

PRIME MINISTER

Paris, on 18 March 2020

The Prime Minister

To

The Minister of the Interior,
The Minister of Public Action and Accounts,

Ministers,

Secretaries of State,

Instruction

NOR

Subject: Decisions made to tackle the spread of COVID-19 regarding border control

In order to limit the spread of the COVID-19 virus, it is necessary to limit movement to the bare minimum, including international travels.

Thus, all foreign nationals who are not from European Union States, Schengen Space or the United-Kingdom and who do not have overriding reasons to come to Europe and to France shall be denied the access to our territory under the conditions laid down by the present instruction.

I therefore ask you to implement from this day, 17 March 2020, the stipulated measures to ensure the compliance with this rule. These measures shall apply until 15 April 2020.

1. External borders control

Article 6 §1 of the Schengen Border Code provides that the entry of third country nationals into the territory of the Member States is conditional upon the circumstance that these foreign nationals cannot be considered a threat to public order. Article 14 of the same Code authorises the Member States to refuse entry to foreign nationals who do not fulfil the condition to access the Schengen Space as they pose a threat.

Based on these provisions, controls at the border crossing points (BCP) shall lead from this day, 17 March 2020, to refuse entry to any foreign nationals, except in the following cases:

- European citizens and nationals from the UK, Iceland, Liechtenstein, Norway, Andorra, Monaco and Switzerland, their spouse and their children are admitted to the national territory, as well as citizens from the Holy See and San Marino, their spouse and their children. The situation regarding British nationals will be soon reviewed according to the measures which will be taken by the British authorities to curb the spread of the virus on their territory. The same decision applies to:
 - foreign nationals with a French or European residence permit and who are returning to their place, as well as their spouse and children;
 - foreign nationals working for international carriage of goods;
 - foreign health professionals in order to tackle the spread of the Covid-19.

These decisions are driven by the existence of a risk for public health and in accordance with Articles 6 §1 and 14 of the Schengen Border Code. They were made individually, unchanged from the standard practice of the forces in charge of border control.

In accordance with the guidelines of the European Commission, people who had been controlled at a BCP and whose state of health justifies an immediate health care will not be subject to a denial of entry and will be transferred with the health authorities (Regional Health Agency) to care facilities.

2. Internal border controls

As France has already re-established internal border controls, provisions of the Schengen Border Code shall apply. Controls can be carried out by the Border Police at the authorised border-crossing points.

Considering the health situation and the need to keep to a minimum all national and international movement and given the lockdown decided on the national territory, the French President of the Republic, in coordination with his European counterparts, has decided the implementation of controls at the authorised border-crossing points with the Federal Republic of Germany, the Kingdom of Spain and the Helvetic Confederation.

The controls lead to refuse entry to foreigners, except, and only if it is consistent with the protection of public health, to:

- European citizens and nationals from the UK, Iceland, Liechtenstein, Norway, Andorra, Monaco and Switzerland, from the Holy See and from San Marino, living in France or channelling through France;
- foreign nationals living in France;
- cross-border workers;
- foreign health professionals in order to tackle the spread of the COVID-19;
- workers carrying goods.

In order to enter France, these categories of foreigners must be able to provide proof with identification document, residence permits, and when appropriate, a certificate issued by the employer.

Regarding European citizens, the refusal of entry into the national territory is based on Article 29 of the Directive 2004/38/CE which specifically provides that States are authorised to take such restrictive measures in the event of epidemic diseases.

In accordance with the guidelines of the European Commission, people who had been controlled at an authorised border-crossing points and whose state of health justifies an immediate health care will not be subject to this decision and will be transferred to care facilities.

3. French nationals willing to leave the country

There is no legal restriction on people willing to leave the national territory.

However, lockdown measures taken on the national territory shall be complied with, within the limits of the exceptions set out in the decree of 16 March 2020 about the regulation of movement in order to fight the spread of the COVID-19 virus.

French nationals are also strongly recommended not to travel given the restrictive measures taken by a large number of countries at the entry of their territory (list available and regularly updated on the website “Advice for visitors” of the Ministry for Europe and Foreign Affairs) and the rising number of measures to shut down air travels worldwide.

Edouard PHILIPPE