

Beat: Travel

FRENCH TRAVEL BAN IMPOSED ON ITS OWN CITIZENS RESIDING OUTSIDE THE EU

SUSPENDS FEW PROVISIONS BY SUPREME COURT

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USPA NEWS - On March 12, 2021, the French Administrative Supreme Court ("Conseil d'Etat"[1]) suspended new requirements imposed by the French Government on its own citizens outside of the European Union requiring "compelling reasons"[2] to board a plane back to their own country. These restrictions, some of which were already challenged before the French Administrative High Court in August 2020 and partially reversed, result from a January 31, 2021 decree issued by the French Ministry of Health, prohibiting any French national residing OUTSIDE OF THE EUROPEAN UNION from returning to France, except for very narrow and arbitrary so-called "compelling reasons". This Ministry argued these restrictions were required because of the Covid-19 pandemic.

Immediately following the decree's promulgation, a total of 6 emergency lawsuits were filed against these requirements, three by individual French citizens residing in Japan, Morocco and Lebanon, one by a French expatriate's union, called "UFE" ("Union des Francais de l'Etranger"[3]) and two filed by Pierre Ciric, a New York attorney, representing six local elected officials in the U.S., two French citizens located in Morocco, and 5 French retirees located in the U.S. All of these lawsuits argued that the government decree endangers the fundamental "general and absolute" right for a French citizen to return to his home country. In fact, these lawsuits argued that, by imposing restrictions linked to a compelling reason to travel to France, the decree contradicts Protocol n ° 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and paragraph 2 of the French Universal Declaration of Human Rights.-----

In a decision issued March 12, 2021, the "Conseil d'Etat,"[4] suspended the travel restrictions based on "compelling reasons." [5] The court "considers it disproportionate to demand a compelling reason from French citizens who wish to return to France, because the impact of these travels is minimal on the spread of the covid-19 pandemic. However, this "compelling reason" requirement for travel from or to the French West Indies is justified by the goal to avoid a flow of tourists which could worsen the health situation there."-----

"it is simply outrageous to see a government attacking with such carelessness one's constitutional right to return to his own country. Of course, we are all aware of the gravity of the current global health crisis. Each country has taken the necessary measures to reinforce and support a public health imperative, but no other country has challenged such a fundamental right. As plaintiffs have repeatedly stated, one must defend a fundamental right, not negotiate it, and one should certainly not beg for it,"[6] said Ciric.-----

Pierre Ciric graduated from the "Ecole des Hautes Etudes Commerciales"[7] (1985), is an attorney-at-law in New York, graduated from New York Law School in 2009, is a vice-president of the French American Bar Association (FABA), a member of the New York County Lawyers Association Professional Ethics Committee, and a Vice President of the Alumni Association of New York Law School. Source: CIRIC Law Firm

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