my winter years of life living in the UK, this was never my plan/dream. I guess the worst case scenario, if I fail to acquire a CDS, this will only be my home for 90 out of each 180 days. Which is crazy, as I easily live on my little income and savings- I don't eat a lot and I live a simple life! In fact, just doing the 90 days will cost me a lot more, to pay for accommodation in the UK for the other 93 out of 180 days.

A dilemma, that I know many find themselves in - and sadly thwarted on FB by those that cruelly say we do not deserve the right to stay then. Life's ups and downs did not make us all wealthy.... but we manage and still want to live our dreams”

Divorcing woman resident 20+ years with child at école des ingénieurs

E R “A. Loss of rights which when people installed themselves here they understood to be reciprocal without any possibility of that changing/ combined with uncertainty regarding the potential loss of said rights - many are floating along with the tide in limbo.

B. As someone who has lived the last 20 years in the shadow of my estranged husband's career I am by far the lesser partner in economic terms and on paper. Currently divorcing the same uncooperative estranged husband and therefore have no means to prove income during my residency in France, I also have our three teen children as my sole dependents. Mine is not the only story where thanks to others I am not able to provide sufficient paperwork, or numbers on paperwork, to satisfy requirements for settled status/ carte de séjour/ citizenship.

Unfortunately there is a predominance of women in the category of those not able to prove adequate financial income to the household and yet it is unclear what we can do / should do/ what will happen. I know people who would otherwise claim financial state assistance but don't as they fear it will rule against them for a carte de séjour. So already throughout this period of limbo people are unfairly suffering and economically disadvantaged. These are people who have lived here a long time, had children born here, have French or other European citizen partners - yet there are people moving to/ buying houses currently in France and apparently being granted carte de séjours instantly - all because they have financial proof of resources - their minds are at ease but those with perhaps the most to lose are already losing out and stand to lose out most if they fall through the net.

I would add specifically that I am struggling financially and in a month's time will really hit a hard place. I feel absolutely stuck - don't know which way to turn, have been in limbo for so long. I have been requesting proof of income from estranged husband for over 18 months

without which it is my understanding that I cannot request many things in France. Carte de séjour, CAF, assistance with mortgage payments student loan for my son as he has a place at an école des ingénieurs so it's fee paying 4,500 pa but I have no help with this . . he has applied for a bourse but we have heard nothing. Also unable to receive a bank loan for driving lessons for the boys as my personal income is low without proof of help we were receiving from their dad etc etc and now the clock is running down

I am self- employed but live very rurally and without a doubt separation/ divorce and the associated impacts - plus Brexit have run down my self- belief, self-esteem, confidence which have negatively impacted on my ability to be on top of the situation ..

All very frustrating and tedious!

A friend who has lived here for 20 years, 3 children born here, has a part time CDI applied for a CdS only to be refused, on appeal she obtained a one year card.

I feel there is clearly an enormous amount of worried pensioners which I fully understand but maybe they have more time to fight their corner - I'm just struggling week on week but there must be many like me !

We are all British born - been here 5.5 year

I do see though that women, single women, mothers, single mothers will end up being a "most worse off" group as they will be extremely vulnerable to the imposition of financial barriers to obtaining a CdS. I'm in that minority however I do speak French (have a degree in languages) and am capable although hands very tied at the moment but every week I have a local conversation with British women who are very concerned - we're Lot et Garonne so not a rich area of France either. Thanks for reaching out though and perfectly happy to speak to anyone about it."

SE: "Points affecting me directly that I would like to see included:

1. Titre de Sejour or residents future card - I had a CdS from 2003 until 2008 when it expired I was told I no longer needed one. Since it's been clear that we do I have tried without success to obtain one. I am unfortunate enough to live 3 kms inside the Dordogne border. Perigueux is the responsible prefecture. They are only equipped to deal with 7000 cards a year total! Not just Brits. Any new system must be centralized to avoid log jams like Peigueux where higher than average numbers live. It is not fair burden on those administrations financially or in workload. It must be possible to set up a National online system which can track our fiscal numbers, social security etc as proof of residence here. There has been so much inconsistency in the previous system, interpreted differently by different prefecture, leading to translations being needed or not, this proof in one area but not in another...Simple, consistent and physical proof that we can live here is what I want.

2. Financial qualification - I am currently ME and have been running my own business with my partner since 2003. However, this is all due to change...House is up for sale and relationship is finished. We had run Chambre d'hôte and gîte, often seen as 'marginal' by some prefectures as income, but has sustained us for 18 years and brought money in to the area. So, I have to find another income. But no one wants to employ a 63 year old Brit, even though I speak French, seen as too risky right now, as our status is unresolved. Have a

small private pension currently but I do not get State pension until 2023, as I am also one of the 'fortunate' WASPI generation. So I have already been 'skimmed' to the tune of €25,000 as a result of that. Additionally do we really have a guarantee that our pensions will be unrated...Will be due a French pension but again it will be very small. Need clarity about how we will be assessed financially. Bearing in mind we all moved based on certain rules and those should not change on us. I have never had to claim anything from the state. That may change but should I really be penalised for this? This must be consistent across France and not just an interpretation by a local functionary.

3. Freedom of Movement - I had planned to move to Spain or Portugal when I finally got to retire, as cost of living is cheaper and I have friends there. I always knew that my finances would be an issue trying to remain in France, divorce or not, the cost of living is just continuously rising here, the health service is under real pressures and I never saw France as my final destination. That was the dream and promise we were sold by the EU. Freedom of Movement. But now I am landlocked. If ever I entertain another relationship, if it's not with another Brit, then forget trying to return to UK. Despite my British passport!

4. Voting rights - I am completely disenfranchised. I recently received a letter from my Maire to say that I could now no longer vote in European or local elections. Why should this be the case. It doesn't have to be. It is in the gift of France to allow us to vote in local elections at least. The EU also need to reflect that they are also able to gift this to those who qualify for residents rights in our country of domicile. We pay taxes here and contribute to EU funding. UK has been promising since 2010 to review our disenfranchisement after 15 years, but not holding my breath on that one!

5. Aging parents - both are still alive 91 and 88. I am worried that I will get stuck in the 90 day scenario if and when I need to visit them and care for them. Not an option to bring them here. Also outraged that I now will have to buy insurance to cover me when I'm there if I need to access NHS!

Prefecture Issues and current postcode lottery

We have found huge differences between each Préfecture. Some are a delight to deal with, some treat our members very poorly, some issue incorrect cards, some have refused to offer cards, some are liberal with issuing OQTFs (deportation orders).

NT "Not sure if this scenario counts, but...my daughter (now 22, been here permanently since September 2009) was told by her local prefecture at the time, that she could not have a CdS because she had been overdrawn on her bank account, a situation that arose by an error made by the bank, not my daughter. She's still without a CdS."

NB "I just saw a post today on the Applying for a French CdS group of a Brit resident in France for 20+ years who previously had a 10 year CdS that had expired but renewal was refused when it was decided that EU citizens no longer required a CdS. As recommended by the Embassy after the referendum he applied for a CdS renewal which was refused on the grounds that he was en chômage.

This refusal was wrong on several grounds but we need assurance that such arbitrary treatment with préfetures making up their own rules is not going to happen to post-Brexit Brits protected by the Withdrawal Agreement."

DW "That's been common - préfetures testing the last five years of residency rather than any five year qualifying period in the past with proof of continuous residency since. I thought the Ministry of the Interior had already let préfetures know that was wrong but it sounds as if the message hasn't got across if that's a recent case."

RL "Hi everybody , local interpretation of the regs for long duree cds seem to change from dept to dept , we've been here for 16 years had business for 11 still going , own own home, wife had a cerebral hemorrhage 7 years ago left her with several problems ,we continued renovating our house and running the business ,2 years ago i managed to split a main artery to my heart was in intensive care for a couple of weeks came back home reduced energy and still ill , continued with the business (metal work) obviously this all reduce my income although we applied for the long duree cds the Aveyron prefecture sent us a letter telling us we were successful with our application but when we collected our cards they were for 5 years we sent a letter of appeal in November but they have ignored this , will not respond will contact solvit again ."

JC "Own my own house outright, 100% solar powered, bottle gas, smallholding for food so few expenses, but my private tutoring micro entreprise will really struggle to meet income thresholds. Despite being PACSed was told in no uncertain terms by an angry civil servant at La Rochelle that it didn't count for anything. Terrified I won't be able to earn enough money to meet the conditions and our joint income won't be counted."

MT "I think I had the same lady at La Rochelle. Same situ, but i went to solvit and they managed to turn it around and finally got my CdS."

JC 'my god, it takes a lot to put me on edge after years in a classroom but that woman was horrendous! If I hadn't been able to stand my ground in French and eventually get her to stop being so aggressive with some self deprecating banter and talk about Brexit, I think I would have crumbled. No récépissé issued. Didn't even really look at other half's file (he has more income) Just told to "earn more €€" I'd have reported her in the U.K.!!"

MT "I had the same. Just a firm Non and pointing at my low income. I was left in limbo as no dossier number and formal refusal. I opened a case with solvit and 6 months later invited back for fingrr prints and given the receipt for 10 year CdS. Solvit def worth trying."

MJ “ Read the link on the post with interest, and I note that it says that EU citizens have a right to remain if they are working or self employed, OR if not working (retired maybe), be able to prove their finances. But in both cases it mentions that private health insurance is required. 2 points. 1. - Am 68, and still working as self employed, and have done so for the last 16 years, fully resident in France. Last year got a 10 year CDS. At no time was asked for proof of health cover, and it was never mentioned in the list of documents required. I wonder if it will appear in the list required to be able to swap my current CDS for a third country national CDS after July this year? 2. - As and when I decide to declare my retirement in France (this will be after December this year), - 1st question, will the S1 system still be valid? 2nd question, if so, do I still need health insurance cover, given that my health care costs should be covered by the UK? I am fully paid up in the UK and therefore claiming my UK state pension. Have also applied for Nationality, dossier accepted August last year.”

BD “Please have you a telephone number that I can contact as I need to speak to someone , not use the computer. I'm 80 years old and not computer literate and am getting very stressed out that I will have to apply for and upload everything on line. I have no idea how to do so, or the means to do so. Help!”

Disabilities

There has been a huge lack of communication regarding disability rights

KS “I am worried about my daughter as she is profoundly disabled and will never have an income. She is 18 and we will likely be claiming aeeh for her until she's older. I can't find anything to meet her circumstances - even down to them not being able to get fingerprints if they did grant her residency! So she won't be in receipt of AAH.”

HH “also to add families in receipt of AEEH where one parent can't work due to caring for child with disabilities therefore low income”

NA “20 yrs here, no home in UK, on invalidity (MDPSH), never worked here (only bénévolat), not a home owner, no job prospects (too ill). No idea what protection I will have, praying my CDS request is not refused, been trying for ages to request naturalisation, no rdvs available...Panic!!! ;)”

MP “Been here for nearly 22 years and have worked part time for most of it. Single parent with 2 autistic children so have never been able to work full time. I definitely can't meet the financial independence criteria”

HH “I've asked this one too 😊 although my OH works I have no income now as full time carer for autistic children too . This would be good to know- also would be good to clarify rights of a child in general too as they grow older ie once 18 what rights will apply to them iro carte de séjour travelling to work and returning . I think all mine will go dual nationality.”

Naturalisation Issues

We are advised that to retain full rights we need to become French citizens. This is not an easy task with long delays, high cost, various refusals due to issues like inadequate professional integration and new language tests expected this April

DH "I personally feel the embassy should lobby for fast track naturalisation for UK citizens resident in France pre BREXIT. That is only way to preserve our rights and those of our children in full."

SB "absolutely....we've lived here since 2003, worked and paid all my dues, 10 year CDS, which will be changed but what for?? I agree that if you've been here for a predetermined length of time we should get automatic naturalisation we've invested our LIFE over here, work blooming hard and many of us have little or no ties to the UK."

DH " I wasn't thinking so much of automatic or easy but quick..... people who have lived in France for years and worked and/or brought up children here should be able to take language and cultural test. The issues are gaps in residency evidence and the time it takes which for some people I know can be years."

SCS "I agree, especially if you are over 70 like me and have been here over 30 years. I fear I might not survive the stress of a two year wait!"

T M "I agree. We started Naturalisation in 2018 but have to wait till Jan 2022 for our next interview in Grenoble, 26. By the time we finish the process our daughter passes from mineure to majeure. Having been scolarised since the age of 8, she will have to start her own process and will not be able to study abroad for fear of losing her right to remain in her home, France. I wish there would be a fast track for UK citizens on France, the same in every Département.."

AK "My two son's are in a precarious situation both have lived here for nearly 20 years from the ages of 5 and 3 one has finished his bts auto and so is a fully trained mechanic but his driving school went bust and he had prepaid 600 euros so he is working part-time as a cleaner as it is the only job available accessible by bus. We are not unfortunately in a position to help except to provide bed and board as my husband is 80% disabled and I am his carer. He did not fit into any of the categories of the old online system to get a permanent carte de sejours so we left it. I have a permanent carte de sejours and my husband has an old one until 2012 but he has Aah. My other son is in his first year of a master's degree in Rennes and has been scolarised in France all covered by the French system since he was 5 but again did not fit into the relevant classification of the old online system as it seemed that he could only get a 1 year student card having only left France for 20 days in the last 20 years ! But we do not have the financial resources to pay for French nationality."

Blocked from Employment due to no proven rights and CDDs

We are receiving reports of people refused or removed from employment. This is largely due to a lack of communication on Withdrawal Agreement rights

PH "My worry is that as a university teacher sans concours I am limited to CDDs for the foreseeable future, which severely hampers my future application for nationality. As a sole provider in the family (unemployed husband, child of 5 years of age) I also cannot stop working so as to have a second child. Additionally, the concours (CAPES and Agrégation) are now going to be unavailable to me as these are only open to EU nationals. Going back to the UK is not an option as we have nothing to go back to: I moved my family to France for work after it became obvious that as an academic I would never secure a permanent or even a full-time position in the UK. Thus my situation is truly precarious." " I wonder if this has been raised with the Ministère de l'Education for those of us that have been resident before the end of TP. I had neither enough French nor the time to take it when I first arrived in 2018, and now this is one more rug Brexit has pulled up from under my feet."

DW "Also a job my son has applied for in the Netherlands states you must be "able to work in the EU"...."

DH "As an employer (company in grenoble) it is sad to say I would prefer to employ an EU national to a Brit, as we have customers throughout Europe and an EU passport holder is lower risk. I have employed 3rd country nationals and the paperwork is a pain. It would be really helpful if the British embassy could lobby for there to be no extra paperwork for a french company employing a pre BREXIT resident brit compared to employing an EU national. However I fear it will be harder and disadvantage us all."

DH "the WA means we get a French residency permit. That isn't as good as EU citizenship eg to deliver services throughout EU. Also it isn't yet clear exactly how it will work and what complexotirs there might be for businesses, especially while the process is being set up. So regrettably that could mean we (and our children) have a disadvantage in the jobs market compared to EU nationals. Hopefully that wont be the case for long...."

CD "My Uni student son was offered a job with a supermarket chain, and it was withdrawn when they realised he was British."

DH "I had a friend in the UK who had the offer of senior position at a paris company "stall" last summer due to BREXIT. They thought employing him would be a nightmare"

CD "yes, they quoted Brexit - even though this was before UK had left!"

Loss of WA Rights and landlocking

Members feel landlocked in France and fear losing WA rights

JW Any idea if France is planning to impose 5 year absence? Given they allow permanent résidence for long term TCNs. Will new permanent cards need renewing every 10 years. I think it's important we say that WA includes a lot minimums and that member states can and should offer more. I'm thinking of issues like 5 years of absence before a loss of rights. France has local legislation that allows for permanent rights for TCNS. I can see issues with France treating us worse than TCNs by rigidly sticking to WA minimums. It's for the Embassy to push for a least TCN levels on top of WA.

Pension Landlocking

JW I wonder if you could help me with a personal question that may help others too? I was reading this article and it got me thinking https://europastreet.news/how-european-pension-coordination-works-and-what-changes-for-the-uk/?fbclid=IwAR3F-jE7c5StmTy1peyw_Id6VKHR94dr-ZNtGgYShfODq_axsRwB4NbrXs

In my case, I could lose my WA "protection" for the coordination of SS after 5 years away from France. I have a feeling I am landlocked in France with my TCN husband unless I forego a lot of our future pension income by having to retire later. Can Brexit "landlock" TCNs in France!? A UK decision of Brexit making this impact on a TCNs citizen and blocking them from their home countries due to reduced finances can't be right. This article makes it very clear that proving WA cover is vital. Please also note that my husband was denied a right to work by the Préfecture and continuing his 30-year salaried career as a US civil servant(it's not as though he'd deny a French or EU citizen a job!). He has been forced to take a much reduced early retirement at 57 due to the Préfecture and now may now also be pension landlocked. Of course, my concerns would be partially solved if I got truly permanent WA rights for my lifetime, which is being proposed - one of our RIFT admins attended the plenary debate at the Parliament in Strasbourg the other day. Right now I think my WA rights for social security aggregation could be lost if I leave France for 5+ years. A TCN is allowed to apply for permanent residence in France which can never be lost but can a British citizen (I think the Ministry hasn't addressed this)? I think probably not as the WA says 5 years absence. Many thanks in advance for your thoughts on the potential loss of social security aggregation rights. If you could convince France to accept handling aggregation for all current and past residents covered by WA at any time in the future and having France as their last country of work that would be great!

SOLVIT and recourse

We need a replacement for or continuation of SOLVIT who have helped many of our members who have been denied their rights.

JH Also, in my SOLVIT question, I was surprised that there was no proposed involvement from the embassy re solutions.

JL "Thanks to SOLVIT we now have permanent CDS's but initially our local prefecture would not issue permanent cards on the grounds that we don't have "income" despite having savings and investments that exceeded the monthly income requirements."

NB "The simplest route for the EU & to ensure consistency across the whole EU is to continue to use SOLVIT to get issues sorted for WA Brits instead of a separate appeal process in each country."

JW The problem is the system uses local lawyers per country and ours are UK based/funded. We need to find a solution.

Cross Border and G Permit

We have a subgroup of RIFT called Working Across Borders. Our members in this group are reporting problems.

KH "I work internationally. France is my home. But I would have to leave for 6 months to a year. Nothing in the uk, my life is in France. Bit stymied at the moment. Not worked for last two years due to uncertainty. Need to be resident, but also need to eat."

MR "So it is definite that we will not be able to provide cross border services as self-employed people? That's my income gone."

DD "not my understanding just that incomes need to be sustainable and taxable in France."

PW "I am a UK National, currently working as a contractor, and on a mission at present in the UK.

My wife and children live in Southern France, and are French Nationals, with our children holding dual UK/French citizenship.

As I do not spend the time period in France to apply for Carte De Sejour, and as a Frontier Worker, this puts myself in an 'interesting' position due to the nature of my work.

We do have a Carte De Famille, but I still want the ability to work Pan Europe (have worked in Germany before), or if anyone is offering a full time mission in France"

MR *“ I am not a frontier worker - I'm an ME who sells consultancy services to other MSs (not the UK). It's very worrying, on top of everything else that's gone wrong in my life in the last six weeks.....”*

MR *“That makes sense, but my understanding was that it was related to our losing one of the four freedoms - services. Fingers crossed!”*

GV *“ the FCO rep at the Embassy last week said people like you can continue to provide services as long as you are registered and delivering the services from here. You can also continue to provide services to the UK if that is one of your markets.”*

LWY *“Husband is early an retiree, inactif, and has his CV. I'm an ME although not earning the RSA level requirement and don't expect to. I work for UK clients remotely from France, business consulting services, and declare income via my ME registration. Client base diminished this year over last year because of remote working. We moved to FR in Jan 2019. We own our house and grow our own veg/fruit. We live on capital released from our UK house sale, topped up by my ME earnings. We are very much self sufficient because we're living on capital/savings, but I'm really concerned about prefecture-decision-making when it comes to assessing self-sufficiency for CdS. Thanks” “thank you. I forgot to mention that my husband is 4 years off accessing his UK state and private pensions, and I'm 3 years off accessing my private pension.”*

JAB *“ My husband works at sea so outside of France for around 4 months a year plus we spend about a month in total visiting family in the U.K & holidays etc so he is out of France for around 5 months a year but this is where we both permanently live and pay tax etc. Our CDS runs out next month.” “also forgot to mention he is the sole earner for us as I left my job to look after our newborn son.”*

DB *“I have a friend who has lived in France for over two years, been self employed and self sufficient under the CESU scheme during that time, living with friends , registered and declaring income for tax In France, registered with CPAM due to self employmentbut currently studying horticulture in the uk for 18 months in order to improve his qualifications before returning to set up his own Agro- tourism company. This case is totally unclear to me in any of the rules.....”*

KK *“I believe I may be classed as a frontier worker but I'm very nervous with the future. My fiancé and I exercised our right under FOM in Dec 18. Our only property is in France. I work in the UK for a UK company. I commute back and forth each week so I will be impacted by the 90/180 scheghen rule after the transition. My partner will apply for a CDS but i have no idea what im meant to do. Although my partner is registered as an ME in france for a gite business, my income supports both of us. Without my income, he wouldnt qualify for the minimum income levels required to remain in France
We pay all the relevant taxes in France, run a bnb/ gite business in a rural area. Ringing needed business to the area. We have integrated ourselves into the community”*

JH "The unemployment benefits question for cross border people. There are more questions appearing there too.

The G permit for Swiss workers/French residents/UK citizens has an EU citizen residency area limit which is wider than tcn residency area. We have members being told that they will have to move house to within the tcn limit when they reapply for their G permit.

Also the Swiss Citizens Rights agreement is meant to replace FoM agreement for UK citizens', guaranteeing cross border worker rights. However, Swiss Immigration are refusing British drivers who pick up from Geneva airport and drop off at French ski resorts the 'access au marché' required. I'm hearing that French companies are no longer employing Brits. This is a breach of WA.

Also definition of cross border worker... Many, many workers have their partner/children/only home in France, but due to work patterns do not return every week as per EU definition. Are they included or excluded from WA guarantee's?

Also cross border document... More details asap please . People are making life changing decisions without knowing if they're protected or not.

Is this 'document' redacted if jobs/contracts change?"

To summarise; There is much hanging on the definition of a 'frontier worker'. Many of our members don't fit into the EU definition- they do not return home nightly, or even weekly, yet their partners, children and only homes are in France. These workers are frequently being refused S1s, yet are paying National Insurance in the UK. Where will this leave them for healthcare in their family home country? In the case of unemployment, will this be paid to them in France as for 'documented' frontier workers, or will they be obliged to remain in the UK, apart from their family, in some rented bedsit to claim their due benefits?

I have asked the European Commission the questions about the Swiss immigration's refusal to issue the 'access au marche' to the UK passport holders transport drivers, about the GPermit holder's obligation to move house, and about the frontier worker definition. They advised me to send my questions to AskEP (the European Parliament). AskEP responded that it was for the Commission to answer these queries...

Please, we need a named contact, these questions are Europe side and need resolving so that these workers can continue contributing and supporting their families with some security.

Timing and Procedure new system

We need more information!

JW "Do they have a feel for when France will take action on any cards as the WA allows them to the very end of transition before announcing and informing us all? Are they looking at something in February or will they wait (sensibly) for more from the Commission before taking the leap and legislate later in 2020? I'd also like them to say that there is precedent for taking things off Préfectures (driving licences) and will they centralise this and make it a level playing field with no postcode lottery and arrange for flying squads for the vulnerable and deal with most cards centrally. It makes sense to have one team doing this and sending any cards by mail. They don't need fingerprints and if they insist they can use the same as for

French with CNI and use larger Mairies for this. This will help so many people who have long trips to Préfectures and sometimes waiting in lines through the night. Hardly practical for an aged person to do this but they may make it to a Mairie. If France centralises the procedure I'm thinking these issues will be ironed out and we remove the postcode lottery"

AB "if it's a straight swap, which is supposed to be the case for permanent (10year) CdS some people may get very lucky. If there's further investigation/a new application procedure it would be a completely different kettle of fish. The discrepancies in the French préfecture system really get me down. So unfair."

AB "Would France consider letting those with valid permanent (10 year) EU CdS change them for a TCN equivalent only at expiry date? After all, people who still have a few years validity on their British passport (unfortunately not my case!) are not being asked to change their passports because they have EU printed on them. This would considerably cut down the workload of the prefectures. There might be confusion at borders though if all EU countries do their own thing about the change from EU to TCN status cards. There are already differences with EU permanent cards. In Spain, for example, they are valid for life and don't have to be exchanged every 10 years."

JB "I was just talking to a British friend who's been in France for just over a year (previously lived in Sweden for about 7). When he applied for a CdS in January 2019, having only been in the country for a couple of months, he was given a 10-year EU card. I found that quite incredible - he thought that the residence in Sweden may have been taken into account, but I'm not sure about that. In any event, under the WA he surely couldn't expect a 10-year card could he? Because the WA lays down the 5-year cut-off. Perhaps another question for the Embassy, what happens to 10-year cards under the WA when the person hasn't reached 5 years of residence."

JB "I don't know if this is already addressed, but I was trying to work out what the conditions will be for someone who doesn't qualify for a permanent CdS under the WA, on the assumption that there will be 2 different cards. If someone has just arrived and is awarded a sort of pre-settled status, what will be the conditions in terms of absence. There was a query on RIFT about whether the CdS would then be withdrawn if the person wasn't able to remain in France for 6 months in the year. France is entitled to withdraw a CdS if the holder no longer fulfils the conditions. So will the period of absence allowed be just 6 months or could it be more? Certainly the WA provides that the full status after 5 years requires a continuity of residence of 6 months in the year."

Permanent Card straight swap

*MJ "If you already have a CDS permanente will you still need to meet criteria?
My daughter will be 21 this year and is currently studying but I don't know what her situation will be afterwards. She has a permanent CDS."*

CdS Fee

JW - Confirm no fee and not the 19€ mentioned in a recent UK Embassy Q&A

Deadline Missed

JB We could ask what the French would put in place for people missing the deadline? Bearing in mind that they can even extend the deadline unilaterally for technical reasons.

Récépissé Travel

JW Another one - a TCN cannot travel on a first receipt. From January 2021 we'll be TCNs so this needs considering as people may apply for WA protection after January next year as TCNs "Puis-je voyager avec un récépissé de 1ère demande ?

Un récépissé de première demande ne permet pas de revenir sur le territoire français.

Toutefois, à titre exceptionnel et pour des motifs impérieux, vous pouvez solliciter un visa de retour préfectoral.

Une taxe devra être réglée."

Dual Nationals

AW Maintenance of rights under WA for those becoming French through naturalisation (specifically right to bring dependent relatives, because that can be hell on wheels for French people with TCN origins currently)

Dual Member State

MB "I am a 78 year old retired telly director, UK citizen with UK passport. Have been an ex-pat for 25 years or more. 6 months of the year I live in France - Boulogne sur Mer and 6 months in Marbella Spain... a few visits each year to the UK of less than 30 days! My main home is in Boulogne sur mer, where I am closer to my family just across the channel and have a larger place, but I have permanent residence NIE in Spain where my medical treatment is based.. I spend less than 183 days in either country because of occasional travelling to UK or elsewhere outside the EU. Now I have a major problem. My Spanish residency allows me to stay 365 in Spain but my French entitlement after next Jan 1st will be 90 days...!! I am being effectively barred from my primary home and easy access to my

family. Because my medical attention is in Spain I do not want to give up that country as my residence. So I cannot use my home in France for a major part of the summer. Any help or suggestion would be gratefully received... I cannot be the only Brit with this problem of living in two EU countries"

WA Rights for later joining Family

JW "I have a question but perhaps you folks can help me? Here is some of what DW has asked me "He lives here, his wife still lives and works in UK - I know she will have the right to join him under the WA but if she doesn't move here until after the end of transition, will she still be covered for things like S1 and pension uprating and aggregation of contributions or does she simply have the right to join him?" "has anyone ever asked if a family member joins someone here after transition, if that family member will also have the right to pension contributions aggregation, pension uprating, future S1 etc?" DW is not convinced this is the case."

Children

HMD "Following - daughter applying for French unis now - not quite 18 so hasn't applied for her own CDS yet and I have both hers and my applications registered for nationality in Montpellier but could be waiting two plus years! So Yes I am worried for my daughter despite her being educated here in France since she was 4"

SD "There are 3 of us including a 15 year old. My husband and son arrived in Dec 2012, I finished my RN Commission and joined them in March 2014. We live off 2 UK military pensions and a UK property rental, but I'm also registered as a ME because I want to be above board with the sales of my hobby produce and the work I undertake for a neighbour who rents their holiday home through Airbnb.

My ME makes a pittance, but since it is not my main income it is not a problem. If my ability to stay is judged on whether I have a meaningful income from my attempt to pay my dues, I will be refused.

While it would be awful for my husband and me, I do not need to spell out the impact that would have on a teenager who has been here since age 8. He's only been in local schools and is aiming to be a ski racer/instructor."

My CDS application along with my husband's has been with 73 Chambéry for over a year already (interviews Dec 18 and Jan 19). I'm not expecting good news even though we meet minimum income levels, pay French taxes, have Carte vitales and French driving licences etc."

AHJ "Lived & worked in France for 19 yrs, CDS given then to myself & my wife, hers was stolen never replaced it, didn't need to, we should be ok, our own business now, not making much but who knows !! Our kids are now 21, 24 & 25 none of them earn enough money, 2 are seasonal workers & 1 works for us on smic, it's the continued not knowing & worry for

them. No ties, no second home in UK, Kids fully educated in France, first language French etc etc same for a lot of us I know, just getting it off my chest."

JW - It would be good if DCEMs for WA children were available through the new system

TCN Family

BA "My wife is TCN, under current rules she does not need to pass a language test. A difficult test for Asians who have difficulty saying the letter r After 2021 she will presumably have to pass a test. She speaks French but not good French"

JW - "My US TCN spouse was issued with a CdS preventing him from a salaried position by Carcassonne Préfecture. He has been forced to take early retirement with a much reduced pension . The Préfecture made their position clear - an OQTF or accept the card. He has since been made to sign CIR documents and to take French lessons.

UK University or outside France

GH "I would be able to give an example and I could send you a more coherent email -adult children at university in the UK, if their family home is in France and always has been are they still considered resident here for cds and/or nationality applications ?The other situation they will face if they decide to come back to France after their studies is trying to get a frontaliere permit in Switzerland (not much work on the French side of the border) This is much more complicated for third country nationals although I can see that France will say it is not their problem."

DH "I am concerned about the status if my daughter (age 17 in terminal in a French school). She plans to go to uni in UK from October 2020. I don't want her to lose out on right to be resident here because she will be studying back in UK."

RHW "Our young adult daughters who are at university in the UK are losing their right to return."

JW " My daughter at university was given a one year carte de séjour before she left but it expires in April and she has been told by the prefecture she is not eligible for another one as she is in UK. She has lived in France with us for most of her life and returns every holiday. Awful."

JL "My daughter is at uni in the UK. She started uni in October last year. She's lived in France since she was 12. Does not have a CdS and from chatting to our prefecture today as she is not currently living here full time, (even if this is her main home!) She can't get a CdS."

New Arrivals

JW - "We have a house in France which we have owned for 4 years and a house in England .. no mortgage on either..work part time mostly on the internet for Uk company so can work anywhere.. but have regular meetings to attend in England .. we currently travel between the two countries.. hope to be full time in France as soon as Children get a little older .. ages 18 and 14 so we left it a little too late to move them.. the 90 day rule is so restrictive.. what happens if we have already used up our 90 days and yet need to visit the French house .. there could have been an emergency repair .. flood .. trees down etc .. if you own property it seams crazy that you can't get access to it in an emergency ..."

IM "I've had a house in France since 2004. I'm 68. I see no option but to sell in UK and base myself in France as my son & his wife, who live in Spain, are having a baby in August and I will want to be free to spend time with them as well as a lot of time in France. The 90 day rule is very restrictive."

6.0 Further Information about RIFT, the RIFT Members and the RIFT Team

Remain in France Together (RIFT) started as a small Facebook group in June 2016, in the aftermath of the UK's referendum vote to leave the EU and has been since its inception firmly anti-Brexit.

Members in their vast majority are and have always been in the Remain camp, as the full name of RIFT indicates. For our members Brexit is an open wound.

To date RIFT has been the work of a small group of dedicated volunteers providing help and support to British citizens in France. In the course of over 3 years of dedicated service to the public RIFT has become the highly-respected go-to organisation for British citizens in France.

At present the main Facebook group has 17,279 members.

Member Data and Insights

The data collection functions within Facebook currently show the following

Gender*	
66.2%	Women

33.6%	Men
0.2%	Not defined

Age*	
18-24	1.2%
25-34	6.2%
35 - 44	11.6%
45 - 54	24.6%
55-64	31%
65+	25.2%

Location*	
68.5%	France
25.2%	UK

*as reported by members

It is worthy of note that a quarter of our members are currently either UK-based or still use their UK address on Facebook. Part of the explanation is to be found in the fact that we have noticed, since the UK election of December 2019 and the final confirmation that Brexit was actually going to happen, a spike in our membership with British families seeking to move to France before the end of the transition period and turning to RIFT for practical information and support.

It is also worth drawing attention to the large number of second-home owners from the UK who bought their homes in France with the intention of enjoying their retirement here in the future. Now, because of Brexit, they cannot do so or are unable to readjust their lives in order to realise their dream of a better life in France and in the European Union.

In the 4 weeks since the UK left the EU, membership of the main group has increased by 5% and indeed, since the UK election in December 2019, the membership has increased by 12.35%

In the last 28 days in the main group, members have posted nearly 800 questions relating to their current or future situation in France.

In the last 28 days 14,145 members have been active within the group. That translates into over 80% of our membership, an astonishing percentage that is a reflection of the current levels of concern within the British community in France.

The RIFT team

RIFT is a group that is currently non-funded.

It is led by a team of volunteers, currently comprising: Mike Harlow, Justine Wallington, Anne Berrurier, James Brannan, Julie Hall, Leigh Chandler, Claire Phillips, Alison Wyld, Jacques Fade, Debra Williams and Lucy Ogden.

#This report was compiled with input from the whole team. Those team members wishing to, have included a little about themselves below.

The Authors of the Report - who are we?

Justine Wallington

Justine was born and raised in the UK of British and Belgian parents. In the course of her career she worked in the UK, Belgium, the USA and Switzerland and, before moving to France 16 years ago, she was Vice President of the international insurance arm of Credit Suisse. Since moving to France, Justine has been involved in her community with varied roles such as local councillor, electoral registrar and school governor whilst raising her French child. A founder member of RIFT she has been working on a daily basis since the referendum to help British residents deal with the multitude of issues they face integrating into life in France and dealing with the consequences of Brexit.

Mike Harlow

Born in the UK and, before retiring to France nearly 7 years ago, Mike worked in healthcare and was responsible for helping pioneer the first specialised Personality Disorder/Learning Disability unit in Medium Secure Services. Mike joined RIFT within 2 months of the group forming in 2016 and has been actively involved since on a daily basis dealing with a full range of Brexit-related concerns among the British resident community in France.

Claire Phillips

Born in the UK, Claire was a civil servant before moving to France in 2017. Claire joined RIFT not long after moving to France and became a member of the admin team in September 2018. In October 2019, along with other members of the team, Claire met with Paul Blomfield MP, Shadow minister for the Department of Exiting the EU and Tom Brake MP, LibDem spokesman on Brexit, to present a report on the potential impact of a No Deal Brexit on UK citizens living in France.

Lucy Ogden

Born in the UK, Lucy worked as a secretary in banking, welfare benefits and legal sectors. She left the UK in 2005 when her husband's work with Airbus was transferred to France. Lucy joined RIFT in 2018 and became a member of the admin team in February 2019.

Julie Hall

A seasonal smallholder who also runs her own business teaching English, originally arrived in France 23 years ago with her husband and young children. Becoming a member of the admin team in August 2018, Julie has represented Rift members at meetings with Tom Brake MP and Catherine Bearder MEP. She was one of the Rift's 'Three Women on a Wall' speaking at the London 'Rally for our Rights', and has organised Rift participation in events in Toulouse and Brittany.

Alison Wyld

Habite dans l'agglomération grenobloise depuis 1993. Mariée avec trois enfants, elle travaille comme Manager Qualité dans l'industrie telecoms.

Leigh Chandler

Before moving to France three years ago, Leigh had a successful career working as a self employed Telecommunications Programme and Project Manager. She worked on major projects for Government Departments such as the Ministry of Justice and the Highways Agency, plus the Metropolitan Police and the BBC. Leigh has been a RIFT administrator for 18 months, and is able to utilise her planning, communication and customer service skills in supporting the Remain in France ethos.

Anne Berrurier

Anne has lived and worked mainly in Île-de-France where she brought up her now adult children

Debra Williams

A founder member of RIFT, moved to France in 2006 as a self sufficient 'inactive' mother to four children (one born in France), two of whom are now independent and two of whom are still in education (college and university), with her parents and one brother also living long term in France in a different department.

James Brannan

With degrees in French and in European law, James has spent nearly 30 years in France working as a legal translator/interpreter in various capacities (salaried, self-employed, international civil servant, traducteur assermenté ...) and now lives in Strasbourg.

ANNEX 1

The UK settled status system - costs and implementation

It is worth noting the UK system and how they have tackled the implementation of their settled status system and how the French Government could learn from errors and successes.

In 2018/19 year, the Treasury provided the Home Office with £395m to support its Brexit work, according to immigration minister Caroline Nokes.

Some £170m of this was set aside “for the development and delivery of the EU settlement scheme”, she said, [in answer](#) to a written parliamentary question from Labour MP Kate Green.

Over the course of 2018/19, about £63m of this money was dedicated to developing a digital application system. A further £59m was spent on hiring the caseworkers and other staff required to deliver the programme.

The Home Office also set aside £3.75m to fund a marketing campaign to promote the settlement scheme, Nokes said.

This included expenditure of £410,000 on digital and social advertising and the same amount on communications campaigns on radio and digital audio channels. The government spent £1m on catch-up TV adverts, and £180,000 with print publications. Source <https://www.publictechnology.net/articles/news/development-settled-status-application-system-cost-%C2%A363m>

Note the £59 million spent on caseworkers.

Clearly France has fewer UK citizens to reach but estimates vary between 150,000 and 400,000 British residents in France. We expect that the UK budget for this has increased since this report. Note the UK system is heavily reliant on a centralised system with minimal paperwork. Should France choose to include Préfectures in the process the costs per person will be very much higher.

TH “ Maybe you should note this. In order to obtain the right to remain in the UK all a French national needs to do is provide proof of five years residence. Income is irrelevant, financial situation is irrelevant, burden on the state? Irrelevant. The same rules should apply to all Brits living in the EU. The agreement should have been reciprocal and each member state should not have been allowed to make up their own rules. This agreement should have been included in the WA which would have dramatically reduced the stress levels for an awful lot of people”

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/865367/eu-settlement-scheme-statistics-january-2020.pdf?fbclid=IwAR0A0efJi465SjvRxO8lgOzLnxwgBpnfph28mAF65LIW2pI2N9ZCpaRVOBM

Note that the UK is NOT testing income for EU citizens (including French). As with the UK (but not the other Member States), France has not previously required registration. In the body of this report we highlight that there are probably thousands of British citizens in France who do not meet current EU terms for Freedom of Movement.

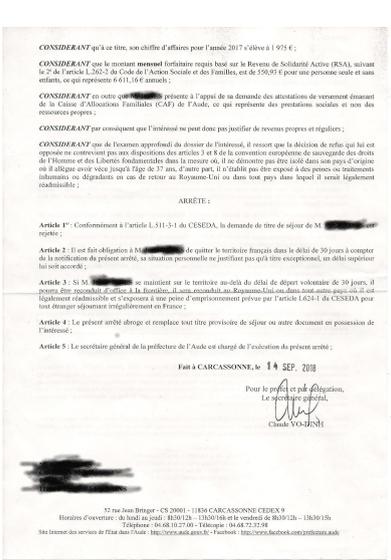
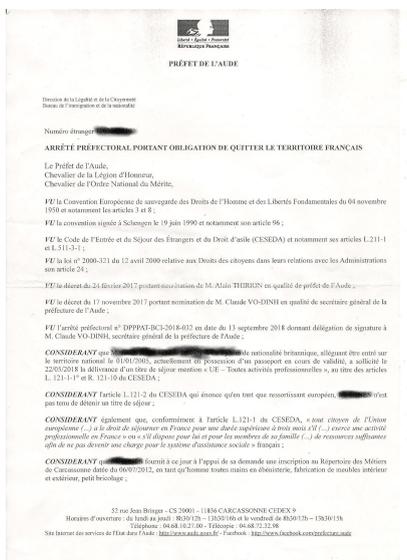
ANNEX 2

Experience of UK Citizens whilst EU Citizens

Carte de Séjour (CdS) Refusals and Obligation de quitter la France (OQTF) as EU Citizens

Apart from the evidence given in this report, we have seen CdS refusals and a number of OQTFs issued to British Citizens whilst we were covered as EU citizens. Certain Préfectures have been more liberal than others in issuing OQTFs.

Here is an OQTF (removal order) example. This British gentleman was a micro-entrepreneur with RSA to top up income (from 2005). He applied for a CdS and his income was improving. He had a workshop and owned land. We don't know the result of this case as he "disappeared"



We are aware of cases where British Citizens have been issued OQTFs (ordered to leave the country) when they should not have been under the rules of the freedom of movement directive:

self employed people judged to not have sufficient income because they earn a bit below the RSA level, despite showing that their business was growing;

people who have become ill and claimed benefits, as they were entitled to do, and ordered to leave after applying for a carte de sejour, despite having lived here for well beyond the five year qualifying period for permanent residency;

women losing access to healthcare and family benefits for their children and told to 'go home' after separation from their husbands, despite already having permanent residence rights in France.

If these examples could happen when British people were supposedly protected as EU Citizens, there are obviously concerns about what could happen in future.

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