



Co-funded by the
European Union



ANNUAL REPORT ON MIGRATION AND ASYLUM 2017 PART 2

April 2018

French Contact Point
for the European Migration Network

ANNUAL REPORT ON ASYLUM AND MIGRATION POLICY 2017

French Contact Point:

In France the National Contact Point (NCP) for the European Migration Network (EMN) is attached to the General Directorate for Immigration within the Ministry of the Interior.

Contacts

- **Marie-Hélène AMIEL**
marie-helene.amiel@interieur.gouv.fr
Head of Department for Statistics, Studies and Documentation
- **Jean-Baptiste HERBET**
jean-baptiste.herbet@interieur.gouv.fr
Deputy Head of Department for Statistics, Studies and Documentation
- **Christelle CAPORALI-PETIT**
christelle.caporali-petit@interieur.gouv.fr
Coordinator of French Contact Point
- **Anne-Cécile JARASSE**
anne-cecile.jarasse@interieur.gouv.fr
Policy officer, French Contact Point
- **Tamara BUSCHEK-CHAUVEL**
tamara.busc hek-chauvel@interieur.gouv.fr
Policy officer, French Contact Point

- **Address**

French Contact Point for the European Migration Network
Department for Statistics, Studies and Documentation
General Directorate for Foreign Nationals in France
Ministry of the Interior
Place Beauvau
75800 Paris Cedex 08
France

- **Internet sites**

- REM (in English): http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm
- French Contact Point (in French):: <http://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM2>

TABLE OF CONTENTS

EXECUTIVE SUMMARY	7
1.INTRODUCTION	8
2. CONTEXT FOR ASYLUM AND MIGRATION POLICY DEVELOPMENTS .	10
3. LEGAL MIGRATION AND MOBILITY	13
3.1. Economic migration	13
3.2. Students and researchers	18
3.3. Family reunification and family formation	19
3.4. Information on routes to and conditions of legal migration.....	20
3.5. Long-term residence and intra-EU mobility of legally resident third-country nationals.	20
3.6. Other measures on legal migration schemes	21
3.7. Schengen Governance	21
3.8. Visa policy.....	23
4. INTERNATIONAL PROTECTION AND ASYLUM	28
4.1. Implementation of the Common European Asylum System (CEAS) and related policy developments.....	28
4.2. Relocation and resettlement programmes	36
5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS	42
5.1. Unaccompanied minors applying for asylum.....	42
5.2. Other vulnerable groups applying for asylum.....	42
5.3. Unaccompanied minors not applying for asylum	42
5.4. Other vulnerable groups not applying for asylum.....	43
6. INTEGRATION	45
6.1. Integration of third-country nationals	45
6.2. Promoting integration of specific categories of third-country nationals.....	48
6.3. Promoting integration of vulnerable groups of third-country nationals (UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)	49
6.4. Non-discrimination.....	49
6.5. Promoting local integration at local level and cooperation, consultation and coordination of local stakeholders.....	53
6.6. Awareness raising on migration in the hosting (Member) State.....	54
6.7. Integration measures involving countries of origin and/or diaspora communities	54

7. IRREGULAR MIGRATION	55
7.1. Enhanced border management at the external borders.....	55
7.2. Preventing and tackling of misuse of legal migration channels.....	61
7.3. The fight against facilitation of irregular migration (‘smuggling’) and prevention of irregular stay	66
8. RETURN	70
8.1. Main national developments in the field of return	70
8.2. Strengthening cooperation with third countries of origin and transit on return and reintegration management	73
9. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS.....	77
9.1. National strategic policy developments	77
9.2. Improving identification of and provision of information to third-country national victims of human trafficking	77
10. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY	86
10.1. Progress towards mainstreaming migration in development policies.....	86
10.2. Migrants’ Remittances	88
10.3. Working with Diasporas.....	89
ANNEXES.....	91
ANNEX 1: COMBATING ILLEGAL EMPLOYMENT AND SOCIAL DUMPING	91
ANNEX 2: PRESENTATION OF THE BTP CARD	93
ANNEX 3: ADMISSION POLICIES FOR STUDENTS AND RESEARCHERS	94
ANNEX 4: CONSULAR COOPERATION AND SHARED CONSULAR SERVICES	95
ANNEX 5: PRESENTATION OF THE LEGISLATIVE REFORM OF THE ISSUANCE OF RESIDENCE PERMITS FOR HEALTH REASONS APPLICABLE FROM 1 JANUARY 2017.....	98
NATIONAL STATISTICS.....	100

LIST OF ACRONYMS

- AFD: French Development Agency (*Agence Française de Développement*)
- AGDREF: French central database for foreigners' residence permits
- AMIF: Asylum, Migration and Integration Fund (FAMI)
- APS: Temporary residence authorisation (*Autorisation provisoire de séjour*)
- ATV: Airport transit visa (*visa de transit aéroportuaire*)
- CADA: Reception centre for asylum seekers (*Centre d'accueil pour demandeurs d'asile*)
- CAO: Reception and Guidance Centre (*Centre d'Accueil et d'Orientation*)
- CECRL : Common European Framework of Reference for Languages (*Cadre européen commun de référence pour les langues*)
- CESEDA: Code on Entry and Residence of Foreign Nationals and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
- CFS : Schengen Borders Code (*Code Frontières Schengen*)
- CGET: General Commission for Regional Equality (*Commissariat général à l'égalité des territoires*)
- CGLPL : Controller General of Places of Deprivation of Liberty (*Contrôleur général des lieux de privation de liberté*)
- CIR: Republican Integration Contract (*Contrat d'intégration républicaine*)
- CNCDH: National Consultative Commission for Human Rights (*Commission nationale consultative des droits de l'homme*)
- CNDA: National Court for Right of Asylum (*Cour nationale du droit d'asile*)
- CPH: Temporary Accommodation Centre (*Centre provisoire d'hébergement*)
- CSI: Immigration Security Advisor (*Conseiller sûreté immigration*)
- DAAEN: Directorate for Reception and Support for Foreign Nationals and Nationality (*Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité*)
- DCI: Department of International Cooperation (*Direction de la Coopération Internationale*)
- DCPAF: Central Directorate of the French Border Police (*Direction Centrale de la Police aux Frontières*)

Annual report on migration and asylum – France 2017
Part 2

- DDCS : Departmental Directorates for Social Cohesion (*Directions départementales de la cohésion sociale*)
- DGEF: General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*)
- DGEFP : General Delegation for Employment and Professional Training (*Délégation générale à l'emploi et à la formation professionnelle*)
- DGGN: General Directorate for the National Gendarmerie (*Direction générale de la Gendarmerie nationale*)
- DGT: General Labour Directorate (*Direction générale du travail*)
- DIHAL : Inter-Ministerial Delegation for Accommodation and Access to Housing (*Délégation Interministérielle à l'Hébergement et à l'Accès au Logement*)
- DIRECCTE: Regional Office for Business, Competition, Consumer Affairs, Labour and Employment (*Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi*)
- DRJSCS : Directorate for Youth, Sport and Social Cohesion (*Direction régionale de la jeunesse, des sports et de la cohésion sociale*)
- EASO: European Asylum Support Office
- ERIN : European Reintegration Instrument Network
- ILO: Immigration liaison officer (*OLI : officier de liaison immigration*)
- MEAE: Ministry for Europe and Foreign Affairs (*Ministère de l'Europe et des Affaires étrangères*)
- MIPROF: Inter-ministerial mission for the protection of women against violence and the fight against trafficking in human beings
- MOOC: Massive Online Open Courses
- OCLTI: Central Office for Combating Illegal Employment (*Office central de lutte contre le travail illégal*)
- OCRIEST: French Office for the Repression of Unauthorised Immigration and the Employment of Foreign nationals without Residence Permits (*Office Central pour la Répression de l'Immigration irrégulière et de l'Emploi d'étrangers Sans Titre*)
- OCRTEH: Central Office for the Repression of Human Trafficking (*Office central pour la répression de la traite des êtres humains*)

Annual report on migration and asylum – France 2017
Part 2

- OFII: French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)
- OFPRA: French Office for the Protection of Refugees and Stateless Persons (*Office français de protection de réfugiés et des apatrides*)
- ONDPR : National Observatory for Crime and Criminal Responses (*Observatoire national de la délinquance et des réponses pénales*)
- OQTF: Order to leave French territory
- OSCE: Organisation for Security and Cooperation in Europe
- PAF: Border police
- PARAFE: Automated Fast Track Crossing at External Borders (*Passage Automatisé Rapide Aux Frontières Extérieures*)
- PPM: Mobility partnership (*Partenariat pour la mobilité*)
- SIS : Schengen Information System
- THB: Trafficking in Human Beings
- UAM: Unaccompanied minors
- UNHCR: United Nations High Commissioner for Refugees
- UNODC: United Nations Office on Drugs and Crime
- VIS: Visa Information System (*Système d'Information des Visas*)

EXECUTIVE SUMMARY

Following an **overview of asylum and migration policy developments in France in 2017** (section 2), **section 3** of this report is dedicated to developments in legal migration and mobility and more specifically to entrepreneurs and the fight against illegal employment.

Section 4 will address **changes which have taken place relating to international protection with the continuing migrant crisis and following the significant reform of asylum implemented in France in 2015**, especially with the reception conditions of asylum applicants and an evolution of the asylum information system, as well as the continuing participation of France in resettlement programs.

Section 5 will present significant changes which have had an impact on **unaccompanied minors and vulnerable groups** while France has been facing challenges related to the increasing numbers of UAMs and the specificity of this public and section 6 will be devoted to **integration** with new measures aimed at improving linguistic skills and promoting better labour market integration.

Measures to fight against **irregular immigration and** to promote the **return of migrants** will be treated in respectively in Section 7 and Section 8, while actions against **trafficking in human beings** will be treated in section 9.

Lastly, section 10 will be devoted to **the development impact of migration and mobility**, especially working with diasporas and cooperation actions with third countries.

1.INTRODUCTION

Objectives and methodology of this political report

The 2017 Annual Report on migration and asylum aims to cover changes to immigration and asylum policy and legislation which have taken place throughout the year.

Relevant departments and services were asked to provide information relating to legislative and regulatory provisions as well as statistics about events which had marked 2017.

Contributions to this report

Thus, the Sub-Directorate for Residence and Employment (*Sous-direction du séjour et du travail*) as well as the Sub-Directorate for Visas (*Sous-direction des visas*) in the General Directorate for Foreigners in France (*Direction générale des étrangers en France - DGEF*) within the Ministry of the Interior contributed towards questions relating to **legal migration and mobility** for aspects relating to residence, employment and visas.

General Directorate for Labour within the Ministry for Labour as well as the Sub-Directorate for Higher Education and Research within the Ministry for Europe and Foreign Affairs provided information related to the relevant issues.

Contributions on **integration** were made by the Directorate for Reception and Support for Foreigners and Nationality (*Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité - DAAEN*) in the DGEF and those on **non-discrimination** by the General Commissioner for Equal Opportunities (*Commissariat général à l'égalité des chances*) from the Office for Citizenship and Combatting Discrimination (*Bureau de la citoyenneté et de la lutte contre les discriminations*).

Information on **promotion, information and awareness raising for potential immigrants** to France was provided by the Ministry for Europe and Foreign Affairs for foreign students and for routes to and conditions of legal migration.

After discussing the prevention of unsafe migration, the Sub-Directorate for Combatting Irregular Migration (SDLI) within the DGEF addressed the issue of **irregular migration and return of migrants**.

The section on **international protection and asylum policy** was prepared by the Asylum Directorate of the DGEF within the Ministry of the Interior.

The Ministry for Justice (Department for the Legal Protection of Young People - *Direction de la protection judiciaire de la jeunesse*) contributed material on **unaccompanied minors**, in addition to information provided by the OFPRA and the Sub-Directorate for Residence and Employment in the DGEF. The issue of vulnerable groups was also dealt with by the Sub-Directorate for Residence and Employment in the DGEF.

Several Ministries and bodies participated in drafting the section on **trafficking in human beings**: the Interministerial Mission for the Protection of Women Victims of Violence and the Fight against

Trafficking in Human Beings (MIPROF), the French Office for the Suppression of Trafficking in Human Beings (*Office central pour la répression de la traite des êtres humains* - OCRTEH) in connection with the General Directorate of the National Police (DGPN), the Central Office for Combatting Illegal Employment (*Office central de lutte contre le travail illégal* - OCLTI) and the National Consultative Committee on Human Rights (*Commission nationale consultative des droits de l'homme* - CNCDH).

The mission for Democratic Governance (*Mission de la gouvernance démocratique*) of the General Directorate for Globalisation, Development and Partnerships (*Direction générale de la mondialisation, développement et des partenariats* - DGM) within the Ministry for Europe and Foreign Affairs as well as the Service in charge of International and European Affairs (*Service des affaires internationales et européennes* – SAIE) within the DGEF and the French office for Immigration and Integration (OFII) were also asked for information on the section relating to the contribution which mobility and migration make to development.

Relevant statistics (in annex) were provided by the competent ministries (Ministry for Justice with the Department for the Legal Protection of Young People and the Criminal Matters and Pardons Directorate (DACG); Ministry of the Interior with the Asylum Directorate and the Department for Studies and Statistics within the DGEF; the French Office for the Suppression of Trafficking in Human Beings (*Office central pour la répression de la traite des êtres humains* - OCRTEH) in connection with the General Directorate of the National Police (DGPN) and the Central Office for Combatting Illegal Employment (*Office central de lutte contre le travail illégal* - OCLTI). Some data were also issued from the OFPRA and the mission for UAMs activity reports for 2017.

2. CONTEXT FOR ASYLUM AND MIGRATION POLICY DEVELOPMENTS

IN THE FIELD OF LEGAL MIGRATION AND MOBILITY, following a **comprehensive reform of the legislation on foreigners which entered into force in 2016**, France continued with implementation of its **provisions in 2017, particularly in relation to economic migration** (the roll-out of multi-annual residence permits, new residence permits called “passport talent”, etc.). It also continued work on **transposing Directive 2016/801/EU of 11 May 2016** on entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes and au pairing.

In 2017, France also launched the **French Tech Visa scheme** which aims to attract innovative companies, start-ups and foreign investments.

As part of **work to combat illegal employment**, France continued to establish measures aiming to **fight against international service provision**, particularly by strengthening the obligations on contracting authorities and instructing customers. The establishment of a **construction card (known as the ‘BTP’ card)** also represents a tool against illegal employment and unfair social competition in the construction and public works sectors.

In terms of **visa policy**, France launched the France-Visas web portal in October 2017 to facilitate visa on line applications and has also continued to extend its “48 hour visa” programme to new countries..

REGARDING INTERNATIONAL PROTECTION AND ASYLUM, the **reform of asylum law which began in France** with the Law of 29 July 2015 was completed in 2016 and 2017.

2017 saw an **increase in secondary movements following** the migration crisis and a **significant rise in accommodation capacity** for asylum seekers. The main objective is to improve the clarity, effectiveness and fluidity of programmes to deal with asylum seekers and to create new accommodation places.

France also initiated **measures with countries of origin** as part of the European level provisions and appointed an ambassador responsible for migration, who will provide countries of origin and transit with comprehensive partnership opportunities combining the various aspects of migration flow management.

Particular attention is also being paid to **the reception and integration of refugees**.

Finally, France is resolutely involved in **resettlement and relocation programmes** and has considerably **strengthened its efforts**, notably through sending training and protection missions to countries of origin and transit, and through establishing a coordinated system of arrivals with the DIHAL.

The rise in the number of **UNACCOMPANIED MINORS** and the specific features of certain profiles led, in 2017, to discussions around establishing appropriate programmes for specific needs and the definition of an action plan.

Furthermore, regarding **OTHER VULNERABLE GROUPS**, the reform of the procedure for issuing

residence permits for health reasons entered into force on 1 January 2017.

INTEGRATION was also a major issue in France in 2017. The **French integration contract** (*contrat d'intégration républicaine*, CIR), which entered into force on 1 July 2016, was fully implemented in 2017. An initial assessment was carried out at the end of 2017 to evaluate the initiative and, if appropriate, take steps to improve it.

Consideration was also given to developing **ways of renewing the integration policy**.

Among the main integration measures launched in 2017 were measures **to improve linguistic skills** (provision of more language training, experiments to take into account the needs of those with little or no education, the launch of online French language courses) and measures to promote **better labour market integration** (framework agreement with Pôle Emploi, experiments on integrated pathways for beneficiaries of international protection).

Actions targeting **vulnerable groups** were also selected as part of the integration part of the AMIF.

Combating discrimination remains a cross-cutting priority for public policy in France

In the **IRREGULAR MIGRATION** field, a programme to **update border checks** was initiated by France to improve existing tools with a rise in the number of PARAFE gates and the interface with the new European EES and ETIAS systems.

In addition, France contributes towards the **European Border and Coast Guard Agency** rapid reaction pool by sending staff and contributing towards joint return operations (group flights).

In light of terrorist threats, France supported the **project to revise the Schengen Borders Code and has reinforced identity checks**.

Partnership work with the United Kingdom was strengthened through cross-Channel transport infrastructures and securing the ports.

In order to **combat irregular immigration**, France began monitoring indicators of migratory pressure. New tools to fight against fraudulent travel documents were introduced, as was the use of biometrics.

France also participates in various **projects to combat irregular migration flows** both in terms of **criminal networks and the trafficking of migrants** as well as in the context of projects **carried out in third countries**.

Regarding **RETURNS**, in line with the provisions on the expulsion of foreigners introduced by the Law of 7 March 2016, **the number of bans on re-entry increased, as well as the number of house arrests**. An **exceptional increase in voluntary repatriation grants** was introduced in 2017 as well as an **OFII website dedicated to voluntary repatriation**.

Repatriation preparation schemes were also developed (alternatives to detention, accommodation places) and **pathways back into work** for migrants returning to their home country were strengthened.

On 12 July 2017, the Government presented a **plan aiming to improve the efficiency of the asylum system and to increase the number of repatriations**. In this context, consideration was given to **modifying the conditions of detention**. A “roadmap” aimed at **six priority**

countries of origin was also established to combat irregular immigration from these countries.

In 2017, France continued its policy of **FIGHTING AGAINST TRAFFICKING IN HUMAN BEINGS (THB)**, notably through the **national action plan against trafficking in human beings and the inter-Ministerial plan to combat all forms of violence against women**.

Several regulatory texts on **pathways out of prostitution and the social and professional integration of prostitutes** were published.

Training and awareness raising for NGOs and professionals was implemented, with **specific measures on co-operation between national authorities** (teaching tools, seminars and conferences). Similarly, partnership measures on the international and European levels were established.

In the area of **MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY**, France continues its work in three areas: **supporting the potential of migrants' solidarity and investment; strengthening the capacities of developing countries to incorporate mobility and migration into their development strategies; and contributing to international discussions and the production of knowledge** on mobility, migration and development.

On the European level, France is heavily involved in the **Rabat Process** and is committed to **Partnerships for Mobility, particularly with Morocco and Tunisia**.

In addition, France continues its national and international work to **reduce the cost of money transfers and to support a better apportionment of these remittances to promote the economic development of the migrants' countries of origin**.

Mobilisation of the diasporas remains a key element of France's "migration and development" strategy, including capacity building for migrants' associations and actions to support the creation of businesses and productive investment.

3. LEGAL MIGRATION AND MOBILITY

3.1. Economic migration

3.1.1. Admission policies of specific categories of third-country nationals

The Law of 7 March 2016 concerning the rights of foreigners reflected an in-depth reform which profoundly modified the rights of foreigners with the aim of improving France's capacity to receive and integrate foreign nationals in a regular situation, to secure the right to residence of foreigners in a regular situation, and to simplify their administrative procedures.

The provisions of the law relating to economic migration¹ (particularly the **roll-out**, at the end of the first year of regular residence in the country, of **multi-annual residence permits**, the creation of a new **residence permit specifically aimed at strengthening France's attractiveness to international talent** and members of their families) entered into force on 1 November 2016 and no legislative or regulatory changes took place in 2017 regarding the main categories of economic migration.

- a) Highly qualified workers;
- b) Intra-Corporate Transferees (ICTs);

In terms of workers temporarily transferred to France as part of inter-corporate transfers, the Law of 7 March 2016 transposed the **EU Directive 2014/66/EU into national law** with the creation of new residence permits for the **three categories of people** covered by the Directive and the implementation of measures relating to the intra-community mobility of transferred workers².

No new measures were taken in 2017 for this category.

- c) Seasonal Workers;

In order to fully transpose the provisions of EU Directive 2014/31/EU into national law, the Law of 7 March 2016 explicitly made the residence permit which is issued to seasonal workers into a multi-annual permit (maximum duration of three years).

In addition, Law No. 2016-274 of 8 August 2016 relating to employment, modernisation of social dialogue and securing professional life specified that the first time the multi-annual residence card is issued is conditional upon the foreign worker producing a long-term residence visa.

Finally, the Law of 8 August 2016 provides a definition of seasonal work, pursuant to Article 2 of the Directive.³

No new measures were taken in 2017 for this category.

- d) Migrant entrepreneurs;

¹ See the EMN Annual Report 2016 for more details of these provisions.

² *idem*

³ For more information on these provisions transposing the Directive, see the ERM annual report 2016

In 2017, the **French Tech Visa** scheme was launched. This scheme, which is based on the new “*Passeport Talent*” residence permit introduced at the end of 2016, further strengthens the impact of public work to promote the network of “French Tech” companies **to attract international talent whose skills can be used by innovative companies and to facilitate their arrival in France, whether they be entrepreneurs, employees or investors.**

The scheme Visas a **simplified and accelerated procedure** to obtain a **residence permit** and, primarily a *Passeport Talent*, for **eligible foreign talent.**

e) Au pairs;

French legislation on the status of au pairs did not change in 2017. **In 2016, France began work on transposing Directive (EU) 2016/801 of the European Parliament and Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. This work continued in 2017 and should be finalised in 2018 with the adoption of a draft law for controlled immigration and guaranteed right of asylum (adopted by the Council of Ministers on 21 February 2018) which proposes the creation of a temporary residence permit specifically for “au pairs”.**

3.1.2. *Satisfying labour market needs - admission policies*

Six years after the signature in 2010 of the first multi-annual agreement between the Ministries responsible for integration and employment, the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*, OFFI), and Pôle Emploi, the same actors wished to increase the complementarity of their expertise and range of services on offer.

Thus, a new **national framework agreement to promote the labour market integration of newly arrived foreigners** was signed between the Government (the General Directorate for Foreigners in France and the General Directorate for Employment and Vocational Training), OFII, and Pôle Emploi on 24 November 2016, **for a duration of three years (2016-2019).**

This framework agreement aims to facilitate labour market access for these foreigners through an employment or training permit, by establishing an appropriate, personalised pathway.

A note of 27 February 2017 extended this three-year national framework (2016-2019) to the Departmental level.

3.1.3. *Efforts to avoid ‘social dumping’⁴ and erosion of labour standards*

1. National Plan to Combat Illegal Employment 2016-2018⁵

The 2016-2018 Plan has three main objectives to bolster the fight against illegal employment and the fraudulent posting of workers to France as part of international service provision.

The plan sets out new methods to achieve these goals:

⁴ While there is no definition of the concept of “social dumping” in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation ‘where foreign service providers can undercut local service providers because their labour standards are lower’, more info at [Eurofound](#)

⁵ The plan is presented in the ERM Annual Report 2016

1. tools to strengthen the effectiveness of controls and to stop the most complex frauds by striving for better co-ordination, greater powers for the various control services, and better regional organisation;
2. a communication plan in support of a strengthened prevention policy.

In terms of the European Economic Area and the free movement of workers, France supported **proposals to advance discussions on the draft Directive modifying Directive 96-71/CE concerning the posting of workers in the framework of the provision of services.**

The priorities defended by the French authorities cover:

- **confirmation of the temporary nature of the posting** (12 months instead of 24 months in the initial draft). Going beyond this 12-month limit for posting in a Member host State should enable the worker concerned (or his or her replacement if they have carried out the same tasks for the same service) to benefit from all employment rights in the host country, unless there are more favourable provisions in the country of origin.
- for the 12-month duration of the posting, the posted worker should benefit from **protective working and employment conditions** (the applicable “hard core”). To do so, the French authorities defend the proposal to broaden the scope of this hard core by **integrating conditions of accommodation in the host Member State.**
- By analogy, it is essential **that all the expenses incurred as a result of the posting are not paid by the posted worker, in the form of a deduction from the remuneration that is due to them for their work.** To do so, the new provision on the guaranteed hard core should enable an analysis of remuneration between the host Member State and the Member State of origin, to ensure that the costs of accommodation, food and transport are not paid from the aforementioned remuneration of the employee. Similarly, the introduction in the “hard core” of methods for refunding accommodation, transport and food costs arising during a professional posting within the host State continues to be too limited with regards to the real situation of posted workers, who must often themselves cover costs of this nature from the first day of posting to the host State, and at the prices in force in this State.
- Finally, the French authorities wish to **strengthen co-operation between the Member States in the fight against fraudulent posting.** In this regard, and with a view to giving the initiatives and activities of the European Platform Tackling Undeclared Work a more operational and binding nature, the French authorities may reiterate their requests to add provisions to supplement Article 4 of Directive 96/71/EU, in particular with regards to the possibility of using the Platform in practical cases of fraud or manifest abuse with a transnational dimension.

A compromise on the revision of the Directive concerning the Posting of Workers was adopted on 23 October 2017 during the European Union meeting of Ministers of Employment.

Generally speaking, the French authorities have sought to ensure, through the revision of Directive 96/71/EC, an **effective implementation of the principle of equality of treatment between a directly employed worker in a Member State and a posted worker temporarily exercising their activity.** The French authorities will continue to closely monitor this until the end of the procedure for adopting this text.

2. The legal framework for combating illegal employment and social dumping has given rise to several important legal texts.

Article 4 of **Order No. 2016-413 of 7 April 2016 concerning the control of the application of the right to work (JO 08/04/2016)** broadens the mandates of the control agents of the Labour Inspectorate to violations of trafficking in human beings, forced employment and slavery set out in Articles 225-4-1, 225-14-1 and 225-14-2 of the Criminal Code.

Law No. 2016-1088 of 8 August 2016 relating to employment, modernisation of social dialogue and securing professional life completes moves to strengthen the legal arsenal on the posting of workers in France for the purposes of international service provision.⁶
For more information on the provisions of this Law, see Appendix 1.

Law No. 2016-1827 of 23 December 2016 on social security funding for 2017 (JO 24/12/2016) modifies several provisions of the Social Security Code relating to illegal employment. However, **employers who are guilty of the offences of illegally providing or lending foreign labour or of employing foreigners who are not authorised to work can no longer benefit from measures to reduce or be exempt from social contributions and tax cuts.** Previously, this measure only related to undeclared work.

The Law also strengthens measures aiming to combat the fraudulent posting of workers. When a worker is posted to another Member State of the European Union, the A1 form is used to declare the social security regime applicable to workers who are not affiliated in the country in which they are working. The Law now states that the A1 form must be kept available to inspection officers (*Labour Inspectorate, judicial police officers, tax and customs inspectors, officials from social security bodies, etc.*) by the posted worker, or otherwise by his or her employer or their representative in France, at the place where the work is being carried out and at the premises of the person for whom the posted worker is working as part of a contract notably covering the provision of work or services (*in other words: the client, project owner, or instructing customer*). If the posted worker, their employer or representative or the person for whom the posted worker is providing the service cannot produce this document during an inspection, a penalty is set for each worker in question (*i.e.*, €3,269 in 2017). This amount is doubled if a new violation is recorded within two years from notification of the penalty about the preceding violation. URSSAF is responsible for recovering this fee, in line with the regulations and under the guarantees and sanctions applicable to the recovery of social security contributions. It is not to be paid by the employer of the posted worker, but by the person for whom the posted worker is providing the work (*i.e.*, *the client, project owner or instructing customer*), except when, during the inspection, they can produce evidence that they have submitted the application for the A1 form, followed by the production, within two months of the inspection, of the form issued subsequent to that application. This measure entered into force on 1 April 2017.

These new measures were supplemented by several regulatory texts, including Decree No. 2017-825 of 5 May 2017 to strengthen the regulations to combat the illegal provision of international services.

This Decree **increases the obligations on project owners and instructing customers when they use international service provision.** It sets out the conditions under which project ownership is apportioned throughout the entire sub-contracting chain in terms of compliance with the obligation

⁶ The process began with Law No. 2014-790 of 10 July 2014 aiming to combat unfair social dumping, followed by Law No. 2015-990 of 6 August 2015 on growth, activity and equality of economic opportunity.

to make an advance declaration of the posting by the foreign sub-contractor. It specifies the methods by which the project owner must declare a workplace accident involving a posted worker, as well as the compulsory notifications which must be displayed on work sites for which the project owner is responsible. It specifies the ways in which a user company based abroad must inform temporary employment companies also based abroad of the posting to France of one or more of their workers. The Decree also specifies the conditions under which provision of the service is suspended in the event of the posting being undeclared. It specifies the mechanisms by which the cessation of work sanction is applied to companies on sites which are not the one in which the violation was committed. It sets out the nature of the information document which must be issued to posted workers at the same time as their professional ID card in the construction industry, as well as the information which must appear in the declaration prior to the posting taking place. Finally, in the transport industry, the Decree contains several specifications and adaptations with regards the formalities and obligations which apply to the posting of workers.

3. Creation and implementation of the construction industry card (called ‘BTP card’)

The BTP card is an additional tool to enable professionals in this sector and inspection officers to **more effectively combat illegal employment and unfair social dumping in the construction sector**. It was created by Law No. 2015-990 of 6 August 2015 for growth, activity and equality of economic opportunities and entered into force on 22 March 2017.

In practical terms, it means that employees on a work site may be identified by their cards. This gives companies, instructing customers and project owners a clear and simple way of reserving access to work sites only to workers who have been effectively identified and declared. Moreover, the inspection services (labour inspectorate, police officers, gendarmes, border control officers, etc.) can read the information contained on the card by means of a QR code, and thus check whether the employer is complying with the regulations relating to workers on the site at any time.

By providing a recognised and sure means of identification which can be used by all to control presence on a site, the BTP card is a tool which has long been sought after by the industry to help it fight illegal employment and which significantly limits the risk of non-declared workers being on site. Inspection officers can thus devote their time to more complex illegal employment cases (concealed number of hours, abuse of the workers’ status, etc.).

The BTP card is accompanied by a central file containing the personal and professional information about the employees and their employer, which enables inspection officers to have better access to information and data reconciliation. Access to this information is through a Quick Response Code (QR Code) which appears on each card and which can be read with a smartphone. Workers must always have their BTP card when they are working on site. Employers must ensure that their employees are in possession of the card when they work on a site.

The card thus makes it easier to investigate and detect these frauds in a sector which is particularly affected by illegal employment practices. Because it is easy to use, it will make investigations more effective, by reducing the time inspection officers devote to identifying violations of illegal employment on public construction sites.

The procedure for issuing the BTP card is entirely digital and the scheme is managed by the *Union des Caisses de France* (UCF), the umbrella body for the paid leave funds for the construction industry.

Over the course of 2017, the BTP card was rolled out in broad geographic zones across the entire country.

By 1 January 2018, 1,034,000 cards had been produced and distributed as follows:

- 783,000 for employees of companies (excluding temporary employment agencies) based in France,
- 208,900 for temporary workers employed by temporary employment agencies based in France,
- 42,000 for employees and temporary workers employed by companies based abroad.

See Appendix 2 for more information on the nature of this card.

3.1.4. Other developments in economic migration

No new measures were taken in 2017.

3.2. Students and researchers

3.2.1. Admission policies for students and researchers

There were no changes to French legislation on the admission of students and researchers in 2017.

In 2016, France began work on transposing Directive (EU) 2016/801 of the European Parliament and Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing. This work continued in 2017 and should be finalised in 2018 with the adoption of a draft law guaranteeing the right to asylum and improving control of migration flows (adopted by the Council of Ministers on 21 February 2018).

3.2.2. Incentive mechanisms for retaining students and researchers

For more details on the measures in the Law of 7 March 2016 concerning students, see the ERM 2016 Annual Report and Appendix 3 of this report.

The Law of 7 March 2016 on the Rights of Foreigners in France made higher education establishments responsible for conducting preventive health monitoring of foreign students from 1 January 2017.

Foreign students no longer need to sit a medical exam at the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*, OFII) and no longer need to present a medical certificate in support of their application for a residence permit.

However, they are covered by preventive health monitoring in the higher education establishment within one year of their date of entry into France (see new Article R. 311-3-1 of CESEDA).

As well as optimising the effectiveness of the “talent passport”, two provisions of the draft law on **guaranteeing the right to asylum and improving control of migration flows** specify the conditions under which foreign students who qualified in France can access the labour market under more flexible conditions:

- Pursuant to EU Directive 2016/801 of 11 May 2016, known as “students and researchers” directive, the draft law creates a temporary residence card marked “seeking employment or creating a business” for one year for foreigners holding a “researcher” talent passport, when their research activity comes to an end. In terms of the researcher’s short-term mobility in France (less than or equal to 180 days) and long-term mobility (more than 180 days, maximum 12 months), the draft law opted for the simple notification procedure. This is in response to the objective of attracting researchers who do not need to go to the Prefecture to be issued a permit. They will reside in France for up to twelve months under the terms of a residence permit issued by the first Member State after notifying the relevant Prefecture.

- The draft law encourages the circular migration of foreign graduates who completed their studies in France, by enabling this same temporary residence permit to be issued within a maximum period of four years after the date of obtaining their qualification in France, to foreign students qualified in France and who returned to their country of origin (or another country) at the end of their studies in France and who wish to return for professional purposes.

3.2.3. Other measures regarding students and researchers

Under application of the 2016/801 “students and researchers” Directive and given that the provisional authorisation for residence in place, known as “end of studies temporary residence authorisation” (*autorisation provisoire de séjour*, APS) cannot be considered to be a residence permit, Article 17 of the draft law created a specific residence permits for “students looking for employment or creating a company”, which is valid for one year and is non-renewable, covering all the rights and obligations of the current APS.

Sandwich courses and apprenticeships are not open to foreigners not living in France (new arrivals). Article L5221-5 of the Labour Code reserves the right to employment contracts to promote labour market integration to foreigners authorised to work in France. For foreign students who have been living in France for more than one year, the difficulty concerns those over the age of 25 for whom the apprenticeship contract is no longer open, while the professional training contract is reserved for job seekers. Discussions with a view to changing the regulations should take place between the Ministry for Europe and Foreign Affairs, the Ministry of the Interior and the Ministry for Employment.

3.3. Family reunification and family formation

No new measures were taken in 2017.

Outside the strict scope of family reunification (covered by Chapter IV of the CESEDA), new measures are envisaged regarding family immigration in the broad sense of the term.

Thus, the draft law guaranteeing the right to asylum and improving control of migration flows, adopted by the Council of Ministers on 21 February 2018, includes provisions aiming to:

- facilitate the granting of a ten-year card to family members of minor refugees (girls who are victims of female genital mutilation)
- broaden the family group to the brothers and sisters of minors;
- broaden the possibilities of entry for residence of vulnerable persons, notably foreign nationals who have been the victims of domestic and family violence.

Article 32 of the draft law brings together the legal regimes which cover victims placed under protective orders and makes no distinction between the victims of domestic violence and forced marriage.

In addition, Article 33 of the draft law aims to harmonise the conditions under which permits can be withdrawn or renewed in the event of a breakdown in the shared living situation due to violence for foreign nationals married to French citizens and foreign nationals who entered through family reunification. Domestic violence and family violence will thus be taken into account in all these situations, with a view to enhancing the protection of the foreigner (withdrawal is not possible, and renewal is automatic).

3.4. Information on routes to and conditions of legal migration

- a) Information campaigns, websites, specific centres etc.
- and/or
- b) Cooperation with third countries, for example on pre-departure measures, which may include provision of information on visas and work permits, which take place both in the (Member) State and/or a third country.

In October 2017, France established a multi-lingual portal, France-Visas, which enables applicants to consult information that may be useful for their planned journey and to request their visa online, regardless of the reasons for their stay. They can also monitor progress on their application and communicate with the instructing services. *See Section 1.7.*

For students, a preparatory seminar before departure and more language training are the two major areas to promote integration.

The majority of Campus France areas organise seminars on preparing for departure, particularly as part of the Studies in France programme (*Etudes en France*).

The structure of alumni networks also helps mobilise “ambassadors” who can share their experiences, and the advantages and difficulties they encountered when they arrived and lived in France.

In addition to these initiatives, two entities, *Institut Français* and *Alliance Française*, have been asked to devise methodological preparatory tools and advanced language training to contribute towards students’ success.

The Campus France organisation is more specifically responsible for welcoming students who are in receipt of a grant from the French government or foreign governments.

3.5. Long-term residence and intra-EU mobility of legally resident third-country nationals.

- a) Long-term residence;⁷
- b) Intra-EU mobility of third-country nationals between (Member) States.
- c) No new developments in 2017.

⁷ A long-term resident is a citizen from a country outside the EU who has been given long-term resident status. This status means that the person will have similar rights as EU citizens. (Directive 2003/109/EC)

3.6. Other measures on legal migration schemes

The draft law on **guaranteeing the right to asylum and improving control of migration flows (adopted by the Council of Ministers on 21 February 2018)** plans to improve the reception and integration conditions for foreigners in a regular situation, notably by extending “talent passports” to new categories (employees of innovative companies and foreigners contributing to the economic development, regional development and the reputation of France), by transposing the “students and researchers” Directive to facilitate the integration of this group in France.

In addition, this draft law includes a provision enabling the government to adopt an order simplifying the employment authorisation regime for the recruitment of certain categories of employees by Government-approved companies. The aim of this provision is to enable these companies, after the authorities have checked that their need for foreign labour is genuine, to recruit third country nationals with fewer formalities.

Finally, a revision and simplification of the provisions of the Code on Entry and Residence of Foreigners and the Right of Asylum (CESEDA) on travel document for foreign minors (*documents de circulation pour les étrangers mineurs*, DCEM) is also planned. Previously, foreign minors could, depending on their place of birth and the administrative situation of their parents, request either a French identity permit (*titre d’identité républicain*, TIR) or a DCEM. The two documents will be merged into a single document, and the conditions under which it is issued will be simplified and clarified.

3.7. Schengen Governance

a) Re-establishment of internal border controls

See Section 7.1.2.

b) Migration management systems to manage fluctuating migration pressures

A new visa information system

The measures that are currently implemented, particularly in terms of information technology, to facilitate the arrival in France of foreigners required to have a visa, while controlling their right to entry and residence, are no longer appropriate for the challenges of the present day, which is marked by a strong increase in international mobility and acute competition between States to attract talent.

This led the Minister of the Interior, and the Minister of Europe and Foreign Affairs responsible for visa policy to take a decision to reform the IT system for visas, which is currently based upon various digital applications which are being phased out (the RMV2 application for the issuance of visas in consulates).

This project, known as France-Visas, is jointly managed by the Director for Immigration (DGEF/DIMM) and the Director for French Nationals Abroad (DFAE) respectively within the Ministry of the Interior and the Ministry of Europe and Foreign Affairs. The inter-Ministerial project team consists of operational and technical experts from both administrations, thus avoiding the counter-productive separation of project ownership and project management.

The new system, which is in line with the Government's work towards administrative streamlining and digital transformation, places the user at the heart of the process. With France-Visas, applicants access a single multilingual portal where they can consult useful information about their travel plans and can apply for their visa online. They can also monitor progress on their application and communicate with the instructing services.

With a view to modernising the relationship between the user and the authorities, France-Visas aims to contribute towards the development of the attractiveness of France. From the user's perspective, the visa application procedure should be simple and quick.

The recommendations of the Higher Council on Attractiveness (*Conseil supérieur de l'attractivité*) on facilitating business visas for foreign partners in exporting companies are also taken into account in France-Visas. A dedicated portal will enable authorised companies to directly integrate their activities into the procedure for collating and processing visa applications. These will automatically be prioritised, and lower levels of justifying documentation will also be required.

The roll-out procedure began in January 2016. **The France-Visas portal has been online since 10 October 2017** and is progressively opening up to countries in the diplomatic and consular network.

France-Visas offers different models to facilitate visa applications for foreign users, developed in a "front-office" system initially connected to the current application for issuing visas (RMV2), i.e.,

- a multilingual and multi-channel (computers and mobile devices) information portal on the obligations on foreigners visiting France, with personal information (types of visas, justifying documents, procedures, etc.),
- followed by a teleservice for submitting applications online (completing the form, scanning attachments, making appointments for personal meetings if necessary, and paying fees) or at the offices of approved service providers at consulates using the one-stop-shop functions offered by France-Visas.

On 1 January 2018, the online request procedure was available in 72 countries representing 31% of all visa applications in 2017. The France-Visas site has received more than half a million visits since it was launched, with a total of five million pages viewed. Around 63,000 visa applications were received online.

Smart borders

The "Smart Borders" project is in response, notably to a communication from the European Commission exploring the possible options for continuing discussions which began in 2008 on the potential of incorporating new technologies into integrated border management.

In particular, this consists of finding the means to respond to increasing flows of travellers, partly by improving controls and partly by making it faster and easier for frequent travellers to cross borders.

France has been committed to introducing automated gates using digital fingerprints since 2009. To date, 124 automated gates have been installed across the country, including 101 digital fingerprint gates and 23 test-phase facial recognition gates. "Smart borders" experiments

conducted by France in 2015 under the direction of the EU-LISA Agency and looking at the entry-exit system confirmed that, of the biometrics tested, digital fingerprint technology is, apparently, the most robust in terms of both security and fluidity. This is why, during negotiations on the targeted revision of the SBC and the entry-exit system, France insisted that digital fingerprint biometrics feature on the same level as facial recognition as a biometric means of identifying passengers during cross-border checks.

Access to digital fingerprints in passports and travel documents issued by EU States is managed and protected by high level cryptography. An exchange of the cryptographic tools used by each Member State is required in order to be able to compare the fingerprints of one person against those contained in a passport microchip. This secure exchange has been implemented with Germany, Belgium and Luxembourg and is under way with other technologically advanced Member States. On the European level, France has called for a revision of the legislation on exchanges of certificates, the current complexity of which is a barrier to its application. The PARAFE digital fingerprint gates are therefore used for 53.4% of border crossings made by French, German, Belgian and Luxembourgish travellers.

The photographs contained in the passport microchips are more easily accessible and the use of automated gates using facial recognition biometrics enables all nationals of the European Union (EU) and the European Economic Area (EEA) to use the automated gates. France has thus authorised the use of such gates in a test phase by Eurostar at St Pancras and by the Aéroports de Paris (ADP) at Roissy-Charles de Gaulle to assess facial recognition biometrics. The objective of these tests is to assess the suitability of using facial recognition in operational conditions, notably its robustness and effectiveness. An assessment report and a policy on using facial recognition in automated controls will be prepared on this basis. The use of gates using facial recognition, as approved by the Ministry, will begin in the summer of 2018.

In a context where migration and security are of growing concern, France has recalled the need for a harmonised approach to combating documentary fraud. The French-German initiative on these issues led to an action plan by the European Commission on 8 December 2016, several major points of which were supported by France, including the importance of the quality and collection of biometric data, improving the security of national identity cards, and simplifying access to biometrics.

3.8. Visa policy

France's visa policy aims to improve the conditions under which visa applicants are received, to develop resources to ensure visas are issued more quickly, and to develop facilitation measures to promote the attractiveness of our country to identified groups.

1) The “Visa in 48 hours” programme was implemented with the People’s Republic of China (PRC) on 27 January 2014 as part of the fiftieth anniversary of France’s recognition of the PRC.

On 1 January 2015, this measure was extended to India, South Africa, Qatar, Kuwait, Bahrain, Oman and the United Arab Emirates (although it should be noted that the UAE was exempt from visas in 2015). In India, more specifically in Calcutta, the issuing of visas within 48 hours is a significant advantage in comparison to our Schengen partners who, with the exception of Italy and Germany, are not represented in Calcutta.

The “48 hour” period runs from submission of the full application with the service provider to the return of the passport with the visa to the applicant. This measure only applies to individual applications. It should be noted, however, that the visa stations in Beijing, Canton, Chengdu, Shanghai, Shenyang and Wuhan have introduced approved destination status (ADS) visas within 24 hours since 1 January 2016.

Other countries have already moved to the 48 hour visa:

- Indonesia since 1/1/2016,
- Singapore since 1/9/2015, with no particular difficulties to report. Singaporeans were not subject to a visa, so the process actually applies to other nationalities making applications at the Singapore office (in any case for those which are not submitted for consultation).
- Turkey (Ankara and Istanbul) since 1/1/2016.

Following the first inter-Ministerial council on tourism of the quinquennium which was held at the Prime Minister’s official residence the Hôtel Matignon on 26 July 2017, the Prime Minister announced that France would issue visas within 48 hours in ten new countries (Russia, Thailand, Philippines, Cambodia, Laos, Burma, Indonesia, India, Saudi Arabia and Vietnam, although the latter two was subject to consultation with the partners which had to be completed before this procedure could be implemented). In Russia, this measure has been effective since 1 November 2017.

2) *Simplification of the procedures relating to target populations for France’s attractiveness policy*

Several measures aim to develop and facilitate the issuing of visas for target groups.

Consulates were requested to continue their work issuing **travel visas** from between one and five years, which represent more than 30% of short stay visas issued in 2017 (around 967,000 travel visas).

Foreign students holding a French Master’s degree or equivalent, are issued with a travel visa and can benefit from other attractiveness measures.

3) *Outsourcing*

In order to deal with the constant rise in the number of visa applications, in 2007 France began to outsource the visa programme in countries where the demand for visas is the highest: Algeria, China, Tunisia, Morocco, Indonesia, Russia, Turkey, India.

The aim is to enable consular staff to concentrate on their sovereign task of processing applications, in particularly to better assess the migratory risk attached to certain applications and to better fight against fraud, for example through individual interviews with applicants.

Two levels of outsourcing have been introduced in our embassies and consulates:

- *the first level* is restricted to outsourcing the handling of users’ telephone calls, making appointments to make a visa application, and providing information;
- *the second level* includes outsourcing the first contact with users, receiving applications (checking that the application contains all the items mentioned on a list provided by the consulate: completed and signed application form, valid travel document, compliant photograph, proof of the reasons for the trip, evidence of resources, etc.), collecting

biometric data, collecting visa fees, returning the travel document with or without the requested visa in a sealed envelope, as well as ensuring the secure data entry of the content of the visa application form.

On 1 January 2018, 77 diplomatic or consular posts out of 170 outsourced either all or part of their visa applicant reception function to a private provider (TLS contact, VFS Global and Capago are the three companies operating for France). There are currently 53 main outsourcing centres (in cities where the consular services are based) and 44 secondary centres situated in smaller towns. In 2017, these 97 centres, which employ approximately 1,300 people, processed more than 85% of visa applications presented to France.

The reliability of the service providers is checked with enhanced requirements due to the introduction of the collection of biometric data:

- through regular checks on service providers by the consulates according to standard protocols: the control sheets have been updated and must be sent to the Sub-Directorate for Visas (Ministry of the Interior) and the Sub-Directorate for Visa Policy (Ministry of Europe and Foreign Affairs) on a six-monthly basis;
- through constant assistance provided by the central administration upon request from the consulates;
- through advisory and audit missions carried out by the operational sub-directorates (Sub-Directorate for Visas and Sub-Directorate for Visa Policy);
- through audit missions conducted by the French Agency for the Security of Information Systems (*Agence Nationale de la Sécurité des Systèmes d'Information*, ANSSI);
- through specifications approved by the two sub-Directorates for visas, which set the conditions for activities of service providers.

4) *Biometrics and VIS*

a) Biometrics in the consulates

After registration, the biometric data are transferred to the European database (the VIS) or the national database (VISABIO) where the biometric data on visa applicants are centralised, alongside other data collated when the visa application is submitted.

VISABIO (authorised by Decree No. 2007-1560 of 2 November 2007) is the nationally implemented mechanism which stores information on the civil status of visa applicants (short stay + long stay), data relating to visa stickers and biometric data (photograph and ten digital fingerprints). The biometric database is operated by an Automatic Fingerprint Identification System (AFIS).

The consulates enter the information into the national VISABIO system. The system is consulted by the majority of the directorates of the national police, the gendarmerie and the borders.

Since May 2015, it has also been possible to consult biometric data contained in the VISABIO in 59 Prefectures and sub-Prefectures.

The VIS is a European data base (alphanumeric and biometric) relating to each application for a Schengen visa processed by a Member State. In France, this database is supplied by the RMV and will be supplied by France-Visas.

In France, VIS can be consulted using control applications supported by VISABIO. The double entry of data to both VIS and VISABIO ended at the start of 2015, and Schengen visas issued by French posts are now only sent to the VIS.

Investigation units are available at all public security sites, in the Prefecture of Police in Paris, in all mobile research brigades (BMR) and in the metropolitan investigation services of the Central Directorate for the Border Police (*Direction centrale de la police aux frontières*, DCPAF). Such units are also installed in 27,000 workstations of the Police and National Gendarmerie. Only a very small number (436) of these posts have biometric investigation capacities authorising an identity search on the basis of digital fingerprints.

Controls conducted through VISABIO can check the authenticity of visas presented, detect applications for asylum presented under successive identities by the same person and, in addition to Eurodac, can determine the State responsible for examining an application for asylum.

The European database VIS (Visa Information Schengen), created by Regulation (EC) No. 767/2008 of 9 July 2008 of the European Parliament and of the Council, entered into force on 11 October 2011. In November 2016, France completed the roll-out of VIS at border crossing points.

All posts in the network issue biometric visas. Two different systems enable the collation of biometric data at consulates' visa service offices (BIODEV application) or at the outsourced or decentralised centres (BIONET application).

b) Shared consular co-operation and consular services (Table).

The implementation of genuine, operational shared consular services is hindered **by practical difficulties**:

- IT resources: Member States require different applications and means of communication which leads to the juxtaposition of a variety of national infrastructures. This is exacerbated by the collection of biometric data.
- Security standards are not harmonised between various Member States.

Such shared services therefore only exist on an experimental level:

- the “Maison Schengen” in Kinshasa: operated by a single State (Belgium) which represents certain other partners including France;
- In Praia, France is represented within a Joint Visa Centre (*Centre Commun de Visas*, CCV) by Portugal.

As such, operational co-operation between Member States in the Schengen Area takes place mainly through the signature of “Schengen representation” agreements for issuing Schengen visas in a certain number of third countries.

At the end of 2017, France represented 23 Schengen States in this way in 69 consular posts. In this role, France issued 40,347 short stay visas (including airport transit visas, ATVs) in 2017 on behalf of other Member States.

France is, however, only represented by 15 Member States in 42 cities.

In addition, shared “joint outsourcing” centres, in other words the shared use of the same service provider for the collection of applications, has been established in most outsourced centres which receive visa applications for France. See in Appendix 4 the list of outsourced centres.

It should also be mentioned that consulates hold local Schengen co-operation meetings, depending on the availability of staff (on average once per quarter). These are generally organised by the country holding Presidency of the European Union, or the Member State representing the country which is not present on site. These meetings are the opportunity for fruitful dialogue on similar issues encountered by European visa posts.

4. INTERNATIONAL PROTECTION AND ASYLUM

4.1. Implementation of the Common European Asylum System (CEAS) and related policy developments

4.1.1. Changes in legislation, policies and practices

On 12 July 2017, the governmental plan “**Guaranteeing the right of asylum and better managing migration flows**” was presented to the Council of Ministers. This governmental plan is based on five priorities.⁸ Regarding the right of asylum, the Government plans to reduce the timescale for processing asylum applications and to improve the conditions for receiving asylum seekers. The draft law guaranteeing the right of asylum and better managing migration flows⁹ which is scheduled to be examined in the first quarter of 2018, brings together the reforms needed to implement this action plan which calls for legislative modifications.

Given the fact that the main changes were introduced by the Law of 29 July 2015 concerning reform of asylum legislation¹⁰, there were few developments of note in 2017. The reforms planned for 2018 are mentioned in the corresponding sections.

4.1.1.1. Access to the asylum procedure

- a) First arrival to territory (including information provided at the time of first arrival to the EU territory and operations to help asylum seekers on arrival;
- b) Access to the asylum procedure (including applications made at the border, within the (Member) State’s territory and in detention) - including making and lodging applications;

As regards applications for asylum at the border, 2017 saw the implementation of the provisions of the Law of 29 July 2015 making it possible to identify the State responsible for processing the asylum request under application of the Dublin Regulation (three decisions to transfer were made in this regard in 2017).

- c) Registration of applications for international protection, (including subsequent applications and Dublin returnees), identification and fingerprinting.

There were no legislative changes in 2017 on the application of the Dublin Regulation. Nevertheless, activity levels have risen significantly as a consequence of the multiplication of secondary movements following the migration crisis. Thus, in 2017, France carried out 2,633 outgoing transfers, in other words, more than double the 2016 figure. These transfers were largely carried out to Italy and Germany.

⁸ Acting on the European and international levels to better control migration flows; giving the right of asylum its full significance by improving the processing of applications and conditions of reception; conducting an effective and credible policy to combat irregular immigration and removal; conducting an ambitious review of integration policy; attracting more talent and skills.

⁹ <http://www.gouvernement.fr/argumentaire/asile-et-immigration-le-gouvernement-prend-le-temps-de-l-ecoute-et-de-la-discussion> (in French).

¹⁰ These changes are set out in the policy reports for 2015 and 2016. <https://www.immigration.interieur.gouv.fr/content/download/103531/817531/file/Rapport-politique-2015-REM-partie-2.pdf> <https://www.immigration.interieur.gouv.fr/content/download/102786/811173/file/Rapport-politique-du-REM-2016.pdf>

4.1.1.2. Reception of asylum applicants

- a) Reception of applicants (please include information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement);
- b) Detention during the asylum procedure (detention capacity – rise/fall/stable practices regarding detention, grounds for detention, alternatives to detention, time limit for detention).

Reception of asylum applicants

Against the backdrop of a marked increase in migration flows, the reform of asylum implemented through the Law of 29 July 2015 aimed to bring a structural response to the difficulties facing the French asylum system, notably in terms of its reception capacities to respond to the particularly significant flow of asylum applicants since 2015.

The national reception programme (*Dispositif national d'accueil*, DNA) saw its accommodation capacities nearly double from 2012 to reach 84,659 places on 31 December 2017. 351 CADAs represent 36,697 places and present an occupation rate of 95%. The emergency accommodation system (ATSA, PRAHDA, HUDA and CAO) includes 44,962 places.

In a continuation of the government plan for asylum applicants of July 2017, **information on 4 December 2017**¹¹, aimed at Prefects in Paris and the Departments, clarifies the prospects for developing the accommodation for asylum applicants and refugees so that it is more responsive and better adapted to the migration crisis. To achieve this objective, four priorities have been identified:

- improving the readability, effectiveness and fluidity of programmes to manage asylum applicants and refugees.
- creating new accommodation places for asylum applicants and refugees;
- setting this system against the backdrop of a reworking of regional programmes to receive asylum applicants and refugees;
- defining an appropriate governance system for asylum.

In terms of readability, effectiveness and fluidity of the schemes, the orders set out three levels of management for the organisation of accommodation:

- The creation of 200 places in **reception and assessment centres** (*centres d'accueil et d'évaluation des situations*, CAES) per region (900 in the Île de France) with the possibility of assessing administrative situations. These places may be within the **Reception and Orientation Centres (CAO)**;
- appropriate accommodation, notably for people covered by the Dublin procedure and the accelerated procedure;
- enhanced support within the **reception centres for asylum applicants (CADA)**, which are the mainstay of accommodation, particularly for asylum applicants under the standard procedure.

As regards the creation of new places, the order confirms the statistics in the migrant plan with the creation of 12,500 new places, including 7,500 places from 2018 (3,000 places in

¹¹ Information of 4 December 2017 on growth of the accommodation stock for asylum applicants and refugees, http://circulaires.legifrance.gouv.fr/pdf/2017/12/cir_42787.pdf

temporary accommodation centres (*centres provisoires d'hébergement, CPH*)¹², 2,000 places in the CADAs, and 2,500 emergency accommodation places for asylum applicants through calls for local projects).

In this way, more than 10,000 places will be created by 2019.

The **Circular of 12 December 2017 concerning the examination of administrative situations in emergency accommodation**¹³ anticipates an examination of the administrative situations in emergency accommodation to provide better guidance to people according to their situation (asylum applicant, dismissed asylum application, person supposed to request asylum in another European country, etc.). Mobile teams, consisting of one or more officers from the Prefecture, or one or more members of the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration, OFII*) and, possibly, staff trained in social monitoring or assessment will be responsible for conducting this administrative evaluation in order to steer people towards accommodation which is appropriate to their administrative situation. The aim is to reduce the number of people who, sometimes accommodated for lengthy periods, remain 'without status' or who cannot benefit from all the rights associated with their status. Depending on the individual's situation, 'appropriate guidance' is planned:

- For beneficiaries of international protection: guidance towards long-term accommodation;
- For asylum applicants: registration with OFII which will give them access to the dedicated accommodation scheme for asylum applicants;
- For persons whose administrative situation appears to be contentious: an examination of the administrative situation will be offered with the rapid delivery of a residence permit and guidance towards housing or accommodation or, failing that, notification of a removal procedure with an offer of help with return;
- For persons in an irregular situation in France, who are already subject to an OQTF: help with return should be offered or guidance towards an appropriate scheme with a view to organising a forced removal.

These provisions will also help relieve congestion in the emergency accommodation programme under common law.

The draft law guaranteeing the right of asylum and controlling migration flows scheduled for 2018 sets out measures to:

- Strengthen directive guidance for asylum applicants in accommodation facilities: the draft law states that a national scheme will set the proportion of asylum applicants received in each region; an applicant may be sent to a specific region and be ordered to remain there in order to benefit from the material conditions of reception.

Exchange information between the integrated asylum and orientation services, responsible for emergency accommodation under common law, and OFII regarding asylum applicants and refugees.

In addition, the amount of **the allowance for asylum applicants (*allocation pour demandeur d'asile, ADA*)** was reassessed in 2017. The additional daily amount attributed to applicants who have not obtained accommodation was set by the Decree of 29 March

¹² The conditions for the creation of these places are set out in the Circular of 2 October 2017.

¹³ Circular INTK1721274J of 12 December 2017 concerning the examination of administrative situations in emergency accommodation, http://circulaires.legifrance.gouv.fr/pdf/2017/12/cir_42811.pdf

2017¹⁴ at 5.40 euros. This amount had been set at 4.20 euros by a Decree of 21 October 2015¹⁵, but the *Conseil d'Etat* ruled in its Decision of 23 December 2016 that this was insufficient to enable asylum applicants to access the private rental market.

4.1.1.3. Asylum procedures

- a) Access to information and legal counselling / representation (including at the border and during the asylum procedure);

In 2017, the joint information brochures on the Dublin Regulation were translated into five additional languages.

- b) Provision of interpretation;

- c) Dublin procedure (including changes in: the organisational framework, IT systems¹⁶, practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures);

In an Order of 27 September 2017¹⁷, the first chamber of the French Supreme Court (*Cour de Cassation*) confirmed Order C-528-15 of 7 March 2017 of the European Union Court of Justice (EUCJ),¹⁸ ruling that in the absence of a legal definition “setting out the objective criteria on the grounds upon which it can be suspected that an applicant for international protection who is the subject of a transfer decision, is likely to flee”, the placement in detention set out in Article 28, Paragraph 2 of the “Dublin III” Regulation is not applicable. The Court observed that the concept of “non-negligible risk of flight” is not currently defined in French legislation.

Moreover, in an opinion issued on 19 July 2017 (No. 408919), the *Conseil d'Etat* considered that in the current state of the law, the Prefect may not place in administrative detention a foreigner who is subject to a transfer procedure before the transfer decision comes into force. The law only anticipates the possibility of assigning the individual to house arrest, and a place in detention can only be issued on the grounds of Article L. 551-1 of CESEDA, after notification of the transfer decision.

On 15 February 2018, the National Assembly adopted a law to ensure the correct application of the European asylum regime relating to procedures for identifying which

¹⁴ Decree No. 2017-430 of 29 March 2017 concerning various provisions relating to the allowance for asylum applicants, <https://www.legifrance.gouv.fr/eli/decret/2017/3/29/INTV1705703D/jo>

¹⁵ Decree No. 2015-1329 of 21 October 2015 concerning the allowance for asylum applicants, <https://www.legifrance.gouv.fr/eli/decret/2015/10/21/INTV1523052D/jo>

¹⁶ For example, information on setting up new databases that allow managing of Dublin cases, problems with managing DubliNet which can cause a delay in sending/receiving Dublin requests, acquisition of new equipment, such as Eurodac machines etc as it is a relevant development in boosting the capacity to conduct Dublin procedures.

¹⁷ Order No. 1130 of 27 September 2017 (17-15.160), Cour de cassation, first civil chamber, <https://www.courdecassation.fr/jurisprudence/2/premiere-chambre-civile/568/1130-27-37725.html>

¹⁸ EUCJ, 15 March 2017, case. C-528/15, Al Chodor, <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d0f130d5ce21099b931a480cb0f892b68f00c9ea.e34KaxiLc3eQc40LaxqMbN4PaNuQe0?text=&docid=188907&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=245452>

Member State is responsible and for executing the transfer decision.¹⁹. This law aims to draw out the consequences of the above-mentioned jurisprudence.

- d) Special procedures: border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads;
- e) Safe country concept: safe country of origin, safe third country, European safe third country, first country of asylum (introduction of the concept into law, applicability of the concept in practice, measures undertaken to create, revise or implement a list of safe countries);
- f) Procedures at first instance (relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management);

The aim of the draft law guaranteeing the right to asylum and improving control of migration flows scheduled for 2018 is to:

➤ *Reduce the timescale for processing applications for asylum:*

- At OFPRA:

- Reduce the timescale beyond which submission of an asylum application can lead to placement in the accelerated procedure from 120 days to 90 days, from the date of entry into the territory;
- Facilitate notifications from with OFPRA, by making the language declared in the Prefecture opposable;
- Enable the notification by OFPRA by any means.

➤ *Other provisions:*

- Take account convictions for serious incidents, notably terrorism, committed in another EU country, to enable OFPRA to refuse or end refugee status.
- Consider asylum applications presented by a foreigner accompanied by his or her minor children as also being presented for the children.

- g) Appeal/Judicial Review (changes in: organisation of the process, hearings, written procedures, timeframes, case management, including backlog management);

The draft law mentioned above envisages for the CNDAs:

- A reduction in the timescale for an appeal before the CNDA from one month to 15 days;
- The development of use of CNDA video meetings;
- Changes to the systematic nature of the suspensive appeal before the CNDA: in three cases (safe country of origin, re-examination, applicants who present a serious threat to public order), the appeal will not systematically be suspensive, but may be on a case by case basis on decision of the appeal court involved in the appeal against the OQTF;
- The effects of the CNDA decision may come into force as soon as it has been read and no longer upon notification of the decision.

¹⁹ Law enabling the correct application of the European asylum system http://www.assemblee-nationale.fr/15/dossiers/bonne_application_asile_europeen.asp (appeal submitted to the French Constitutional Court on 23 February 2018)

- h) Country of Origin Information (changes or updates in: organisation, methodology, products, databases, fact-finding missions, cooperation between (Member) States).

4.1.1.4. Residence/entry documents and rights/obligations of beneficiaries of international protection

- a) Residence/entry documents granted to beneficiaries of international protection (including length/duration);

The draft law planned for 2018 envisages:

- Reform of the “subsidiary protection” and ‘stateless person’ residence cards: the length of the permit is set at four years from the first admission for residence (currently, the first permit lasts one year).
- Making it easier to issue ten-year permits to family members of a minor refugee (girls who are victims of female genital mutilation).

- b) Rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, education, employment etc.

The draft law planned for 2018 envisages:

- For minor refugees, an extension of the benefits of family reunification not only to direct first degree ascendants, but also to brothers and sisters.
- Strengthening the protection for girls exposed to a risk of female genital mutilation: facilitating the reporting of a medical opinion to OFPRA.

4.1.1.5. Provision of information on residence/entry documents and rights/obligations of beneficiaries of international protection

- a) Information on residence/entry documents granted to beneficiaries of international protection (including length/duration);

- b) Information on rights and obligations regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programme.

Currently, information on the family reunification procedure for refugees is mainly made available to the refugee themselves. This mainly includes the refugee welcome booklet, a flyer (in French, English and Arabic), and information on the internet (notably on the “immigration” portal). The support services provided by the CADAs and the NGO network should also be noted.

However, access to information is more difficult for visa applicants.

To respond to this difficulty, on 10 October 2017, France launched an information portal known as ‘France-Visa’. This portal will be rolled out in 2018. Developments have also been planned, particularly to improve information to applicants on the progress of their case.

4.1.1.6. Withdrawal of international protection

No new measures were taken in 2017.

4.1.1.7. Cooperation with third countries

The Heads of State and Government of Germany, Spain, France and Italy, as well as of Niger, Chad and Libya met, on France's initiative, on **28 August 2017 in Paris** for a **summit on migration**. The heads of the delegations present agreed to continue their work along the Central Mediterranean route, by working closely with partner countries in Africa. They agreed to take **measures in four key areas**:

- 1) improving the coordination of support with the countries of origin, in Niger, Chad and Libya, notably by fighting against criminal trafficking networks and by strengthening the work of the joint security and defence policy;
- 2) offering protection to those who need it by increasing work on resettlement in this region;
- 3) improving returns and readmissions for irregular migrants;
- 4) creation of an operational co-ordination team with Germany, France, Spain and Italy in close collaboration with the High Representative of the Union for Foreign Affairs and Security Policy / the Vice President of the European Commission and the European Commissioner for Migration.

In addition, an ambassador responsible for migration, Mr; Pascal Teixeira da Silva, was appointed on 6 September 2017. The ambassador's role is to extend offers of partnerships to countries of origin and transit to better control migration flows (controlling borders, fighting against trafficking, encouraging voluntary return or detaining people in an irregular situation, acting on the fundamental causes of forced displacement and irregular flows, and promoting legal access routes, notably in favour of those in need of protection).

4.1.1.8. Other developments in asylum legislation, policy and practices

No new measures were taken in 2017.

4.1.2. Institutional changes in the national asylum system

Mr Gérard Collomb was appointed **Minister of State, Minister of the Interior** on 24 May 2017. The remit of the Minister of the Interior in terms of public policy regarding foreigners in France is unchanged.²⁰

In February 2017, the Directorate for Asylum of the General Directorate for Foreigners in France (*Direction générale des étrangers en France, DGEF*) within the Ministry of the Interior modified its organisation to adapt to the increase in activity connected with the migration crisis. The Department for the Reception of Asylum Applicants and Refugees and the Department for Managing and Financing the Asylum Policy were also created.

Announced by the Prime Minister in July 2017, an **inter-Ministerial delegate for the reception and integration of refugees was appointed**²¹ on 24 January 2018. Mr. Alain Régnier will work on the sustainable integration of refugees through housing, language training and vocational training, by co-ordinating the work of the various Ministries. He will also focus on resettlement

²⁰ Decree No. 2017-1070 of 24 May 2017 concerning the remit of the Minister of State, Minister of the Interior, <https://www.legifrance.gouv.fr/eli/decret/2017/5/24/INTX1714756D/jo>

²¹ Decree of 24 January 2018 appointing an Inter-Ministerial Delegate responsible for the Reception and Integration of Refugees – Mr. Alain Régnier, <http://intranet.immigration.gouv.fr/IMG/File/CabDG/Decret-24-01-2018-nomination-delegue-inter-accueil-integration-refugies.pdf>

with cultural and social support during the first year and proposals for direct entry into housing where this is possible.²²

4.1.2. Efficiency and Quality of the national asylum system

- a) Safeguards of the national asylum system (preventing and combatting unfounded applications, credibility assessment,²³ establishing identity, nationality verification, detection of security concerns, age fraud) including information on tools, mechanisms and training provided to staff;
- b) Quality of the national asylum system (internal measures to improve quality in decision-making processes and the content of issued decisions, in particular by issuing decisions e.g. creation of guidelines and instructions, including information on training, tools and mechanisms (stating how this is measured));
- c) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology, specialised training provided) of the national asylum system.

2017 was marked by **changes in the asylum IT system**. This IT system, which connects all the asylum actors in France, the front-line reception structures, Prefectures, OFII, OFPRA and the CNDA, was established in 2015. Thus, the development of an **automated platform for exchanging data and a web portal dedicated to the process of registering asylum applications** guaranteed application of the Law of 29 July 2015 relating to reform of the right of asylum. Following the changes that took place in 2017, requests for re-examination and reopening can now be recorded in the IT system and a specific number can also be attributed to the EURODAC interrogations to avoid the generation of an alias with each new EURODAC interrogation for the same person. From this point onwards, the principle of a unique personal file for each applicant is guaranteed. Other changes in 2017 included, notably, integrating the Dublin Procedures into the IT system, relaxing and improving the ways in which appointments are managed, and developing new data analysis resources to provide users with more powerful management tools both on the local and national levels.

4.1.3. Challenges in the national asylum system

- a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties (civil society, press, international organisations). Please differentiate between the different aspects in your asylum and reception system;
- b) Provide information on actions undertaken to counter these challenges.

The main challenges facing France in terms of managing migration flows are:

- Implementation of the Dublin regulation, which defers entry into the procedure of asylum applicants and, thus, disrupts the forecasting work on migration flows carried out by OFPRA.
- Secondary movements and the lack of fluidity in exchanges of information between Member States which can have an impact upon short-term decision making capacities;

²² Decree No. 2018-33 of 22 January 2018 appointing an Inter-Ministerial delegate responsible for the Reception and Integration of Refugees <https://www.legifrance.gouv.fr/eli/decret/2018/1/22/INTV1731223D/jo/texte>

²³ According to EASO, credibility assessment is performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence

- Strengthening national and regional management to guarantee the flexibility of the system between the first arrival and the integration of refugees or the return of people whose applications have been dismissed;
- Ensuring the fluidity of the housing stock and maintaining significant capacities fairly split across the entire country and achieving a sufficient housing stock.

Application of the Dublin Regulation emerged as a real challenge for France in 2017, with a 60% increase in the number of requests (41,482 in 2017). In France in 2017, one asylum applicant in every three was placed under the Dublin procedure, while France only has a transfer rate of 9%.

To address this challenge, significant changes were introduced into the administrative organisation. It was decided to regionalise the Dublin Procedure by creating regional “Dublin” hubs (one per region). These hubs are administrative units which are solely dedicated to applying the Dublin Regulation. They are responsible for drafting requests from other Member States, communicating with other Member States, notifying decisions to transfer and correctly executing them. By concentrating the procedure into a small number of administrative units, France aims to create centres of expertise enabling it to improve its results in terms of transfers executed. Initial tests of these hubs were carried out from November 2017 in the regions of the Haute-de-France and the PACA. The aim is to roll them out across the country in 2018.

4.2. Relocation and resettlement programmes

4.2.1. Relocation²⁴

Intra-EU relocation mechanism

Since 2015, France has initiated and been resolutely committed to implementation of the innovative mechanism of resettlement – a provision which aims to better spread asylum applicants across the countries of the European Union (EU) from the State of first entry.

In the context of the decisions of the European Council of 14 and 22 September 2015, resettlement from Greece and Italy should stop in autumn 2017. France has agreed to receive 19,714 asylum applicants including 3,064 from Italy and 16,650 from Greece.

However, this level of commitment reflected a migratory context which has changed. It is no longer justified to maintain resettlement at this level from Greece, where flows have considerably reduced since the joint EU-Turkey declaration of March 2016. However, in terms of Italy, in solidarity with this country, France decided to continue resettlement beyond the end date set out in the European decisions. Following the agreement with the Italian authorities, OFPRA selection missions will soon be organised in this country.

²⁴ Relocation: The transfer of persons having a status defined by the Geneva Convention of 1951 or subsidiary protection within the meaning of Directive 2011/95/EU from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency response system, relocation means the transfer of an applicant in clear need of international protection from the territory of the Member State initially indicated as responsible for examining their application for international protection to the territory of the Member State of relocation. Following transfer, the latter will become the Member State responsible for examining the application for international protection (see Art. 2(e) of Council Decision (EU) 2015/1523 and Art. 2(e) of Council Decision (EU) 2015/1601). (see EMN Glossary V5).

In total, by 14 November 2017, 4,699 people were resettled in France, including 4,322 from Greece and 377 from Italy. France is the second biggest country resettling asylum applicants on the European level. On the European level, this programme led to the resettlement of 31,503 persons.

4.2.2. Resettlement and Humanitarian Admission Programmes²⁵

National Resettlement Programmes

- a) National resettlement programme (UNHCR);
- b) National Humanitarian Admission Programme;
- c) Private sponsorship programme/scheme;
- d) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives).

- a) Resettlement offers the possibility of a better life to people in need of protection who have fled their countries of origin and who cannot remain in the country of first arrival, particularly due to their vulnerability.

France considerably strengthened its efforts from 2016 by agreeing to resettle more than 10,000 resettled refugees from Turkey, Jordan and Libya. The large majority of these commitments fall within the European context and were confirmed in the context of the United Nations General Assembly on Refugees in September 2016.

I- France's commitments

A) Commitments made by France in terms of resettlement: 2014 to end November 2017

In addition to an annual resettlement programme which has been in place since 2008 with the UNHCR, in 2014, France initiated a reception programme specifically for 500 Syrians, which was renewed in 2015. These commitments were met.

France then considerably strengthened its efforts from 2016 by agreeing to receive another 10,375 people for resettlement, in the context of the decision of the European Council of 22 July 2015, as part of the EU-Turkey Declaration and as part of the bilateral agreement with Libya.

Selection and arrivals between 2014 and 2017.

By 30 November 2017, **around 7,000 refugees had been selected** as part of our reception commitment of 10,375.

Since 2016, the co-ordination of arrivals has taken place in connection with the Inter-Ministerial Delegation for Accommodation and Access to Housing (*Délégation Interministérielle à l'Hébergement et à l'Accès au Logement*, DIHAL) which manages day-to-day relations with operators on the ground and which is responsible for local agreements. In order to organise the

²⁵ Resettlement: In the EU context, the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person, from a third country to a Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU; or (ii) a status which offers the same rights and benefits under national and EU law as refugee status. (see EMN Glossary Version 5).

arrival, a call for projects was passed in 2016 by the DGEF (and funded by the European Asylum, Migration and Integration Fund (AMIF)). 11 operators were identified, covering the entire country, responsible for identifying housing and supporting resettled persons for 12 months through their procedures.

In 2014 and 2015, 943 Syrian people arrived, including 394 from Lebanon, 436 from Jordan and 51 from Egypt. In addition, around 159 people selected as part of the commitments undertaken in 2014-2015 arrived in 2016 and 2017.

As part of the 2016-2017 programme for Syrian nationals (excluding Sub-Saharan refugees), the following were received:

Arrivals in 2016 and 2017	Syrians from Lebanon	Syrians from Jordan	Syrians from Egypt/Iraq	Syrians from Turkey	Total Syrians	Total other nationalities	Total all nationalities**
Total	1 654	662	20	1 229	3 565	160	3 848
of the commitment to 10,375							

Around 3,660 people were effectively resettled between January 2016 and November 2017 as part of this programme.

Moreover, when all the programmes are considered together, including the arrival of persons under the 2014 and 2015 commitments for which arrivals were delayed until 2016 and 2017, 4,862 refugees arrived over the period of this now completed programme, including 4,330 Syrians. From the beginning, therefore, a continuous overall increase in the pace of arrivals can be seen, rising from 432 in 2014 to 773 in 2015, to 1,378 in 2016 and 2,279 in 2017.

B) New Presidential commitments: from December 2017

France decided to establish protection operations from Niger and Chad, designed through the resettlement procedure to open a legal route to access the European Union for persons in need of protection, as reported by the UNHCR. This is one reflection of the Presidential commitments set out in the Orleans speech. This approach falls within the objectives of the European Union, which calls upon Member States to strengthen their work in countries to prevent secondary displacements to Libya and to strengthen resettlement, notably from Niger.²⁶

This operation, confirmed during the Joint Declaration by France – Italy – Spain and the EU of 28 August 2017, takes the form of sending protection missions from OFPRA, in partnership with the UNHCR, the governments of Niger and Chad and the IOM.

²⁶ EC Action Plan to support Italy, reduce pressure along the Central Mediterranean route and increase solidarity, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170704_action_plan_on_the_central_mediterranean_route_en.pdf

Selections and arrivals under the programme beginning in December 2017

France will continue its work in Lebanon, Jordan, Turkey, Niger and Chad in 2018 and 2019. The first mission took place in mid-October 2017 in Chad and enabled approximately 200 people to be selected as part of the new agreements. The mission to Niger, which took place in November 2017, selected around 70 people. The next missions to Lebanon will take place in March 2018, Turkey in April 2018 and Jordan in July 2018, Chad and Niger in April 2018.

Given the importance of maintaining strong commitments to Syrian refugees, and the new attention paid to the migration crisis in the Mediterranean which demands an appropriate response from the countries of transit in Africa, during his meeting with the UNHCR in October 2017, the French President set out new French commitments for 2018/2019. These anticipate the effective arrival in France of 10,000 resettled refugees over the period.

Through this commitment, France is honouring the commitments of the past in order to enable the effective arrival of persons already identified from Turkey, Lebanon and Jordan in addition to those selected in 2018 and 2019. This commitment also reflects the announcement, in August 2017, of the establishment of protection missions from Niger and Chad, enabling the arrival in France of 3,000 persons in need of international protection, including persons evacuated from Libya.

COUNTRIES FROM WHICH RESETTLEMENT TOOK PLACE	2018/2019 commitments (from December 2017 to October 2019)
Lebanon	3,000
Jordan	300
Turkey	3,600
Niger	1,500
Chad	1,500
Others (on application)	100
Total	10,000

In order to accelerate the arrival of refugees to France, several measures will be established by the Directorate for Asylum, including transit structures which have been opened for the families for which housing has not been found by the operator managing their case.

For resettled persons from Africa, in order to take into account the necessary adaptation to our lifestyles, they are initially housed in a temporary structure (group accommodation or dispersed) and given particularly reinforced support before being directed towards long-term accommodation.

In December 2017, 178 Syrians and 13 people of other nationalities had arrived in 2017 under the new 2018/2019 commitments. In addition, 55 people from sub-Saharan Africa arrived in France, 25 from Niger and 30 from Chad. They were temporarily housed in a reception structure at Thal Marmoutier in the Bas-Rhin department.

II-the future of the resettlement programme in France from Africa in 2018 and 2019

On the international level, France agreed to chair a group of experts on resettlement from countries on the Central Mediterranean route, organised by the UNHCR. The first meeting took

place on 11 September 2017 in Geneva, in the presence of the UNHCR and was co-chaired by the DGEF's Director for Asylum. 17 States, including Germany, Italy and Spain, as well as the US and Canada attended this first meeting.

The next technical meetings will facilitate discussions on the resettlement procedures, to simplify the UNHCR process, thus enabling it to more rapidly submit a substantial volume of applications and to identify potential operational partnership between the different countries in question.

In 2017, the DGEF also published flyers on the resettlement of Syrian refugees (*Se mobiliser pour l'accueil des réfugiés syriens* - June 2017) and sub-Saharan refugees (*La réinstallation des réfugiés syriens* - November 2017) aimed at presenting the programme and the procedure to local actors.

c) VISAS FOR SYRIAN AND IRAQI REFUGEES

1) The commitments

In line with the UNHCR's desire to increase the number of legal ways of accessing the EU other than resettlement, the following commitments relating to visas for Syrians should be mentioned:

- **1,500** visas for asylum
- **1,000** student visas

These commitments, made during the UNHCR High Level Meeting of 30 March 2016, were confirmed during the Leaders' Summit on Refugees, organised by the United States on 20 September 2016. **The commitment with regards to asylum visas for Syrian nationals was met in 2016.**

2) Agreements on asylum visas for Syrians

As of 31 December 2017, 5,614 agreements had been issued by the Directorate for Asylum since 2012. The objective of 1,500 asylum agreements was reached in 2016.

Syrian asylum visas (Number of people) 31/12/2017	2012	2013	2014	2015	2016	2017	Total
Of which agreements	66	330	1,083	1,221	1,514	1,400	5,614

Agreements on asylum visas for Iraqis

As of 31 December 2017, 6,138 agreements had been issued by the Directorate for Asylum since 2014.

Iraqi asylum visas (Number of people) as of 31/12/2017	2014 (from 01/08/2014)	2015	2016	2017	Total
Of which agreements	1,253	2,152	1,284	1,449	6,138

d) A new innovative protocol: private sponsorships through the “solidarity operation to welcome refugees from Lebanon” asylum visas

Under the aegis of President François Hollande, a protocol agreement was signed on 14 March 2017 to implement a solidarity operation to welcome 500 refugees from Libya.

This protocol was signed between the Minister of the Interior and the Minister for Foreign Affairs, and the Communauté de Sant’Egidio, the Fédération Protestante de France, the Fédération de l’Entraide Protestante, the Conférences des Evêques de France, and the Secours Catholique-Caritas France.

This protocol, which was the result of a spontaneous civil society initiative, aims to allow vulnerable Syrian and Iraqi refugees from Lebanon to come to France on the basis of an asylum visa, without distinction on the grounds of religion. These refugees are identified by NGO promoters involved in the project who agree to cover, at their own cost, travel, reception and accommodation costs until the person enters into common law accommodation.

This commitment is distinct from existing mechanisms for receiving refugees and is not intended to be a substitution for them. The first arrival of around 15 people took place on 5 July 2017. Since April 2017, the Directorate for Asylum has issued an agreement to 51 people, and 36 people have arrived in France as part of this operation.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. Unaccompanied minors applying for asylum

- a) Increase/Decrease of Human resources and/or training of staff;
- b) Improvement of protection and care of UAMs, including reception facilities;
- c) Legal guardianship and foster care;
- d) Age assessment;
- e) Procedural Safeguards;
- f) Provision of information (info material, e.g. videos, leaflets, booklets etc.);
- g) Other.

No new measures were taken in 2017.

5.2. Other vulnerable groups applying for asylum

- a) Measures clarifying the definition of vulnerable groups;
- b) Special reception facilities for vulnerable groups;
- c) Identification mechanisms/referrals;
- d) Applicable procedural safeguards;
- e) Other.

No new measures were taken in 2017.

5.3. Unaccompanied minors not applying for asylum

- a) Increase/Decrease of Human resources and/or training of staff;
 - b) Improvement of protection and care of UAMs;
 - c) Legal guardianship and foster care;
 - d) Age assessment;
 - e) Procedural Safeguards;
- Provision of information (info material, e.g. videos, leaflets, booklets etc.);
- Other.

The rise in the number of unaccompanied minors and the specific nature of certain profiles led in 2017 to a number of debates on the explosion of costs, the saturation of

reception and processing facilities and the need to establish appropriate procedures to meet the specific needs of this group. This is why, as part of the **Monitoring Committee of the National Procedure for Protecting, Assessing and Guiding Unaccompanied Minors**, which was held on 15 September 2017, the Minister for Justice and the Minister for Solidarity and Health reaffirmed 6.5 million euros in government funding 2017 to refund Departmental authorities for the period of assessing these minors, as well as the previous government's commitment to refunding 30% of the costs corresponding to managing the addition number of UMs received at 31 December 2017 in comparison to 31 December 2016. In addition, the Ministers announced the beginning of a consultation phase with the Departments which will lead to the **definition of an action plan** in 2018. Thus, several points must be addressed: the **evaluation and protection phase**, the **issue of age re-assessments**, but also the **fight against trafficking in migrants and trafficking in human beings**, as well as the **exit measures for the youth welfare scheme**.

The Law of 14 March 2016 on the protection of children gave a legal basis to the system of solidarity between departments by proposing an allocation key which is applied in the interests of the child. However, the reception of unaccompanied minors can still be improved. This subject is of paramount importance to the Government. The French Government wishes to create appropriate solutions for this particularly vulnerable group, while effectively fighting against fraud and irregular immigration.

The French President has, therefore, requested the government to create proposals to improve the reception and support of unaccompanied minors. At the end of 2017, a multi-inspectorate mission involving central and regional authorities was also established to feed into discussions and formulate recommendations on the protection and assessment of individuals declaring themselves to be minors. Decisions should be reached during the first quarter of 2018 on this subject.

5.4. Other vulnerable groups not applying for asylum

- a) Measures clarifying the definition of vulnerable groups;
- b) Special reception facilities for vulnerable groups;
- c) Identification mechanisms/referrals;
- e) Applicable procedural safeguards;
- f) Others.

Reform of the procedure for issuing residence permits for health reasons

The Law No. 2016-274 of 7 March 2016 concerning the rights of foreigners in France and its implementing texts²⁷ aim to harmonise the way in which applications are processed across the

²⁷ Item 21 of Article 8 of Decree No. 2016-1456 of 28 October 2016 taken by way of application of Law No. 2016-274 of 7 March 2016 and containing various provisions relating to the entry, residence and employment of foreigners in France specifies the mechanisms for the “seriously ill foreign nationals” reform (Modification of Articles R. 313-22, R. 13-23 and R. 313-24 of CESEDA). The same holds for Article 6 of Decree No. 2016-1547 of 28 October 2016 taken by way of application of the Law on the rights of foreigners in France and containing various provisions concerning the fight against irregular immigration.

entire country, to strengthen the guarantees granted to applicants and to improve the fight against fraud. **The mechanism entered into force on 1 January 2017** (on 1 November 2016 for the protection against removal).

The Minister of the Interior and the Minister for Health prepared an Order of 27 December 2016 on the conditions for establishing and communicating medical certificates, medical reports and medical opinions. On 5 January 2017, the Ministry for Health drafted the Order on the general direction set out in Article L. 313-11 (Item 11) in line with which OFII doctors execute their missions.

Finally, the information NORTV1638902 of 29 January 2017 from the Minister for Health and the Minister of the Interior also explains the ways in which this new mechanism should be implemented.

The provisions of the Law thus specify:

- ✓ the transfer of the medical opinion issued by the regional health agency doctors (*médecin des agences régionales de santé*, MARS) (and in Paris for the Chief Doctor of the Préfecture de Police) to a college of doctors within the medical department of OFII,
- ✓ the execution of the missions of OFII doctors as part of the general guidelines set by the Minister for Health,
- ✓ the presentation of an annual report to Parliament,
- ✓ the extension of the effects of the provisional residence permit (*autorisation provisoire du séjour*, APS), with authorisation to work, to two parents of a foreign minor who is seriously ill and who meets the conditions of Article L. 313-11 Item 11 of the CESEDA or the holder of parental authority over this minor (L. 311-12 of the CESEDA),
- ✓ the issuance of a multi-annual residence permit for the duration of treatment (maximum four years) when the residence permit issued for medical reasons is renewed.

The following principles govern reform of the mechanism:

- ✓ information and empowerment of the applicant,
- ✓ fight against fraud,
- ✓ medical confidentiality.

See Appendix 6 for more information on the nature of this reform.

Other categories

- **The draft law which is currently under discussion** and which should be submitted to Parliament in the spring of 2018 envisages issuing a ten-year card to family members of a minor refugee (girls who are victims of female genital mutilation);

Among the vulnerable groups who can benefit from admission for residence are **people who are victims of prostitution**, and whose rights were extended by Law No. 2016-444 of 13 April 2016. *For more information on this category, see the EMN 2016 Annual Report and Section 7 on trafficking in human beings*

6. INTEGRATION

6.1. Integration of third-country nationals

The French integration contract (*contrat d'intégration républicaine*, CIR) was fully implemented across France and overseas territories in the course of 2017. The CIR entered into force on 1 July 2016 under application of the Law of 7 March 2016 on the rights of foreigners in France. At the end of its first year, it was the subject of an evaluation which took place between July and November 2017. In partnership with the OFII, the evaluation was carried out by a service provider (Eurogroup Consulting) to analyse implementation of the CIR, to investigate its operation with the various actors involved, to establish a diagnosis, and to open up avenues for improvement, if needed.

2018 will be devoted to drawing out information from this evaluation report which was submitted in November 2017.

In addition, in September 2017, a member of Parliament was tasked by the Prime Minister with coming up with proposals for guidance with a view to renewing the integration policy, taking inspiration from other European models. The conclusions were submitted in February 2018 and will then be submitted to an inter-Ministerial committee on integration.

6.1.1. Integration through socio-economic participation

- a) Measures to improve attainment in the education system;
- b) Measures to enhance language skills;
- c) Access to social security, healthcare and housing;
- d) Integration into the labour market.

a) Measures to improve success in the education system

The “Opening Schools to Parents to Promote Children’s’ Success” initiative (*Ouvrir l'école aux parents pour la réussite des enfants*, OEPRE) began at the start of the 2008-2009 academic year within schools and school establishments. Funded by the State (Ministers of the Interior and National Education), this initiative offers training, in the form of workshops, to foreign parents (learning French in a school environment, knowledge of how the school operates, knowledge of French values). A new joint circular from the two Ministries was published on 13 April 2017 to simplify its organisation. At the end of 2017, the national steering committee met to review the actions which had taken place during the 2016-2017 academic year and to give greater impetus to the project. In order to give it greater visibility, work was taken to integrate the OEPRE workshops into the national scheme to offer language training funded by the Directorate for Reception, Foreigner Assistance and Citizenship (*Direction de l'accueil, de l'accompagnement des étrangers et de la nationalité*, DAAEN), which will be finalised at the end of 2018.

b) Measures to improve language skills

[Strengthening the provision of language training for signatories of the French integration contract \(CIR\).](#)

When the French integration contract (CIR) is signed, a test of oral and written French takes place on the reception platform of the French Office for Immigration and Integration (OFII). Depending

on the results and, thus, the needs that have been identified, three language training pathways can be prescribed to new arrivals (50 hours, 100 hours or 200 hours). Following a Ministerial Decree of 25 July 2017, it is possible to increase the number of training hours by 20%, as needed. The aim of these training pathways is to progress the individual to the A1 level in the Common European Framework of Reference for Languages (CEFR), higher than the A1.1 level previously required as part of the former reception and integration contract.

Training of trainers and co-ordinators of French as a foreign language as part of the CIR

In continuation of the training organised in 2016 in partnership with the Centre International d'Etudes Pédagogiques (CIEP), new sessions were organised for French as a foreign language trainers and co-ordinators responsible for helping new arrivals reach the A1 level in the CEFR as part of the CIR. However, adjustments and fine-tuning to the teaching methods implemented have been made with participants in order to take into account the wide variety of levels within groups and the specific needs of new arrivals.

Creation of a national map of language training provision

The national map project consists of conducting as exhaustive as possible an inventory of language training in order to make it visible and thus better organise the work of the various stakeholders in supporting foreign new arrivals. The language map is a tool for constructing the pathways and a way to organising greater fluidity between the various language levels (A1, A2, B1 of the CEFR), whether provided by public services (OFII service providers, regional councils, etc.) or private services, notably NGOs. The completion of the mapping exercise in the Île de France region at the start of 2017 enabled a new stage of development to begin, this time on the national scale, with the national network of training resource information centres and regional training observatories (CARIF-OREF, commonly referred to as the RCO network).

Better taking account of non-readers, non-writers, and those who have received no or little education in their country of origin

Experiments initiated by the DAAEN, in partnership with OFII, are under way until March 2018 with three OFII regional directorates (Bobigny, Caen and Lyon) to develop training for foreign new arrivals with little or no formal education (non-readers, non-writers) in their country of origin. The objective of these experiments, in the form of research, action and training, will help identify the most effective teaching methods for this population. It is then planned that they will be rolled out more broadly.

Progress towards the A1 level of the CEFR and issuance of a multi-annual residence permit (CSP)

2017 marked the full implementation of the provisions of the Law of 7 March 2016 (Article L. 313-17 of the Code on the Entry and Residence of Foreigners and the Right of Asylum) concerning issuance of the multi-annual residence permit, which is conditional upon compliance with the CIR. Diligence and seriousness of involvement in language training, which must be demonstrated by progression in language ability, is thus one of the conditions for the multi-annual residence permit being issued.

Online French as a foreign language training

At the end of the CIR, foreigners may, if they wish, continue to follow French classes with providers selected as part of public calls to tender. Training to reach levels A2 (100 hour plan) and B1 (50 hour plan) are offered and funded by the State.

In addition to this in-person teaching, online training is also available. As part of its national call for projects 2017, the DAAEN selected a project by the *Alliance Française Paris Île de France*, which consisted of a collection of Massive Online Open Courses (MOOCs) dedicated to learning French. The “Live in France – French classes” (*Vivre en France - Cours de Français*) will propose in the short-term, on the *France Université Numérique* (FUN) platform, three MOOCs which cover levels A1 (planned launch in February 2018), A2 and B1 of the CEFRL (available since 20 December 2017).

These MOOCs offer anyone wanting to learn French with a high-quality, very comprehensive pathway. They offer content which enables foreigners to work on oral comprehension, reading, writing, and grammar, while discovering French culture, day-to-day issues and administrative procedures.

c) Access to social security, healthcare and accommodation;

Renewal of civil training as part of the CIR for better information on following the integration pathway

To strengthen ownership of French principles and values and the information required for successful integration, it is planned in the second half of 2018 to renew the content and teaching tools of the two current models on civic training in the CIR, and to give trainees at the end of the training a summary containing useful points of contact to continue their integration pathway, including access to rights in all their forms.

d) Labour market integration

Framework agreement between the State, OFII and Pôle Emploi to promote labour market integration of foreigners

In order to respond to the needs of foreign new arrivals and to guide them towards the labour market, the Minister of the Interior and the Minister for Employment and Vocational Training wished to strengthen their partnership with OFII and Pôle Emploi by signing a three-year national framework agreement (2016-2019, on 24 November 2016, to promote the labour market integration of foreign new arrivals.

The framework agreement can be broken down into two objectives: to connect the services provided by the two national operators and to organise an exchange of digital information in order to better structure and make foreigners’ pathways to seeking employment more fluid.

In order to promote the full implementation of this partnership by all stakeholders involved in the regions, the national framework agreement was rolled-out across nearly all Departments, on 1 December 2017, by local operators, under the aegis of the Departmental Prefects.

Experiments launched in 2017

To test the overall support model, principally sought after for rapid integration into French society, experiments on the “integrated” pathway for beneficiaries of international protection (BIP) were launched in 2017:

- the “Pathways for 1,000 refugees” initiative, established as part of an agreement signed on 3 May 2017 between the Ministries of Employment, the Interior and Housing, Pôle Emploi, the *Fonds Paritaire de Sécurisation des Parcours Professionnels* (FPSPP) and OFII, offers 1,000 beneficiaries of international protection with an eight-month integration pathway including

accommodation, language learning and certified vocational training focused on sectors experience recruitment difficulties, in partnership with the vocational training association for adults (AFPA).

- local co-ordination units to support refugees under the age of 25 and help them leave accommodation facilities for asylum seekers were established in three Departments (Côte-d’Or, Loire-Atlantique, Bas-Rhin) in partnership with the General Directorate for Employment and Vocational Training (DGEFP) and the Inter-Ministerial Delegation on Accommodation and Access to Housing (DIHAL). The aim is to find tailor-made solutions in terms of training, employment and accommodation for this population who do not receive the Active Solidarity Income (*revenu de solidarité active*, RSA), and who therefore find their ability to exit accommodation structures more difficult.

Potential partnerships

Several partnerships connected to the labour market are currently being built on the national and regional levels. The aim is to promote projects offering comprehensive support which combines social, civic and vocational actions to inform, guide and jointly create pathways for newly-arrived foreigners. This integrated and multidimensional approach to support appears to be the most effective way of offering tailor-made pathways to meet beneficiaries’ needs.

With a view to facilitating the rapid employability of newly-arrived foreigners, training in French for employment purposes will soon be developed, by mobilising all stakeholders in this field (public employment service, regional councils, NGOs, etc.).

6.1.2. Integration through civic participation

Through its national call for projects, the DAAEN supports several actions aiming to improve the professionalism of front-line actors, particularly volunteers, many of whom are involved in welcoming and supporting foreigners. This includes, for example, projects offering training, digital tools and sharing of good practices to better guide actors working with this specific group. In the context of citizenship participation, the work of an NGO funded by DAAEN should also be noted, through which volunteers give presentations in schools on their migration pathways to help young new arrivals.

6.2. Promoting integration of specific categories of third-country nationals

- a) Measures to improve attainment in schooling and/or the education system and/or vocational training of specific categories of TCNs;
- b) Measures to enhance language skills of specific categories of TCNs;
- c) Access of specific categories of TCNs to social security, healthcare and housing;
- d) Integration of specific categories of TCNs into the labour market.

No new measures were taken in 2017.

6.3. Promoting integration of vulnerable groups of third-country nationals (UAMs, LGBT, elderly, pregnant women, disabled migrants etc.)

The programme within the integration section of the Asylum, Migration and Integration Fund (AMIF) aims to support actions targeting vulnerable groups (unaccompanied minors, women, elderly) over the 2014-2020 period. In this context, several projects selected by DAAEN were funded:

- for unaccompanied minors: support with vocational training, labour market integration and appropriate social support.
- for women: projects aiming at labour market integration, access to rights and healthcare and language learning. By means of example, a partnership has been established with the Centres for Information on the Rights of Women and Families (*Centres d'information sur le droit des femmes et des familles*, CIDFF) throughout the country to respond to information needs, provide awareness raising and support this group.

In terms of elderly migrants, every year the DAAEN issues a specific national call for projects and funds NGOs working on the integration of elderly migrants living in social housing or centres. The aim of these projects is to improve the living conditions of these residents, to facilitate their access to rights and healthcare, and to facilitate their social, cultural and vocational integration.

In social housing and centres for migrant workers, 35,000 residents are over the age of 60.

6.4. Non-discrimination

The urban policy guidelines for 2017 were set out in the Guidance to Prefects dated 26 January 2017 and signed by the Ministers. These guidelines specify the importance for each city with a “City Contract” to include a plan to combat discrimination, with a particular focus on mechanisms to prevent and combat the labour market discrimination faced by young people.

This 2017 guidance strengthens the objective of the inter-Ministerial committee on equality and citizenship to make combating discrimination a cross-cutting priority for public policies implemented by the State.

The work of the CGET on the national level, the DRJSCS on the regional level and the DDCS on the level of each city contract are based around three areas:

Area 1 - Preventing discrimination on the grounds of origin and address (€5,680,522 - 2017 budget)

Preventing discrimination involves both understanding the mechanisms of so-called ‘indirect’ discrimination, deconstructing the grounds on which it is based, and contributing towards opening up society. The work of the CGET covers all aspects of this challenge.

- Supporting civic education and awareness raising programmes;
- Working on urban and social images, the deconstruction of prejudice and stereotypes around cultures and popular practices;
- Working on issues of multiple discrimination, such as, for example, the discrimination facing women as women of real or supposed foreign extraction, women living in an area defined as a “priority” area in the City Policy, or women as job-seekers.

Using the history and memories of migration as a basis for unifying the host society

Work around the history of different areas and residents' memories to promote the history of the regions and the memories of those who live there, regardless of their lives' pathways and trajectories. This work reveals the melting pot nature of cities and the diversity of pathways and cultures. It gives substance to the local community in terms of the origins of all its residents and has the strong intention of sharing a slice of life and enabling the different populations to really integrate.

Area 2 – Fighting against discrimination and promoting access to rights (€4,563,788 - budget 2017),

On the national level, specific credits support 'head of network' NGOs in their work on a regional and/or national level. Decentralised Government services support actions carried out by NGOs, particularly as part of the City Contracts. Access to rights and support for victims of discrimination are an important tool for building trust in public services with citizens and combating inequality. The approach is solely focussed on the effects of discrimination and the processes that produce it. The CGET supports NGOs with a view to supporting and developing a network of advisory services on access to rights including more than 250 sites.

Contribution to language policy (€3.2 M - budget 2017)

The town policy contributes through local support to **social language workshops** (*ateliers sociaux linguistiques*, ASL) which offer socialisation activities and are the opportunity to practice the language and discover an urban, social and administrative environment.

Area 3 – Supporting local public authorities

The CGET, in partnership with the decentralised regional and Departmental public authorities, runs the programme entitled "regional mechanisms to prevent discrimination". As part of implementation of this programme, the integrated approach to the prevention of discrimination has developed in a cross-cutting way to guarantee residents' access to rights. The aim is to ensure equality of treatment and to mainstream this principle into all themes.

▪ **Strategic Regional Analysis: Tool 1 (€0.8 M - summary budget 2017)**

The aim of a regional analysis is to establish an inventory of discriminatory practices and situations in a region, based on the residents of the areas covered by the City Policy. This analysis is shared and involves a large number of actors from different areas of public life (employment, education, housing, health, etc.). The regional analysis identifies actions to be taken and clears the way for shared guidelines. 17 analyses were carried out in 2015/2016 and 32 analyses were funded for 2017/2018.

▪ **Training local actors in preventing discrimination: Tool 2**

The national stakeholders' training mechanism aims to train local stakeholders in terms of preventing discrimination in order to encourage the development of professional practices. The main beneficiaries of this programme are the local stakeholders involved in the City Contract. 1,000 people were trained in 2015/2016 and 1,300 were trained in 2016/2017. The contract has ended, and an assessment will take place to allow training which best targets demand to be developed and to give regional authorities greater autonomy in using it.

▪ **Regional plans to prevent and combat discrimination: Tool 3**

Regional plans to prevent and combat discrimination are integrated into the City Contracts. They involve the residents of various parts of the town, the decentralised public services and regional

authorities, and the parties to the Contract. The mid-term evaluation of the City Contracts should identify the number of active regional plans in the 435 City Contracts.

A network of politicians working against discrimination is currently being created with the support of the CGET. Several meetings have already shown great commitment, a desire to be able to lead a group and discussions on structuring which will culminate in 2018.

Focus on employment

▶ *Preventing discrimination in recruitment and employment*

In terms of combating discrimination, the CGET jointly leads, with the DGEFP, the inter-partner dialogue group on combating discrimination in recruitment and employment.

It aims to create a dialogue between public authorities, the social partners (employers and employees) and NGOs dedicated to developing tools, strategies and shared projects. One of the first outputs will be the development of guidance on training for recruiters for companies with more than 300 employees.

▶ *Promoting diversity and inclusive management*

The CGET supports the **Corporate Diversity Charter** (*Charte de la diversité en entreprise*) This Charter proposes a voluntary long-term approach for companies wishing to promote pluralism and to seek diversity through their recruitment and career management. The Charter forms part of companies' approaches to CSR.

3,714 companies had signed the Charter by November 2017. Although a significant number of companies have signed up for the Charter, following remarks made after discrimination and employment testing carried out by the Ministry for Employment in 2017, consideration may be given to strengthening the voluntary commitment, notably through implementing ways of monitoring practice, commitments and creating self-testing procedures.

40,000 euros was devoted to “programme 147” in 2017 to support work around the Charter.

In addition, the **Diversity Label**, which was created in 2008 and which is **Government owned**, aims to prevent discrimination and promote diversity in the public and private sectors. It helps companies which have applied for or received the label to assess their human resource management processes and to modify them as required. This certification, issued by AFNOR Certification, recognises and promotes good recruitment and career development practices promoting diversity in the world of work.

As a continuation of the Diversity Charter, it is also a lever for implementing the Charter to promote equality and combat discrimination in the civil service, led by the Ministry responsible for the Public Sector and the Defender of Rights (*Défenseur des Droits*).

In October 2017, 17 public bodies received the “Diversity” label and nine received the “Professional Equality” label, thus covering nearly 345,000 public staff. In the private sector, 300 companies applied for certification and went through a more rigorous assessment.

Promoting diversity in the audiovisual field as part of the Commission on the Image of Diversity.

The “Image of Diversity” scheme, led jointly by the CGET and the Centre National de la Cinématographie et de l'Image Animée (CNC), and co-funded by Programme 147 and the CNC, reflects the government's desire to support cinematographic and audiovisual creation in order to more accurately reflect French diversity. This not only involves making this diversity more

visible, but also modifying the attention paid to it, in order to combat stereotypes and to encourage the national media to offer audiences more original subjects and perspectives.

The Image of Diversity fund supports works of fiction, documentaries, series, animated films and short films with an artistic slant.

In addition to changing representations and fighting against stereotypes, the projects which are supported also address questions of the history and memories of regions in the City Policy and their residents, contributing towards writing a shared history between France and its populations as the result of immigration and taking into account the realities of overseas populations. The aim underlying this policy is also to support the emergence of new talent, notably from areas which are priorities in the City Policy.

Funding for 2017 is around 1.2 million euros.

Outlook for 2018

2018 marks the mid-term assessment for the town contracts. This is an opportunity to specify, strengthen and redirect the programmes under Programme 147 in line with the guidelines given by the French President.

Statements from the French President

“Another mission that the State must tackle is to voluntarily reduce the discrimination that affects these areas in various forms.”

- A major anti-discrimination training plan for public and private managers:
- Publication of the results of tests, including the name of companies which have been found to discriminate;
- Combating discrimination in recruitment: one of the three priorities for inspection activities.

As part of the fight against discrimination, several mechanisms are being investigated:

- **Training to raise awareness of non-discrimination.** Although the decision to strengthen training may appear obvious, the format (central public tender) and way in which it is implemented may be investigated and improved. The non-discrimination training mechanism will be reviewed in partnership with the DRJSCS to meet the training needs of public and private managers.
- **Regional plans to prevent and combat discrimination:** the dynamic undertaken must be supported, notably by rethinking the connection with and support of the CGET, from the regional investigation to drafting a plan which local authorities have ownership of.

Actions proposed for development:

- **Testing:** In partnership with the Defender of Rights, the CGET will begin testing as a first step towards implementing a strategic plan in this regard. Thus, 2018 will be the opportunity to carry out a testing campaign in the field of employment. Questions around housing and access to banking services are also extremely important, as shown by local testing organised by the town of Villeurbanne.
- **Joint leadership of the inter-partner dialogue group on combating discrimination in recruitment and employment** with the DGEFP will continue, with the publication of a

guide on training recruiters, an obligation under the French Law on Equality and Citizenship for companies with more than 300 employees.

- **Strengthening approaches to and connections between promoting diversity and combating discrimination.** The CGET supports the Corporate Diversity Charter (*Charte de la diversité en entreprise*) This Charter proposes a voluntary long-term approach for companies wishing to promote pluralism and to seek diversity through their recruitment and career management as a source of progress.

The Charter forms part of companies' CSR approach and shows the long-term commitment in France to cultural, ethnic and social diversity within these companies. 3,714 companies had signed the Charter by November 2017. Although a significant number of companies have signed up to the Charter, in light of remarks made following discrimination and employment testing carried out by the Ministry for Employment in 2017, consideration may be given to strengthening the voluntary commitment, notably through the implementation of procedures to monitor practice and commitments and to create self-testing procedures.

- **Introduction of a discrimination unit within the annual Lifestyle and Security Survey**

6.5. Promoting local integration at local level and cooperation, consultation and coordination of local stakeholders

a. Annual Guidelines 2017 setting direction for integration of new arrivals

As is the case every year, the Ministry for the Interior issued guidance on 17 January 2017 addressed to Regional Prefects on the policy of welcoming and integrating foreigners in France.

With a view to building real integration pathways into France, the priorities for regional actions in 2017 are based around the following themes:

- ownership of French principles, values and institutions,
- language learning and preparing maps of language training,
- access to employment,
- access to rights,
- the “Opening Schools to Parents to Promote Children’s Success” initiative (OEPRE).

b. Leading and co-ordinating the network of local authorities responsible for integration

In 2016, the DAAEN began regional dialogue with each region on the local implementation of annual guidance in terms of welcoming and integrating newly-arrived foreigners.

Programmed from mid-March to mid-July 2017, the dialogue with relevant regional services was an opportunity to clarify the actions undertaken and the work under way on the national and local levels, to recall the priorities, to promote success stories, to identify any difficulties, and to respond to questions.

These discussions were full of information and strengthened the relationship between the central authorities and decentralised services by bringing greater knowledge of local problems. It also enabled the level of mobilisation to be measured, regardless of migration realities (volume, origin, status, etc.), steering mechanisms (Prefecture, General Secretariat for Regional Affairs (SGAR), Directorate for Youth, Sport and Social Cohesion (DRJSCS)) and the financial and human

resources allocated to meet these needs.

Furthermore, as in previous years, in December the DAAEN organised a meeting with regional representatives (DRDJSCS, SGAR) to present the broad outlines of the reception and integration policy, and the priorities to be implemented on the regional level, and to discuss the difficulties, local specificities and good practice.

This year, the various discussions of the day and, more particularly, those in the workshops, were mainly focussed on how to improve coordination among actors on the regional level and between the central and local levels, and how to construct a real pathway for new arrivals adapted to their needs..

6.6. Awareness raising on migration in the hosting (Member) State

As part of its national call for projects 2017, the DAAEN selected an NGO which aims to promote integration and social cohesion by giving presentations in schools by French-speaking migrants about their migration journeys to help young new arrivals.

Since 2006, the DAAEN has also been a member of the Board of directors of the National Museum on the History of Immigration (*Musée national de l'histoire de l'immigration*) which strives to inform and raise awareness of immigration through exhibitions and publications aiming to improve understanding of the migratory phenomenon.

6.7. Integration measures involving countries of origin and/or diaspora communities

6.7.1. Pre-departure integration measures in countries of origin

Integrating digital technologies into language learning is a useful and necessary addition to in-person teaching to meet the needs of a diverse and increasingly mobile population.

As indicated in Point 4.1.1.b), the DAAEN supports the Alliance Française Paris Île de France project which consists of a collection of Massive Online Open Courses (MOOC) devoted to French language learning, available on the France Université Numérique (FUN) platform. MOOCs for levels A2 and B1 of the CEFRL have been available since 2017. The level A1 is scheduled to go online in February 2018.

From their country of origin, foreigners can, therefore, access information about French language and culture at any time, through the internet, in a highly accessible and mobile format (mobile phone, tablet, computer).

6.7.2. Integration measures involving the diaspora communities in Member States

No new measures were taken in 2017.

.

7. IRREGULAR MIGRATION

7.1. Enhanced border management at the external borders

7.1.1. Border control measures/management

Improving management of flows of travellers: the smart borders package

After various adjustments, the smart borders became a reality through two regulations:

- **an entry-exit system (SES or EES entry/exit system)**: The aim of this system is to automatically record entry and exit data at the external Schengen borders on all third country nationals arriving for a short stay, whether or not they are subject to visa requirements. This system replaces stamped travel documents, facilitates the calculation of the length of stay authorised in Member States and identifies people who have exceeded their authorised length of stay in the EU in real time (“overstayers”). On 25 October 2017, the European Parliament adopted the agreement resulting from the trilogue on the SES by a large majority (477 votes for, 139 votes against and 50 abstentions). The text was approved in the COREPER on 15 November and was adopted by the Council on 20 November. It was published in the OJEU on 9 December 2017. At the same time, France and Germany indicated in the joint declaration by the French and German Ministers of the Interior of 20 February 2017, that there was a need to go even further. They proposed a second stage, to study the possibility of registering border crossings of European nationals and third-country nationals arriving for long stays, to make it possible to trace those involved in organising terrorist attacks, the authors of which are, by and large, European nationals.
- **The EU Travel Information and Authorisation System, ETIAS**, is under discussion in trilogues (Commission, JIA Council and European Parliament), the LIBE Committee adopted the text on 19 October 2017. This was re-examined by the Working Party on Frontiers on 26 October and amendments by the Parliament were analysed for the trilogue on 23 November for definitive adoption during the first quarter of 2018 after a definitive vote by the Council and the Parliament. The new system is scheduled to be gradually implemented from 2021.

Thus, the European ETIAS system will identify whether third-country nationals who are exempt from visa requirements will be authorised to present themselves at the borders of the Schengen area (obtaining the ETIAS does not exempt the traveller from being checked at the border upon their arrival in the Schengen area) and whether this trip presents a risk, mainly in terms of security or migration. Information on travellers is collated prior to travel. The passenger completes an online questionnaire and the system responds by issuing an authorisation/refusal to be presented at the external border of the Union, valid for three years.

When deciding whether to issue an ETIAS authorisation, the central European system carries out automated checks in other databases such as the VIS (Visa Information Schengen), the SIS (Schengen Information System), the EIS (Europol Information System), the SLTD (Stolen and Lost Travel Documents, managed by Interpol), the future EES (Entry and Exit System) and the EURDAC (asylum seekers).

The system thus draws up lists of “at risk” passengers according to alert criteria entered into the system by Member States. In the event of an alert being raised in an application form, it is the Member State who last entered the alert into the databases which then

examines the response to be given to the request recorded in ETIAS, after consulting with the other States that recorded the previous alerts and the Member State where the person first entered the European Union. Each Member State must therefore create a national unit.

Introducing second generation biometric facial recognition PARAFE gates

The system for automatically processing personal data known in France as PARAFE (*passage automatisé rapide aux frontières extérieures*) enables eligible travellers (currently adults who are citizens of the European Union, nationals of the European Economic Area (EEA), Swiss nationals or the spouses of such nationals) to quickly meet the requirements of cross-border controls, as the result of automated reading of the passport and checking of the associated biometric data (digital fingerprints and facial recognition).

By 10 January 2018, 124 PARAFE gates had been installed at French border points in airports in Paris, Lyon, Marseille, Nice and the train stations in Paris Nord and St Pancras in London. At certain borders in the summer of 2017, up to 20% of all border crossings were processed by these gates. The scheme is scheduled to significantly increase, with an objective of 154 gates in use by 30 June 2018, notably in the airports in Paris, Lyon, Marseille and Nice as well as in the train stations of Paris-Nord and St Pancras in London.

As the reliability of facial recognition biometrics grows, the French authorities plan to broaden the range of those who are eligible to use the PARAFE gates.²⁸

A programme to renew controls on borders was initiated to improve existing tools in terms of resilience, performance and security. This project aims to modernise the border guard posts and to use a more highly-performing software programme. The roll-out scheduled for 2017-2019 involves connecting with the new EES and ETIAS systems which will be rolled-out on the European level from 2020. The IT architecture of the new tools, which will take into account the connection to the PARAFE gate, was designed using the so-called “modular” method to allow it to integrate systems in the future.

Development of interoperability

The Commission has established a High Level Expert Working Group in which France participates. The conclusions adopted in the JIA Council of Ministers in June 2017 included proposals aiming at defining a European interoperability strategy for information technology systems. On this basis, on 12 December 2017 the European Commission published a draft regulation split into two sections (police co-operation and border control), leading to the creation of the following four interoperability components:

- **development of a unique research interface in the information technology systems** (European Search Portal, ESP) capable of simultaneously searching the six European identification systems which currently exist (SIS, VIS, EURODAC) or which are under development (ETIAS, EES, ECRIS) as well as the two INTERPOL systems (SLTD and TDAWN)²⁹.

²⁸ Minors over the age of 12 at Schengen entry points, holders of ID cards in addition to passports, nationals of Monaco and Andorra.

²⁹ in order to give the user (police, asylum and border control services, etc.) faster and simpler access to information stored in the systems, instead of searching each system separately. With this new ESP, the user can search several systems simultaneously and can receive a combined result on a single screen.

- **development of a shared biometric matching service (BMS)**, which searches biometric matches (digital fingerprints and photographs) in the European information systems in addition to the current features of alphanumerical searches (full name, address, etc.).³⁰
- **development of a common identity repository (CIR)** centralising identity data recorded in the European systems³¹.
- The CIR will be coupled with a **Multiple Identity Detector (MID) which will detect multiple ID matches for the same biometric information in the various European systems**, with four levels of response³².

Towards better management of migration flows: contribution to the European Border and Coast Guard Agency's rapid reserve pool (EBCG, formerly Frontex)

The Annex to the new regulation sets out a **compulsory reserve pool** of 1,500 border control staff (or other useful staff), which can be mobilised within five working days of the receipt of a request for assistance from a Member State. **France must contribute 170 personnel to this pool, thus making it the second biggest contributor in terms of volume of officers.** The services involved (police, gendarmerie and border control) have appointed officers to make up this pool.

France's contribution to various agency operations and reserves:

France contributes to joint operations by sending staff from the police forces (DCPAF, DCCRS, DCSP, DCPAJ, Préfecture de Police) and the national gendarmerie. The French Navy (*Marine nationale*) and the Directorate General for Customs and Excise (*Direction générale des douanes et des droits indirects*) have made vessels and planes available to the agency.

This is broken down as follows:

- Contribution to hotspots and the TRITON and POSEIDON operations

In **2017**, France deployed 583 experts/month as part of joint operations (air, sea and land) mainly in Greece (operation POSEIDON) and Italy (Operation TRITON) as part of equipping hotspots (512 experts), with various profiles defined by the Agency, experts in documentary fraud, experts in taking fingerprints, debriefing, screening, etc.

In 2018, it is planned to deploy 598 experts to the POSEIDON and THEMIS operations (the latter being the new name for Operation TRITON from 1 February).

- France also contributes towards the INDALO, MINERVA and HERA operations in order to provide assistance to the Spanish authorities in joint external border operations in the Central Mediterranean and in the Atlantic (close to the Canary Islands) to control irregular migration flows towards the EU.

-France's participation in charter flights (Joint Return Operations)

France participated in 58 flights organised under the aegis of the Frontex agency in 2017, making it third on the list of organising countries after Germany and Italy.

³⁰ This improvement will be particularly important in the **fight against fraud and identity fraud.**

³¹ the existing systems contain various partial data which are required to identify someone. This involves searching several databases before being able to certify a person's identity.

³² partial correspondence and possible false hit / legitimate multiple identities / homonymy / possible identity fraud

Frontex flights	2014	2015	2016	2017
Number of flights	21	20	22	58
Number third country nationals repatriated	152	202	283	1,029

Thus, between 2012 and 2017, France organised 72 flights in cooperation with Frontex (4th in Europe).

France is also involved in organising “collecting return operations”, flights which are carried out with the help of escorts from the country of destination, trained in advance by Frontex: partnerships with Georgia since 2013, Albania since 2014, the former Yugoslav Republic of Macedonia in 2016 and the first operation in Ukraine in November 2017.

7.1.2. Activities to improve the effectiveness of controls at external borders

On the national level

The terrorist attacks in Paris on 13 November 2015 led the French Government to declare a state of emergency across the entire country, by Decree No. 2015-1475 of 14 November 2015, due to an imminent threat resulting from serious attacks on public order. Law No. 2015-1501 of 20 November 2015 established the state of emergency in France for three months. This law was prolonged on several occasions and the last state of emergency period ended on 31 October 2017.

Having initially re-established internal border controls for the COP21, the context of the serious and persistent threat to internal security and public order lead the French authorities to re-establish controls at internal land borders with Belgium, Luxembourg, Germany, Switzerland, Italy and Spain, as well as at air and maritime borders until 30 April 2018, in line with Article 25 of the Schengen Border Code.

A revision of the SBC is currently under way to adjust the length of time for which internal border controls can be reintroduced in light of the reality of the threat.

Revision of Article 8-2 of the Schengen Border Code

In response to the increased terrorist threat in Europe and upon request of the French and German authorities, the JIA Council of 20 November 2015 asked the Commission to present a targeted revision of the Schengen Border Code (SBC) **in order to extend to the beneficiaries of free movement (European nationals and members of their families from third countries) the obligation to carry out systematic checks** against relevant databases of documents (Interpol database – SLTD) and wanted persons (Schengen Information System – SIS), when **both entering and exiting external borders**.

The aim of this type of check is to **prevent any threat to internal security and public order in Member States**, regardless of the origin of this threat, including when it comes from citizens of the Union and, particularly, terrorist “foreign fighters”.

Regulation 2017/458 of 15 March 2017 modifying Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders was published on 18 March

2017 in the Official Journal of the European Union. Pursuant to its Article 2, these provisions entered into force on 7 April 2017.

Thus, all travellers, whether they be third country nationals or European Union nationals, are subject to systematic checks upon entering and exiting the Schengen Area at air, maritime and land borders.

This control includes checking the authenticity of the travel document presented in order to prevent any attempt at falsification or fraud as well as checking national, European and international databases to ensure that these persons are not subject of an alert.

Strengthening identity checks in the context of Article 23 of the Schengen Border Code.

The French authorities modified French law in line with the recommendation of the European Commission of 12 May 2017, asking Member States to optimise their use of police controls under common law, in light of the threat, as long as these measures do not have the same effect as border checks. Outside periods when internal border checks are re-introduced or in addition to them, States may carry out identity checks within their countries, including in border areas. This is the subject of Article 23 of the Schengen Border Code. In line with which Article 78-2 of the Criminal Procedure Code establishes a specific identity control scheme at any point between a land border between France and a State party to the Convention implementing the Schengen Agreement (Belgium, Luxembourg, Germany, Italy and Spain) in a strip of land within the country. The Law No.2017-1510 of 30 October 2017 strengthening internal security and combating terrorism strengthened and clarified the scope of these controls. Thus, Article 78-2 of the French Criminal Procedure Code now authorises controls to be conducted around international “railway stations” and no longer only within areas open to the public inside these locations.

In addition, the length of time during which the police may carry out identity checks in the same area within a radius of 20 kilometres outside an internal land border was extended from six to twelve consecutive hours. Finally, the law now introduces the possibility of carrying out identity controls within a maximum radius of ten kilometres around the most sensitive port and airport border points, identified by Decree due to the scale of the number of passengers and their vulnerability.

7.1.3. Preventing and combatting irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.

Title of the agreement (where relevant)	Third country with which the co-operation exists	Description (e.g.: The provision of equipment at the borders, training border guards, etc.).
Migration Partnership Agreement between the Government of France and the Republic of Armenia	Armenia	agreement to develop technical co-operation, strengthen operational exchanges of information and encourage good practice in the field of irregular immigration
Joint Ministerial ³³ Declaration of 20 August 2015	United Kingdom	Joint Declaration by the French and British Ministers of the Interior relating to the joint action to respond to the issues raised by migration pressure in the Calais region.

³³ Regarding police cooperation, France and the United Kingdom are connected through various bilateral agreements, notably relating to control of the shared border.

Amiens Summit of 3 March 2016	United Kingdom	Agreement signed during the meeting between the British Prime Minister and the French President. The actions set out concern securing the Calais infrastructures, covering the costs of migrants through a contribution of €2M, strengthening cooperation between the security forces of both countries in order to better combat organised criminality and trafficking in human beings, and support from both countries for a European-level solution to the migration crisis.
French-Tunisian Agreement on the concerted management of migration and solidarity development	Concluded between France and Tunisia on 28 April 2008.	Funding and introducing the modernisation of an automated fingerprint identification system (AFIS) by the French government. The third batch of this funding was used to finance a new automated fingerprint recognition system (AFIS), of up to €2.6M. This cutting-edge system was inaugurated in March 2016. To be fully operational, civil status documents which are currently in paper format need to be digitalised. This work should begin in January 2018 and last 18 months. At the same time, in January 2018, the Tunisian consulates were equipped with IT terminals enabling them to search the AFIS database using the fingerprints of the person to be identified.
The Treaty of Sandhurst between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland relating to strengthening cooperation for the coordinated management of their shared border.	Concluded between France and the United Kingdom on 18 January 2018.	Agreement signed during the meeting between the British Prime Minister, Theresa May, and the French President, Emmanuel Macron. The Treaty of Sandhurst supplements the Treaty of Touquet by formalising the increased commitment by the British authorities to transfer unaccompanied minors (UMs) to their territory, cooperation in the fight against people smugglers (creation of a joint information and coordination centre funded by the British authorities), removal of foreigners in irregular situations, and joint action on migration flows at an earlier stage. This agreement is supported with €50M of funding from the British authorities aimed at strengthening the security of certain infrastructures, contributing towards the costs of accommodation the migrants and information campaigns, and encouraging the repatriation of migrants in irregular situations. The British authorities are committed to

		accelerating the process of receiving UMs and vulnerable people who arrived in Europe before 18 January 2018.
--	--	---

The measures to improve the security of cross-Channel transport infrastructures have had a tangible effect on the number of intrusions by illegal migrants into port sites and the cross-Channel tunnel: these intrusions are now almost non-existent but have been replaced by intrusions into heavy goods vehicles, often from Belgium.

Work to secure the ports in Calais and Dunkirk and the cross-Channel tunnel which began several years ago have shown to be effective and have largely contributed to sealing the French-British border.

French-British cooperation also takes place to encourage access by migrants to the asylum application procedure outside Calais and to combat networks of smugglers and traffickers of human beings.

In addition, the joint strategy also aims to act on migration flows at an earlier stage, with work in the source and transit countries.

7.2. Preventing and tackling of misuse of legal migration channels

7.2.1. Irregular migration as a result of visa liberalisation

Over the past five years the liberalisation of visas from 2010 in the western Balkan countries has shown that the risk of migration, based on structural causes, broadly continues or has even increased, despite apparent compliance with the criteria for liberalisation. Bearing this in mind, France introduced migration pressure surveillance, inspired by European monitoring mechanism indicators, the aim of which is to ensure that third countries benefiting from visa exemptions continue to meet the criteria on the basis of which the exemption was granted to them.

These indicators show a substantial increase in the number of third country nationals in an irregular situation or who are refused entry at the borders, a substantial growth in requests for asylum which are met with refusal, and a decrease in cooperation with third countries in terms of return.

In the context of establishing the French tools, the DGET is particularly vigilant of the regular evolution of migration risk criteria within its direct competence. For other indicators (such as refusal of entry or criminal violations), the other relevant services of the Ministry of the Interior (e.g. DCPAF, DGGN) provide the necessary data to the DGEF. A monthly evaluation of changes will be carried out, both in terms of new countries benefiting from visa liberalisation and the old ones.

On the European level, France supported the revision of the “safeguard clause” created in 2001 in Regulation 539/2001 establishing the list of third countries exempt from visas, in order to make it easier to be triggered.

France will be particularly attentive to changes in migration flows from these countries with a view to asking that the safeguard clause be triggered when necessary.

Effects of visa free regimes

Assessment of the effects of the visa free regimes is based on monitoring indicators of migration pressure mentioned in point 5.2.1: the DGEF pays particularly close attention to data connected with pressures on irregular migration, to establish whether a correlation can be established between this migration pressure and visa liberalisation.

Key findings of monitoring activities

The “Guaranteeing the right to asylum and improving control of migration flows” action plan of 12 July 2017 states that persons refused asylum will systematically be issued with a removal decision.

Finally, an “asylum application rejection” alert system was launched in September 2017 to facilitate removal decisions being issued following applications for asylum which have been definitively rejected. The relevant services thus receive an email notification of these decision while awaiting receipt by post.

Particular attention must be paid to failed asylum seekers, in order to avoid them remaining in the country in an irregular situation.

In order to guarantee the rights of every asylum applicant, notably by enabling them to benefit from the conditions of reception for the time that their application is being considered, failed asylum seekers must leave the places set aside in the national reception facilities and return to their countries of origin as soon as possible after the asylum application has been rejected.

7.2.2. Irregular migration as a result of misuse of legal migration channels

Misuse of legal migration channels by third-country national workers

Generalisation of the multi-annual residence permits established by Law No. 2016-274 of 7 March 2016 concerning the rights of foreigners in France made it necessary to reinforce checks in Prefectures, both to maintain a sufficiently high level of checks in place to counterpoint to the extension of the length of the residence permit, and to intensify efforts to combat documentary and identity fraud.

From now onwards, in line with Article L. 313-5-1 of the CESEDA, residence permits (temporary residence permits, and multi-annual residence permits) will be subject to an ex-post check of compliance with the residence conditions when they were issued. Circular NOR INTV1631686J of 2 November 2016 concerning application of the Law set out plans to launch continuous control operations on permits already issued in order to prepare a departmental control plan, which entered into force on 1 January 2018.

In 2017, before issuing all Prefectures with a draft plan proposing both a methodology and a monitoring plan, the Directorate for Immigration wanted to establish a test phase with six Prefectures (in the Ardennes, Calvados, Isère, Moselle and the Préfecture de Police in Paris and Seine-et-Marne).

Armed with the results of the test phase (which ended in September 2017), a standard Departmental plan was distributed to enable Prefectures to prepare the control plan for 1 January 2018.

Misuse of legal migration channels by third-country national students and researchers

No new developments in 2017.

Misuse of family reunification migration channels

In March 2017, the DGEF published on its intranet for all Prefectures the French version of the handbook on addressing the issue of alleged marriages of convenience between European Union citizens and third country nationals. This handbook, drafted by the European Commission, is an additional tool for the French authorities in the fight against marriages of convenience. It will enable Prefectures to use the information and items to fight effectively against this specific type of abuse of the rights granted by European legislation in terms of freedom of movement and residence.

The draft law guaranteeing the right to asylum and improving control of migration flows currently being discussed and which should be submitted to Parliament in Spring 2018, also plans to strengthen the provisions relating to the fraudulent recognition of paternity.

The draft law aims to secure the conditions for issuing the temporary residence permit issued to a foreign national who is parent of a French child under the “private and family life” provision set out in Item 6 of Article L.313-11 of the Code on the Entry and Residence of Foreigners and the Right of Asylum (CESEDA) and the fight against recognition of fraudulent filiation with French nationals.

Under application of the principle of respecting the higher interests of the child and in order to prevent recognition of fraudulent filiation relationships, the draft law makes issuance of a residence permit conditional upon the applicant providing proof of their effective contribution to bringing up and educating the child. In addition, the draft modifies the procedure for recording recognitions of filiation governed by Article 316 of the Civil Code: it consists of making an act of recognition conditional upon the author of the recognition producing evidence of their identity and residence and implementation of a public prosecutor alert procedure by the civil registry officer, which can lead to opposition to the establishment of such an act of recognition.

7.2.3. False travel documents

Concerted work by the various services involved in the fight against documentary and identity fraud has provided new tools in the fight against this phenomenon:

- The Central Directorate for Border Police now makes available to officers of the Ministry of the Interior **a document control site, referred to as FRAUDOC** which provides access to information on authentic or falsified documents around the entire world, the latest alerts relating to false documents, European documentary reference databases (PRADO, IFADO), the contact details of specialists in “documentary fraud” in the PAF across the entire country, e-learning training modules, and contact details for specialists in the Documentary and Identity Fraud Division (*Division de l'expertise en fraud documentaire et à l'identité*, DEFDI).
- The DEFDI includes a Central Operational Analysis Unit (*unité centrale d'analyse opérationnelle*, UCAO) which is responsible for cross-referencing on behalf of the investigative services of the DCPAF (OCRIEST and BMR) based on information relating to unwarranted attempts to obtain the permit. This division also hosts two liaison officers from the DCSP responsible for creating and leading a national network of contact points on documentary fraud from the regional public security services.

In addition, the national gendarmerie continues to develop its documentary fraud chain. After the creation in 2015 of the Central Investigation Platform against Identity Fraud (*plateau d'investigation contre la fraude à l'identité*, PIFI), within the judicial unit of the national gendarmerie (*pôle judiciaire de la gendarmerie nationale*, PJGN), a new grade was introduced in 2016 on the local level alongside the network of 152 documentary fraud investigators. Staff in this new grade are trainers of secure permit controllers (*formateurs des contrôleurs des titres sécurisés*, FCTS), who are responsible for carrying out first level checks on suspicious permits. They also play a role in providing training on the detection of false documents with soldiers assigned to elementary units (COB/BTA). To date, 99 gendarmes have an FCTS qualification within the specialised gendarmeries, and 72 others were trained in 2017 to benefit the Departmental Road Safety Squadron (*Escadron départemental de sécurité routière*, EDSR)(Target 2, EDSR).

The Directorate for Immigration of the DGEF, notably through the Bureau to Combat Illegal Employment and Identity Fraud (*bureau de la lutte contre le travail illégal et les fraudes à l'identité*, BLTIFI) is responsible for devising actions to combat fraud committed by foreign nationals in terms of visas and residence permits. It provides legal and operational support to the services issuing permits within the consulates and prefectures. In partnership with the mission for securely issuing permits (*mission de délivrance sécurisée des titres*, MDST) it participates in the network of “fraud” contact points within the prefectures.

In 2017, 9,042 people holding falsified documents were caught in France (compared to 8,746 in 2016, i.e. an increase of 8%).

The number of false French passports which were identified dropped by 10% to 487 from 544 in 2015, while the number of false foreign passports rose by 4% (2,460 compared to 2,375 in 2016). Italian and British documents were the most widely used, essentially by Albanian nationals.

In addition, the DCPAF is responsible for feeding information into the FADO database (False and Authentic Documents Online). This is a European system into which all Member States enter information, indicating the information on the official documents that they issue, information which is communicated by third countries on the authentic documents they issue and those relating to documents which have been discovered as frauds in the country. It is a useful decision-making aid during checks by staff who have access to it.

This database can be consulted through FRAUDOC, the documentary site of the DCPAF or through CHEOPS NG.

As part of preparing for the new European cycle to fight against organised crime, the Member States have defined certain types of criminality as having a cross-cutting nature, including documentary fraud. Given its prior commitment to the EMPACT ID FRAUD project, the DCPAG offered, in the name of France and through the DEFDI, to lead the horizontal European group of experts in documentary fraud. The head of the DEFDI, who takes on this role, is supported in this task by a Frontex coordinator and a Europol coordinator. As part of this role, the head of DEFDI may conduct operational actions in terms of documentary fraud (the fight against illegal immigration, crimes against the environment, financial crime and money laundering, fraud and counterfeiting payment methods, synthetic drugs and new psychoactive substances). All these operational actions identified fall within the scope of “EMPACT O.A. 5.1 “Document fraud”.

This horizontal action will enable the DCPAF to have an overview of documentary fraud and organised crime in Europe.

In terms of combating irregular immigration, the objectives are as follows:

- 1st objective: to continue to build on the handbook on identity and source documents, created in 2015 and entered into iFADO in 2016, because only 14 Member States have contributed to it;
- 2nd objective: to assess the conditions for registering ID documents and lost/stolen travel documents in various digital databases concerning Member States;
- 3rd objective: to intercept the delivery of false documents through letters and packages;
- 4th objective: to improve data collection on technical and forensic descriptions, in combination with operational units.
- 5th objective: to improve the collection of operational data relating to false documents (e.g. those featuring in mobile telephones or PNR data).

The **2017 report on this work was very positive** because it made it possible for the importance of identity fraud to be officially recognised on the European level and to initiate joint action in the fight against this phenomenon, which was welcomed by the European Commission.

Evolution of the AGDREF national biometric system

The use of biometrics in residence permits, which was decided on the European level, was fully implemented through the national roll-out of changes in the AGDREF (SBNA) national biometric system in four successive waves between 12 December 2017 and March 2018. This database contains the digital fingerprints and supporting photographs of persons requesting a residence permit, who have been issued a removal decision, who are in an irregular situation or who have requested asylum in an overseas Department.

This data is recorded when the application for a residence permit is made. This software should be used by the investigating services to check the fingerprints of foreigners in an irregular situation against those already registered in the SBNA and to record the fingerprints and photographs of foreigners who are subject of a removal procedure during administrative detention.

Initially, the use of SBNA will be tested in pilot sites within the national police force in the first half of 2018, before being fully rolled-out during 2018.

In addition, the modernised AGDREN removal module, which should be available to Prefectures in March 2018, will contribute towards the effectiveness of the procedure for greater legal security of the decisions taken.

7.2.4. Irregular migration caused by the misuse of free movement rights by third-country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

In addition, in the context of re-introducing internal border controls, non-admissions of foreigners in an irregular situation recorded at our borders increased significantly (85,408 in 2017 compared to 63,732 in 2016, an increase of 34%).

The re-introduction of checks at the internal borders also proved to be effective in preventing illegal immigration and detecting threats to internal security.

7.3. The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

7.3.1. Combatting facilitation of irregular migration (smuggling)

Combatting irregular migration routes

A joint investment team (*équipe conjointe d'investissement*, ECI) was created in Niger in 2016 to combat criminal networks connected with irregular immigration, trafficking in human beings and trafficking of migrants. It consists of three French police and three Spanish police as well as 12 Nigerien police officers. In 2017, the work of the ECI led to the detection of 86 people (76 were jailed) in 75 legal cases. Seven national routes and 12 international routes were dismantled. There are currently no plans to extend this project.

The SEAHORSE Mediterranean project is related to EUROSUR, consisting of co-operation with third countries bordering Europe. This project was initiated by Spain in 2011 on the basis of its experience acquired during the SEAHORSE Atlantico project. The overall objective of this project is to increase the capacities of the authorities in North African countries to combat irregular immigration and illicit trafficking by strengthening their border surveillance systems.

To date, Libya is the only third country to be involved, but the security situation continues to compromise the progress of the project.

France coordinates the ROCK project in Sudan, which aims to create a regional operational police cooperation centre, focussing on the fight against illegal immigration routes in Khartoum.

This project, which receives European funding, plans to construct a centre within the police academy in Khartoum, where liaison officers in this area of Africa will be sent to exchange operational information with a view to fighting irregular immigration and, more specifically, organised smuggling routes. European liaison officers may also be sent here.

7.3.2. Prevention of irregular migration

No new measures were taken in 2017.

7.3.3. Prevention of irregular stay

No new measures were taken in 2017.

7.3.4. Cooperation with third countries to prevent irregular migration:

- a) the Western and Southern Mediterranean countries (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania Palestine*, Syria and Tunisia);
- b) the Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine);
- c) the Western Balkans countries (i.e. Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia);

d) Countries in the African Atlantic coast (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Ivory Coast etc.)
--

a) Western and Southern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestine, Syria, Tunisia);* Morocco and Tunisia are the subject of strengthened contacts with the French authorities, as part of the roadmap for controlled migration. These countries have been asked to be more co-operative, particularly on the consular level. In exchange for strengthening this cooperation, new capacity-building partnerships on the subject of controlling borders, fighting irregular immigration and improving civil records may be offered to these countries. This “roadmap” is led by a dedicated ambassador, Pascal Teixeira da Silva, in close partnership with the Ministry for Foreign Affairs and the Ministry of the Interior.

b) The Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldavia, Ukraine): no provisions

c) The Western Balkan countries (Albania, Bosnia Herzegovina, Kosovo, Macedonia, Montenegro, Serbia); Strengthening political and operational dialogue with Albania: following alerts from the French authorities on the continual inflow of Albanian nationals into France, the Albanian authorities launched a plan to better control departures from Albania in August 2017. Contact on the Ministerial level in December 2017 confirmed the desire to strengthen cooperation in terms of combating irregular immigration. In 2018, Albanian liaison officers will be deployed in the areas most affected by irregular Albanian immigration (Lyon, Metz and Lille). Two Albanian police officers specialising in dismantling immigration routes will be hosted at the Central Office to Combat Irregular Immigration and the Irregular Employment of Foreign Workers (*Office central pour la répression de l’immigration irrégulière et de l’emploi d’étrangers sans titre*, OCRIEST) at the start of 2018. The Albanian services are currently appointing them in coordination with the Directorate for International Cooperation (*Direction de la coopération internationale*, DCI). In terms of combating documentary fraud, a five-day assessment mission took place in mid-December 2017 by an expert of the Central Bureau of the DCPAF (DEFDI). The aim was to assess the structures in place in order to create a centralised system to process information relating to documentary fraud; in addition, an exploratory mission by an Albanian delegation was organised in November 2017. It consisted of meetings with the regional departments of the Zonal Directorate of the Border Police (*Direction zonale de la police aux frontières* (DZPAF Sud-Est, Est and Nord)) as well as the Departmental Directorate for Public Safety (*Direction départementale de la sécurité publique*, DDSP), the Interregional Directorate of the Judicial Police (*Direction interrégionale de la police judiciaire*, DIPJ) and the Prefectoral cabinets. One of the main issues to establish Albanian liaison officers in France, three at the General Directorate of the National Police (DGPN) and one for the General Directorate of the National Gendarmerie (DGGN). Two for the DCPAG, which would post them to its decentralised departments in Metz and Lyon, where the Albanian migration pressure is the strongest. One to the Sub-Directorate of the Fight Against Organised and Financial Crimes (*Sous-direction de la lutte contre la criminalité organisée et la délinquance financière*, SDLCODF), the Central Directorate of the Judicial Police (*Direction centrale de la police judiciaire*, DCPJ), as this sub-directorate is responsible for coordinating the central offices, notably those responsible for trafficking in drugs, human beings and arms. The DDGN wants to host an Albanian liaison officer who will be placed in the Central Office to Combat Itinerant Crime (*Office central de lutte contre la délinquance itinérante*, OCLDI), and made available to the intelligence services as required, in cases relating to serial appropriation crimes committed by itinerant

Albanian criminal groups. France also contributed to the advisory mission led by Frontex in November 2017 to the Albanian authorities in terms of border control.

d) Countries on the African Atlantic coast (Gambia, Ghana, Nigeria, Democratic Republic of the Congo, Côte d'Ivoire, etc.) Senegal, Guinea, the Côte d'Ivoire, Mali are also concerned by the migration roadmap, alongside Morocco and Tunisia. France is particularly active in terms of capacity building in the fields of civil records and border control. In Senegal, an assessment mission from DCPAF in relation to combating clandestine immigration routes and trafficking in migrants began at the start of 2018. This work falls within the context of the Senegal plan to combat irregular migration, and the Senegalese authorities plan to transform the current judicial investigation office of the Senegal border police into the National Division to Counter Trafficking in Migrants.

7.3.5. Monitoring and identifying irregular migration routes

Under the authority of the Central Directorate for Border Police, the National Unit for Migration Analysis (*pôle national d'analyse migratoire*, PONAM) aims to develop expertise on irregular migration flows for tactical and strategic purposes. This analysis looks at flows before reaching France, at the borders as well as in metropolitan France and overseas departments. Thus, it may contribute to improving prevention and responding to irregular flows. PONAM is, above all, a tool for centralising information with a focus on producing precise analyses (country files or focuses) and cross-cutting analyses on migratory trends. The information is then shared nationally in order to co-ordinate the operational effort to counter irregular immigration, but also internationally level through various European agencies fighting irregular immigration (FRONTEX, EUROPOL, etc.).

In addition to providing operational intelligence, the French network of 28 immigration liaison officers (ILOs) and 18 immigration safety advisers (ISAs) contributes towards identifying migration routes to Europe.³⁴

In addition to their role on preventing irregular immigration, mentioned above, the ILOs play a general operational monitoring role and enable the analysis of migratory phenomena affecting their country of residence through information notes which enrich the DCPAF's cross-cutting documentation.

Finally, this information is also shared regularly with the ILOs in different countries, as part of European teams.

This information contributes towards a better understanding of migratory phenomena and leads to these routes being dismantled.

As the various investigations progress, these routes appear to be increasingly transnational and organised. The networks start before migrants enter the national territory or facilitate their stay under cover of criminal activities. Depending on their continent of origin, irregular immigration networks adopt different operating methods (documentary and identity fraud, unwarranted paternity claims, marriages of convenience, fraudulent asylum applications).

The network of ILOs and CSIs which the DCI has in several continents has enabled co-operation to be established with a view to strengthening the capacities of the local internal security forces through targeted training and discussions. From this perspective, a regional seminar was organised

³⁴ it should be noted that the ILO post in Brazil was abolished on 1 January 2018.

Annual report on migration and asylum – France 2017

Part 2

on migration flows and countering criminal networks encouraging clandestine immigration in South-Eastern Europe.

In 2017, over 2017, 271 technical cooperation actions relating to immigration were taken by the DCI network, split as follows:

Geographic area:	Africa	North Africa and the Middle East	America	Asia	EU	Outside EU	Multizones
Number of cooperation actions	97	21	17	56	31	44	3

In 2017, 303 clandestine immigration routes were dismantled by the security forces in France, i.e., an increase of 6% in comparison to 2016. 2,098 people were indicted, of which 1,627 were remanded in custody and 940 were referred to the courts.

8. RETURN

8.1. Main national developments in the field of return

8.1.1. *Swift, sustainable and effective return*

8.1.1.1. *Overarching policy developments in the area of return*

Following the Council of Ministers of 12 July 2017, the Government presented a “Migrant” plan aiming to "guaranteeing the right of asylum and improving management of migration flows". The measures announced will accompany the draft law which should be presented in the first quarter of 2018.

This action plan aims to improve the effectiveness of the asylum system on the one hand, by accelerating the processing of applications, by more efficiently distinguishing between people in real need of protection from people migrating essentially for economic reasons and, on the other hand, by improving the mechanisms to fight illegal immigration in order to increase the number of returns to the country of origin. The “fight against illegal immigration” section will integrate changes to internal law to improve the effectiveness of removal procedures, consider the operational organisation of the various services responsible for this theme, and incorporate a tighter and more demanding dialogue with migrants’ main countries of origin.

8.1.1.2. *Issuing Return decisions*

No new legislative provisions concerning return decisions (the obligation to leave French territory) have been issued since the entry into force on 1 November 2016 of return provisions in the Law of 7 March 2016 on the rights of foreigners. Return decisions are systematically issued when irregular residence has been recorded.

8.1.1.3. *Issuing Entry bans*

Since the legislative and regulatory modifications entered into force in 2016, entry bans have significantly increased. In 2017, 25,445 entry bans were issued compared to 4,798 in 2016, i.e., an increase of 540% in one year. The provisions on the compulsory issuing of an entry ban in obligatory cases thus came to fruition. The statistical tools were modified at the start of 2018 to more accurately assess the distribution of these bans (obligatory, voluntary, concomitant to or following the removal decision)

8.1.1.4. *(Assisted) voluntary return*

Exceptional increase in the voluntary return allowance

The exceptional increase in the voluntary return allowance was prolonged until 30 April 2018 for applications registered no later than 30 April 2018.³⁵

This increase of a maximum of €1,850 may be offered to nationals of third countries, particularly as part of the operations to dismantle migrant camps or, occasionally, to encourage voluntary

³⁵ Decree of 21 December 2017 modifying the Decree of 25 July 2017 concerning the amount of the increased fixed allowance applicable to requests for aid with return presented until 31 December 2017.

departures from return preparation centres or accommodation structures for people whose asylum applications have been definitively rejected.

This possibility has helped support work to galvanise the return policy by allocating the voluntary return allowance to 7,101 foreigners in an irregular situation who left in 2017, i.e. an increase of 48.7% in comparison to 2016.

Communication Plan by the French Office for Immigration and Integration (OFFI)

The new Voluntary Return site of the French Office for Immigration and Integration (OFII), “Changes to the newsletter”

<http://www.retourvolontaire.fr/> <http://www.voluntaryreturn.fr/>

In January 2018, OFII launched a website specially dedicated to aid with return and reintegration which benefits from European funding (AMIF). This website will be regularly updated with news about voluntary return and reintegration.

Its design was inspired by the website of the Belgian Federal Agency for the Reception of Asylum Seekers: FEDASIL: <https://www.retourvolontaire.be/fr>

This bilingual site (French and English) presents new communication material for foreigners thinking of voluntary return:

- films and stories from those who have received repatriation and reintegration grants;
- flyers and FAQs on aid with return and reintegration (available in 17 languages) as well as visuals without text for illiterate visitors.

This site enables foreigners wanting to return to their countries of origin to obtain useful information relating to the assistance offered by OFII as well as the ways to apply for it, all on a single platform.

8.1.1.5. Use of (alternatives to) detention in return procedures

In 2017 there was a very clear increase in the total number of house arrests: In 2017, 8,781 house arrests were issued compared to 4,701 in 2016, i.e., an increase of 87 % in one year.

These figures clearly show that the practice of house arrest is used increasingly often by the Prefectures. The 2017 figures show that the effective application of the provisions of the Law of 7 March 2016, from 1 November 2016, significantly increased this trend.

France plans to significantly increase its detention facilities. The draft law guaranteeing the right to asylum and improving control of migration flows, which should be presented to Parliament in the first quarter of 2018, plans to extend the maximum duration of detention from 45 to 90 days, or even up to 135 days in some cases (obstruction of the execution of a removal measure: late application for asylum, application for protection against removal on health grounds).

8.1.1.6. Recording of entry bans in the SIS and exchange of information

No new measures were taken in the field of recording entry bans in the SIS since changes in the Decree on the files of wanted persons which came into force in 2016. Instructions are regularly

addressed by the Ministry of the Interior to the Prefectoral services in order to ensure the smooth operation of these measures.

8.1.1.7. Operation of national forced return monitoring system

Since 2014, twelve removal measures have been controlled by the CGLPL (three in 2014, four in 2015, and five in 2017, including one return control by sea in 2017).

8.1.1.8. Other actions related to swift, sustainable and effective return

No new measures were taken in 2017.

8.1.2. Return of rejected asylum seekers

The French authorities continue to develop facilities to help prepare for return which aim both to develop alternatives to detention for removal of third country nationals in an irregular situation and to streamline the pathways for asylum applicants by freeing up places in accommodation centres for asylum applicants unduly occupied by people whose asylum applications have been definitively refused.

Five new centres opened in 2017 thus bringing the total reception capacity from 80 to 469 places (in six centres) over the entire country (Rhône, Paris, Bouches-du-Rhône, Moselle, Bas-Rhin, Seine-Saint-Denis and Essonne). They house failed asylum seekers, essentially families.

Some of these facilities are funded by the State (Programme 303 “Immigration and Asylum”) with the support of European Funds (Asylum, Migration and Integration Funds, AMIF).

The French authorities plan to create a return preparation centre by region, in line with the commitments set out in the Action Plan of 12 July 2017 aiming to guarantee the right of asylum and to control migration flows.

Dealing with vulnerable people (families, elderly people, adults with health conditions) is taken into account in the removal procedures. The removal methods involving these categories of people are specific. Thus, house arrest is preferred to administrative detention which is limited to when strictly necessary and as a last resort, appropriate handling and medical support is provided. A medical opinion is required to ensure the individual’s health condition is compatible with the conditions for removal. A doctor may accompany the foreigner to their country of return. The operational services are particularly attentive to the situation of these persons.

Vulnerability is also taken into account in the procedure relating to protection against the removal of foreigners with a health conditions, which entered into force on 1 January 2017 and which may be raised by a foreigner in an irregular situation who is subject to an obligation to leave France.

The law protects against removal. Foreigners who have received an obligation to leave France may thus mention their health condition to benefit from the protection set out in Article L.511-4 Item 10 of the CESEDA. These provisions were modified by Article 57 of the Law of 7 March 2016 and by Article 6 of Decree No. 2016-1457 of 28 October 2016.

8.1.3. Return of irregular migrants

See question 6-1-2.

8.1.4. Evidence of the effectiveness of the measures to ensure return

In 2017, forced returns of foreigners in an irregular situation rose by 14.6% with 14,859 removals conducted in comparison to 12,961 in 2016. The forced returns of third country nationals to third countries amounted to 6,596 removals in 2017 compared to 6,166 in 2016, reaching their highest level since 2010. These forced returns were the most representative of the work of the police and Prefectoral services in the fight against irregular immigration. Finally, assisted returns increased by 32%).³⁶

8.2. Strengthening cooperation with third countries of origin and transit on return and reintegration management**8.2.1. Involvement of third countries in return measures**

Regular meetings are organised with the consular authorities of certain third countries where difficulties with consular cooperation have been noted. More specifically, and in order to ensure the suspension mechanism concerning the visa liberalisation regime can be monitored (“emergency brake”):

- establishment of dialogue with the Albanian and Georgian authorities.
- Relations with the Albanian authorities were particularly intense in 2017 (visit from the French Ministry of the Interior in March and December 2017; visit by the Albanian Minister of Foreign Affairs in July 2017), and were accompanied by actions taken to combat irregular immigration from this country: accelerated processing of asylum applications by redeploying OFPRA resources; increasing the work of the police services and increasing the number of irregular immigration channels dismantled; increase in controls on exiting the country by the Albanian authorities (Action Plan launched at the end of July 2017); increase in technical co-operation, with the decision to deploy, at the start of 2018, Albanian liaison officers in France.

8.2.2. Ensuring implementation of all EU readmission agreements to their full effect

European readmission agreements (EURAS) (country)	National development (e.g. implementation protocol, cooperation)	Entry into force (where relevant)
ALBANIA	Implementation protocol signed 08 April 2013, ratified 27 April 2015 by Law No. 2015-469. Entered into force on 11 December 2015	01/05/2006
ARMENIA	Implementation protocol signed on 27 October 2016, currently being ratified.	01/01/2014
FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)	Discussions under way to begin negotiations on a bilateral implementation EURA protocol	01/01/2008
BOSNIA HERZEGOVINA	Implementation protocol signed on 03 July 2014, currently being ratified.	01/01/2008
GEORGIA	Discussions under way to begin negotiations on a bilateral protocol to implement the EURA	01/03/2011
MONTENEGRO	Discussions under way to begin negotiations on a bilateral protocol to implement the EURA	01/01/2008
RUSSIA	Implementation protocol signed on 1 March 2010, entry	01/06/2007

³⁶ Key figures on immigration

	into force 22 October 2010. Renegotiation of this protocol is currently under way, on the request of Russia which wishes to standardise the practices agreed between it and Member States with which a protocol has been signed.	
SERBIA	Implementation protocol signed 18 November 2009, Law approving the protocol, 07 July 2014 Entry into force: 14/10/2014	01/01/2008
SRI LANKA	Discussions under way to begin negotiations on a bilateral protocol to implement the EURA	01/05/2005
UKRAINE	Discussions under way to begin negotiations on a bilateral protocol to implement the EURA	01/01/2008

In order to support implementation of the European Union Readmission Agreements, France prepares and participates in the Joint Readmission Committees (JRCs) with relevant third countries. In 2017 and 2018, France thus took part in preparation of JRCs on Albania (26-09-2017), Armenia (24-01-2018), FYROM (9-10-2017), Azerbaijan (5-7-2017), Bosnia (29-6-2017), Georgia (21-3-2017), Montenegro (29-3-2017), Russia (4-10-2017), Serbia (3-10-2017), Sri Lanka (16-2-2018) and Ukraine (22-09-2017).

In addition, France takes part, has established or is establishing actions aiming to increase consular cooperation with priority third countries with regard to the volumes of measures announced by France in relation to nationals of these countries.

On the European level, the DGEF and the DCPAF are actively involved in the EURINT approach. The EURINT project is an inter-State approach funded partly by European funds (Asylum, Migration and Integration Fund, AMIF), which aims to develop joint strategies on forced return based on exchanging practical information and experiences with third countries with whom consular cooperation is deemed to be difficult. France chairs the working group on **Algeria**.

As part of the implementation of “compacts” (migration packages), France has supported the European Commission in the course of several missions targeting CEDEAO countries (in July 2016 in Mali and Côte d’Ivoire).

On the bilateral level, in 2017 France launched an action plan for “guaranteeing the right of asylum and improving the management of migration flows” which contains in particular a “roadmap” for six countries which are considered to be priorities in terms of fighting against irregular immigration: Morocco, Tunisia, Senegal, Côte d’Ivoire, Mali and Guinea.

For each of these countries, a package of incentives is proposed, aiming to improve the fight against irregular immigration. These measures may include capacity building in relation to managing the borders, civil record keeping, or combating smuggler networks. These incentives are used insofar as the partner country shows itself to be genuinely more cooperative, particularly on the issue of consular cooperation. If this cooperation does not improve, negative levers, such as visa restrictions, may be activated.

8.2.3. Reintegration measures implemented in cooperation with third countries, e.g. countries of origin.

The reintegration measures involve **strengthening reintegration pathways** which starts with the regional directorates of the OFII in France and continues with representatives of OFII in foreign countries.

At 31 December 2017, 1,878 reintegration grants had been issued³⁷ as part of the national and European initiative.

To this end, measures were taken by OFII in 2017, jointly funded by AMIF to:

- improve relations between the OFII network in France and abroad to examine reintegration requests through a digital app dedicated to monitoring reintegration grants established in May 2015;
- develop the skills of OFII staff (repatriation-reintegration officers) in reintegration, enabling OFII staff to take part in training seminars and exchanges experience as well as missions in the field;
- to ensure the new integration measures are communicated by establishing a communication plan with government and NGO partners and reviewing the communication tools with the help of a service provider (flyers, posters, website, videos, etc.).

The ERIN programme

As part of the programme, OFII proposes a reintegration grant for beneficiaries of the repatriation grant from the following countries:

- Afghanistan, Iraq (Kurdish and central parts), Pakistan, Sri Lanka, Russia, Nepal, India; and during renewal of the ERIN service contract for 2018 for these other countries: Iran, Nigeria, Bangladesh, Sudan

This European programme thus enables OFII to supplement its own reintegration programme in these countries, where the office is not represented. The services provided may include three levels of assistance with reintegration: professional training, a repatriation grant for employment or creation of a company, temporary accommodation, legal and administrative advice, as well as other assistance to meet specific needs. Recipients returning from France may receive a reintegration grant of up to **€3,500 per migrant**.

Number of grants issued per level – 2017 (provisional figures)					
	Country	Social reintegration grant (level 1)	Reintegration grant through employment (level 2)	Reintegration grant through creation of a company (level 3)	Total number of grants issued
OFII/ERIN reintegration agreement	Afghanistan			810	810
	Sri Lanka			40	40
	Russia	27		78	105
	Iran	2	5	4	11
	Iraq (Kurdistan)	1	2	16	19
	Nigeria	1		6	7
	Pakistan			173	173
	Sudan			1	1
TOTAL ERIN		31	7	1128	1166

³⁷ These figures are provisional and have not yet been consolidated.

The URA2 programme

On 4 January 2016, OFII and its German counterpart, the Federal Office for Refugees and Migration (*Bundesamt für Migration und Flüchtlinge*, BAMF) signed a partnership agreement to support the repatriation and reintegration of Kosovan nationals.

This agreement, which aims to facilitate the voluntary return of Kosovan migrants from Germany and France to their countries of origin and to ensure their long-term reintegration, enabled OFII to use the structure established by BAMF in Pristina and the reintegration assistance which it provides through its centre.

URA2 provides a wide range of assistance, including services of a social, medical and psychological nature, repatriation grants for employment or the creation of companies, as well as assistance upon arrival at the airport in Pristina, according to the needs of the recipients and their family situations.

Given the excellent cooperation between BAMF and OFII, the URA 2 programme will continue in 2018.

9. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

9.1. National strategic policy developments

The French policy to combat trafficking in human beings is based on three areas:

- the **national action plan against trafficking in human beings (2014-2016)**, which aims to make the Inter-Ministerial Mission to Protect Women against Violence and to Combat Trafficking in Human Beings (*Mission interministerielle de protection des femmes contre les violences et de lutte contre la traite des êtres humains*, MIPROF) the coordinating structure to combat trafficking in human beings.
- the **fifth Inter-Ministerial plan to combat all forms of violence against women (2017-2019) to promote the development of new national measures against trafficking.**
- **Law No. 2017-399 of 27 March 2017 concerning the duty of care of parent companies and contracting undertakings** which sets out an obligation to establish a duty of care plan “specifically to identify and prevent risks of violations of human rights and fundamental freedoms, serious physical or environmental damage or health risks resulting from its activities and those of the companies that it directly or indirectly controls, as well as the activities of their sub-contractors or suppliers over whom it exercises a determining influence” in certain companies.

9.2. Improving identification of and provision of information to third-country national victims of human trafficking

9.2.1. Provision of information on assistance and support to third-country national victims

- | |
|---|
| <ul style="list-style-type: none">a) Legislative changes/policies;b) Training and awareness raising measures;c) Measures on cooperation between national authorities;d) Measures on cooperation between (Member) States. |
|---|

- a) Legislative changes/policies;

Following adoption of Law No. 2016-444 of 13 April 2016, new implementing texts were publishing in 2017:

- **Circular No. DGCS/B2/2017/18 of 31 January 2017 concerning the implementation of pathways out of prostitution and social and professional reintegration** defines the ways in which NGOs responsible for implementing the pathways out of prostitution created by the law are approved. It identifies the ways in which Departmental committees created by the law on action to benefit victims of prostitution, procurement and trafficking in human beings are organised. It specifies the content of the pathways out of prostitution and social and professional reintegration.
- **Decree No. 2017-281 of 2 March 2017 approving the national guidance on reducing risks regarding prostitutes** and supplementing the public health code which defines the

framework of reference relating to the policy of reducing risks for people in situations of prostitution.

- **Decree No. 2017-542 of 13 April 2017 regarding financial assistance with social and professional reintegration** (*aide financière à l'insertion sociale et professionnelle*, AFIS) specifies the amount and ways in which the financial assistance set out as part of the pathways out of prostitution initiative are paid. This provision has been operational since 25 September 2017. An agreement between the DGCS and the *Caisse Centrale de la Mutualité Sociale Agricole* (CCMSA) was concluded to establish the ways in which the expenses generated as part of this new service would be managed and implemented.
- **Decree No. 2017-1635 of 29 November 2017 concerning financial assistance with social and professional reintegration** (AFIS) of persons involved in the pathways out of prostitution initiative specifies the conditions under which the right to this assistance is granted.

b) Training and awareness raising measures

As part of the **national action plan against trafficking in human beings (2014-2016)**, measures regarding informing and awareness raising among these at risk groups in consulates of the countries of origin have been implemented.

The work of NGOs supporting people who are victims of trafficking in human beings is important because they are a central and indispensable part of identifying, dealing with and supporting people who are victims of trafficking in human beings in France. The information that they collect makes it possible to gauge the number of people being supported and sheds light on their profile, background and needs. In partnership with the “Ensemble contre la traite des êtres humains” organisation, la MIPROF and the National Observatory for Crime and Criminal Responses (*Observatoire national de la délinquance et des réponses pénales*, ONDRP) created a questionnaire for NGOs.

The investigation into victims of trafficking in human beings supported by NGOs is designed to be renewed each year and contributes towards raising public and professional awareness. The results of the first edition of the investigation were published in June 2017. It looks at victims supported during the course of 2015. The results of this investigation are available on the ONDRP site.³⁸

On 18 October 2017, the second edition of the investigation was launched. MIPROF, the ONDRP and NGOs worked to improve data collection by adjusting the questionnaire so that the maximum number of NGOs could respond. It is now divided into two parts:

- a basic questionnaire on the number of victims monitored, their sex, age and origin. It is necessary to answer these questions to validate the questionnaire.
- an in-depth, voluntary questionnaire which enables NGOs to submit more detailed information about the profiles of the victims, the conditions under which they were exploited and the approaches that they have taken.

The data collection mechanism has also been enriched with a second questionnaire, drafted to collate more detailed information about the victims of trafficking in human beings monitored in places in which people are deprived of their liberty (administrative detention centres, waiting areas, prisons). Publication of the results is planned for the second quarter of 2018.

³⁸ Summary document: https://inhesj.fr/sites/default/files/fichiers_site/ondrp/grand_angle/plaquette_ga43.pdf (in French)

Investigation report: https://inhesj.fr/sites/default/files/fichiers_site/ondrp/grand_angle/ga_43.pdf (in French)

c) Measures on cooperation between national authorities;

Administrative statistics on the work of the security forces (police and gendarmerie) and justice shed light on the number of victims who have made a complaint and who have been counted in judicial procedures, as well as the number of criminals convicted. This information does not reflect the phenomenon as a whole but only the facts that have been brought to the attention of the various services and the work of these services.

A dedicated working group has been established by the ONDRP in order to work on this issue of collating data, in which MIPROF and the Ministries of Justice and of the Interior also participate.

The first stage consists of building a joint statistical aggregate: “trafficking in human beings”. In order to cover the extent of trafficking in human beings as exhaustively as possible, the scope of violations taken into account in the statistics of the Ministries of the Interior and Justice cover facts relating to trafficking in human beings (Articles 225-4-1 to 4 of the Criminal Code) as well as those related to another form of exploitation. This work is ongoing.

d) Measures on cooperation between Member States, no measures were taken in 2017.

e) Measures on the international scale

To prevent labour exploitation and to raise awareness within the corporate world of the consequences of using forced labour and employing victims of trafficking in human beings, a “*National Plan to Implement the United Nations Guiding Principles on Business and Human Rights*” was published on 27 April 2017. This is the practical reflection of France’s compliance with the United Nations Guiding Principles on Business and Human Rights, which was approved by consensus by the United Nations Human Rights Committee on 16 June 2011 on the basis of a report established by John Ruggie, the UN Secretary-General’s Special Representative on the Issue of Human Rights, Transnational Corporations and other Business Enterprises. France has agreed to implement these principles through this plan, notably by promoting corporate social responsibility, an area in which it leads the way. This plan also responds to a request from the European Commission as part of its CSR strategy.

France is now one of the fifteen countries in the world to have drafted such a plan (thirteen European countries plus the United States and Colombia; twenty-one are currently being prepared).

9.2.2. Identification of victims

- | |
|---|
| <ul style="list-style-type: none">a) Legislative changes/policies;b) Training and awareness raising measures;c) Measures on cooperation between national authorities;d) Measures on cooperation between (Member) States. |
|---|

a) Legislative changes/policy

Circular No. DGCS/B2/2017/18 of 31 January 2017 concerning implementation of pathways out of prostitution and social and professional reintegration under application of the Law of 13 April 2016 defines the ways in which NGOs involved in this pathways and reintegration initiative are approved and how the Departmental Committees to combat prostitution, procurement

and trafficking in human beings for the purposes of sexual exploitation operate. This Circular corresponds to **Action 44 of the fifth inter-Ministerial plan to combat all forms of violence against women: mobilising all regions to implement pathways out of prostitution and social and professional reintegration.**

NGOs supporting victims must first be approved by the State. This procedure is a preliminary step towards establishing Departmental Committees. At 30 September 2017, 44 NGOs had been approved in 37 Departments to implement pathways out of prostitution.

Departmental Committees to combat prostitution, procurement and trafficking in human beings for the purposes of sexual exploitation have been set up in 11 Departments, and Committees will shortly be established in six new Departments. Since the Law of 13 April 2016, 15 people have benefited from the pathways out of prostitution initiative.

The regional directorates of the judicial police participate in the Departmental Committees responsible for implementing pathways out of prostitution. They communicate information on the victims of trafficking who have been identified as part of judicial investigations and may, where appropriate, shed light on compliance with a victim's pathway out of prostitution.

In terms of judicial procedures, the Action Plan provides for accusations of trafficking in human beings to be upheld more often by public prosecutors. In terms of sexual exploitation, judges are now more likely to take the trafficking in human beings angle into account and appear to be less reluctant to use it when the conditions have been met. Thus, dismantled networks which were qualified as trafficking in human beings rose from 38% in 2014 to 54% in 2016 (OCRTEH source).

b) training and awareness raising measures

Professional training for investigators/judges

In relation to trafficking in human beings for the purposes of sexual exploitation, since 2014 the OCRTEH has organised an annual five-day professional training course for judicial police investigators and public safety investigators from the regional services. This training course focuses on special investigative techniques to combat national and international networks of trafficking in human beings for the purposes of sexual exploitation and contains a section on identifying and dealing with victims of trafficking (reception, content of the victims' statement, support from NGOs).

OCRTEH leads and is involved in various training sessions for judges on trafficking in human beings.

Model interview statement

OCRTEH and MIPROF have also introduced a model interview statement for victims of procurement and trafficking in human beings which is available to all police officers on the intranet site of the Central Directorate for the Judicial Police and the Ministry of Justice, to ensure better dissemination of information on the subject, to support investigators on the national level, who are likely to have to take statements from prostitutes allege to be victims of trafficking in human beings in the course of their work.

This model interview statement is incorporated into the drafting assistance software on national police and gendarmerie procedures and is distributed within jurisdictions.

Teaching tools (reminder sheets/teaching booklet)

To ensure that professionals take the same approach to this theme and have shared tools to better identify, manage and direct victims, MIPROF also **created teaching tools in partnership with**

the relevant Ministries, professionals on the ground and NGOs, which enables all stakeholders to have a shared basic understanding of the phenomenon.

A **reminder sheet on trafficking in minors**, particularly those who have been forced to commit crimes, for non-specialist investigatory services (police/gendarmerie) and judges was prepared on the basis of the difficulties that had been seen to occur in identifying minor victims forced to commit crimes, insofar as they are often first identified as criminals. After recalling the law and the characteristics of minor victims of trafficking in human beings, it provides useful indicators for identifying them.

At the same time, an **educational leaflet on trafficking in minors was drafted, aimed at educators in the Youth Welfare Office (*Aide sociale à l'enfance*, ASE) and the Judicial Protection of Juveniles (*Protection judiciaire de la jeunesse*, PJJ)**, by MIPROF, with the Ministry of Justice, front-line professionals and NGOs. This booklet is available online and on the Ministry of Justice website.

In terms of trafficking in human beings **for the purposes of labour exploitation, a training tool aimed at labour inspectors** has been created. The aim is to facilitate identification of trafficking for the purposes of labour exploitation through raising awareness among labour inspectors who were given competence to identify trafficking violations since the Law of 13 April 2016 and the Order of 7 April 2016 relating to controlling implementation of labour legislation. In addition to presenting trafficking in human beings (definition, characteristics of victims, etc.), this leaflet includes a model observation sheet to facilitate the identification of these victims and exploitative situations.

A **reminder sheet for investigators in the provost gendarmerie** was also drafted in 2017 on the initiative of the national gendarmerie to raise awareness of trafficking in human beings among the provosts, whose main role is exercising the judicial police role with French armed forces deployed abroad.

In addition, the **Ministry of Justice** (Directorate for Criminal Affairs and Pardons (*Direction des Affaires Criminelles et des Grâces*, DACG) made available to judges, on its intranet, a **technical sheet on protecting victims of trafficking in human beings** in September 2016. This information was updated in February 2017. This sheet was also sent to all the general courts in order to present the specific mechanisms for dealing with victims of trafficking in human beings (residence, safe accommodation, compensation, protection during the procedure, etc.).

In terms of the Missions of Unaccompanied Minors (MNA), training modules for evaluators of the Departmental Council address trafficking have been in place since 2017. During these sessions, the teaching booklets on trafficking in minors (mentioned above) are used.

Seminars

Finally, OCRTEH participates in **seminars and awareness raising action days, when requested to do so by public authorities or NGOs** on the phenomenon of trafficking in France.

A seminar was organised by the Ministry of Justice with the support of the Agency to Manage and Recover Assets Seized and Confiscated (*Agence de gestion et de recouvrement des avoirs saisis et confisqués*, AGRASC) on 2 and 3 March 2017, in which MIPROF participated. The aim was principally to raise awareness among the Specialised Interregional Jurisdictions (JIRS) about dealing with these claims and to strengthen the training of judges in this complex crime to improve judicial treatment. By the end of the seminar, seven out of the eight JIRS had appointed trafficking in human being contact points within their court.

The Ministry for Justice lent its support alongside MIPROF to holding a European workshop on trafficking in minors for the purposes of forced criminality, which was held on 5-6 October 2017. This workshop brought together a group of judges from seven European countries (France, Germany, United Kingdom, Netherlands, Belgium, Spain and Italy) to draw on the experience of the European REACT project and the ECPAT NGO network, to discuss issues relating to the application of the principle of not penalising minor victim/perpetrators.

In its area of competence, the OCLTI contributes towards training staff in the gendarmerie and national police. To do so, it carries out two training sessions per year for illegal employment and fraud investigators (ETIF and ESTIF), listed in the catalogue of training for the National Delegation to Combat Fraud (Délégation nationale de lutte contre la fraude) and during which investigators receive awareness raising training and information on trafficking in human beings. These ETIF/ESTIF training courses are already scheduled for 2018.

On the international level, a presentation of the theme of trafficking in human beings connected with employment was carried out during a EUROPOL seminar addressing this theme by an OCLTI officer.

In May 2018, a new joint action week supervised by EUROPOL will take place in France and OCLTI will coordinate this work.

OCLTI will present the trafficking in human beings for the purposes of labour exploitation module by the National Institute for Employment and Vocational Training (*Institut national du travail, de l'emploi et de la formation professionnelle*) aimed at labour inspectorate partners in URSSAF and gendarmerie investigators.

OCLTI has contributed towards designing the MIPROF training leaflet on trafficking in human beings for the purposes of labour exploitation aimed at labour inspectors.

c) measures on cooperation between national authorities;

National coordination of public policy

When the first plan finished at the end of January 2017, MIPROF launched a consultation with relevant Ministries and NGOs with a view to preparing the second national action plan for 2017-2019. On 7 March 2017, it brought together the steering committee for the national action plan, consisting of relevant ministries to take stock of the actions implemented as part of the first plan and to share opinions on the direction the second plan should take. The meeting of the MIPROF coordination committee against trafficking was then an opportunity for discussions on the direction of this second plan with specialised NGOs.

The members of the committee called for a continuation and expansion of the action which had taken place during the first plan. New trends that had been observed by actors on the ground also helped define various directions for the second plan.

The new action plan will consolidate the measures in the first plan with new priorities, notably taking into account migration phenomena and the emerging phenomenon of urban procurement.

On the local level:

The Instruction from the Ministry of the Interior, on 19 May 2015 recalled the importance of harmonising Prefectoral practices in terms of granting residence permits and the timescale for processing and introduced the appointment of a trafficking in human beings contact point within prefectures. To date, 50 contact points have been appointed in the prefectures.

The appointment of a trafficking contact point within the employment units of each Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment (DIRECCTE) is also a measure which has been taken nationally against trafficking in human beings and illegal employment (2016-2019).

The experimental mechanism to protect minor victims of trafficking in human beings established in Paris and the surrounding region, mentioned above, has proven to be effective and has shown the need for cooperation and coordination between the judicial services, regional authorities, government representatives and NGOs. The second national plan to combat trafficking in human beings will broaden this mechanism to other regions.

The AC.Sé secure accommodation facility

Action 47 of the fifth inter-Ministerial plan to combat all forms of violence against women refers to mobilising accommodation and social reintegration centres (CHRS) to **increase the number of accommodation places covered by the secure reception and accommodation mechanism** (AC.Sé).

“In connection with the national action plan to combat trafficking in human beings, awareness will be raised among government authorities, operators and integrated orientation and reception services (SIAO) of the issue of trafficking in human beings, procurement and prostitution through an Instruction which will enable them to encourage the CHRS to comply with this mechanism. It will also be recalled that the agreements on accommodation of female victims of violence should also target victims of trafficking in human beings, procurement and prostitution. “

In April 2017, the DGCS issued an Instruction which aimed at raising awareness among actors such as the Departmental Directorates for Social Cohesion (*Directions départementales de la cohésion sociale*, DDCS), the Regional Directorates for Social Cohesion (*Directions régionales de la cohésion sociale*, DRCS) and the Integrated Reception and Orientation Services (*Services intégrés d'accueil et d'orientation*, SIAO) on the issue of trafficking in human beings and its particularities, and to mobilise the Accommodation and Social Reintegration Centres (*Centres d'hébergement et de réinsertion sociale*, CHRS) to comply with the AC.Sé mechanism.

An experiment was set up in Paris and the surrounding area in 2016, with a view to creating accommodation places in apartments dedicated to victims of trafficking in human beings for the purposes of sexual exploitation who are involved in a judicial procedure. Several victims receive additional protection and appropriate support from the Association Foyer Jorbalan. A partnership agreement was signed on 10 October 2016 and the mechanism was established at the start of 2017. The agreement was renewed for 2018 and the mechanism operates permanently.

Unconditional protection of minors

An experimental agreement was signed on 1 June 2016 between the Préfet de Police de Paris, the Procureur de la République près le tribunal de grande instance de Paris, the Mayor and Conseil Départemental de Paris, the President of the TGI de Paris, the Director of the Direction de la Protection Judiciaire de la Jeunesse (DPJJ), the Secretary General of the Inter-Ministerial Committee on the Prevention of Crime, the President of the Bar of the Ordre des avocats de Paris, the Director of the NGO Hors la Rue and MIPROF. The mechanism has been operational since September 2015. It is based on different stages in identifying situations by various professionals (security forces, judicial authorities, social, health and youth protection services, NGOs) through to involving young people in educational and vocational reintegration projects. The particularity of this initiative is the creation of a reporting circuit which is specific to minor victims and which enables an emergency legal process to take place within 24 hours. The agreement also sets out the systematic appointment of an ad hoc administrator. In addition, the training of professionals which is also at the heart of the mechanism is provided by the Hors la Rue NGO.

This mechanism continues to be tested. An amendment to the agreement is currently being signed. It aims to renew the agreement and to introduce two new actors into the mechanism, namely OFPRA and the Amis du Bus des Femmes NGO.

OCRTEH participates in the implementation of the national action plan from the Inter-Ministerial Mission for the Protection of Women against Violence and the Fight Against Trafficking in Human Beings (MIPROF) and contributes to drafting the next plan.

d) Measures on cooperation between national authorities:

OCRTEH maintains close bilateral relationships with certain European countries (Romania, Germany, Spain, etc.) to counteract trafficking.

This cooperation also takes place through Europol which has made trafficking in human beings one of its five priorities. It aims to develop an exchange of information between Member States and to implement true operational and strategic cooperation in terms of combating trafficking in human beings.

For OCLTI, recourse to the different cooperation channels, whether this be administrative cooperation (General Directorate for Labour/liaison office) or police cooperation (Interpol, Europol and the Directorate for International Cooperation) is crucial to conducting the various investigations, notably in the event of the fraudulent transnational posting of workers, trafficking in labour or organised fraud committed by organised groups of criminals such as “travellers” of British origin.

During 2017, OCLTI continued its work on exchanging information with its foreign partnership in the fields of illegal employment, the fight against trafficking in human beings and cross-border organised crime (travellers). It responded to requests for help in this way in **22 cases**.

The Office sent 38 requests for operational and strategic information to national gendarmerie and police units.

It responded to **28** requests for cooperation from foreign police forces and carried out **three** requests for administrative cooperation in relation to intra-European fraudulent posting of workers. **355** exchanges, including **291** via Europol, took place during the year.

For France, between 15-19 May, the Office coordinated the work of the national police and gendarmerie services, and staff from the labour inspectorate and URSSAF as part of the Joint Action Days on the theme of trafficking in human beings for the purposes of labour exploitation. During these days, 264 controls led to six legal procedures being launched.

As such, three meetings were organised under the aegis of EUROPOL in the Netherlands in March, July and December on this theme. Among other things, the December meeting led to the definition of objectives for 2018.

OCLTI was invited by the British Embassy in Paris to take part in a seminar on THB for the purposes of labour exploitation.

It also hosted the Bulgarian attaché for internal security in Paris as part of operational intelligence relating to a criminal group organised from this country working in the wine growing industry.

Several trips abroad (Romania, Portugal, Slovakia, Poland, Belgium, Bulgaria) took place to carry out international letters rogatory.

It was a driving force behind meetings with foreign police services (Belgium, Slovakia and Portugal) and Eurojust as part of the judicial investigation into the field of road transport of goods, for which it is responsible. The result was the creation of a French-Belgian joint investigation team.

9.2.3. Cooperation with third countries

- a) Training and capacity building measures;
- b) Joint investigation teams;
- c) Information and prevention campaigns.

a) Training and capacity-building measures

OCRTEH is highly committed to international cooperation, not only as part of ongoing cooperation with members of the EU, but also with third countries such as Nigeria and China. In December 2017, two representatives of OCRTEH went to Abuja in Nigeria to meet the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) and to develop a partnership with the authorities of this country on Nigerian trafficking.

b) Joint investigation teams

In line with the **national action plan against trafficking in human beings**, the MIPROF and the Ministries for Foreign Affairs and Justice participated in implementing an agenda for cooperation against trafficking on the European and multilateral levels through their participation in working seminars, through the UNODC and OSCE programmes on trafficking and by increasing the number of joint investigation teams.

Evaluation of the national action plan against trafficking by the CNCDH

As the national rapporteur on trafficking, the CNCDH assessed the public policy to combat trafficking. The **annual evaluation report, published on 6 July 2017**, repeats most of the conclusions drawn in 2016.

It stressed the lack of resources that MIPROF has to carry out its missions and also highlights the fact that MIPROF connects trafficking in human beings and prostitution, which leads to confusion between these two issues. Combating trafficking in human beings from the angle of prostitution remains insufficient according to the CNCDH, which recommends the creation of an inter-Ministerial body dedicated only to fighting against trafficking in human beings in all its forms.

In particular, the CNCDH recommends:

- to approach trafficking in a general way rather from the angle of prostitution and trafficking for the purposes of sexual exploitation;
- reviewing the increase in funding and resources for state actors involved in combating trafficking;
- organising more information and awareness raising campaigns on trafficking, both for the general public and for NGOs, to better communicate the work being undertaken to fight against all forms of exploitation and to assess the scope and effectiveness of campaigns before developing new ones
- publishing a new circular describing the violation and its constitutive elements and to organise training for judges to improve the process;
- making trafficking in human beings a major national cause.

10. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

10.1. Progress towards mainstreaming migration in development policies

In a continuation of the Law on Directing and Programming Policy on Development and International Solidarity (LOPSI) of 7 July 2014, which recalls the need for connection and consistency between development policy and migration policy, France continues its work in three directions:

- supporting the potential of solidarity and investment of migrants;
- capacity building in developing countries to integrate mobility and migration into their development strategies;
- contributing to international discussions and the production of knowledge on mobility, migration and development.

As an extension of this law, it is mentioned in the conclusions of the **Inter-Ministerial Committee on International Cooperation and Development (CICID) of 30 November 2016** that “legal migration movements may be beneficial to both countries of origin and host countries, including through contributions from diasporas, and the deep-rooted reasons for forced migration should be addressed, to contribute and strengthen capacities in terms of border management and the reception of persons in need of protection, as well as fighting against trafficking in migrants and trafficking in human beings”.

From this perspective, the CICID entrusted the French Development Agency (AFD) with drafting an **“International migration and development” action plan**.

This action plan aims to “support the positive contribution that migration makes to development (...) act on structural factors of forced migration and (...) to coordinate emergency responses and long term actions”.

It created an operational framework for the **migration strategy of the Ministry for Europe and Foreign Affairs (*Ministère de l'Europe et des affaires étrangères, MEAE*)** which set the reference framework and policy directions, namely:

1. Supporting the potential of solidarity of migrants;
2. Supporting the potential of investment of migrants;
3. Capacity building in partner countries;
4. Involvement in global governance of migration.

It is broken down into five strategic objectives and 30 practical actions over a period of five years, from 2018 to 2022.

Throughout 2017, this action plan was drafted in partnership with relevant stakeholders: MEAE and the Ministry of the Interior; public agencies and bodies: AFD, Expertise France, OFII; representatives of local authorities, diasporas and NGOs.

The plan should be adopted, and the principle that it will be monitored and implemented by the AFD, in partnership with the actors who contributed towards designing in, should be enacted during the **CICID of 5 February 2018**.

On the European level, France is heavily involved in the Rabat Process, the discussions on migration between the EU and West and North Africa which began in

2016 and which make the connection between migration and development a priority. The MEAE is particularly attentive to the issue of the positive impact of regular migration on development, and more specifically on the importance of reducing the costs of transfers of migrants' remittances to their country of origin, the promotion of actions to support entrepreneurship and productive investment by the diasporas and the issue of a detailed analysis of the deep-rooted causes of irregular migration.

10.1.1. Cooperation with partner / third countries for economic migration

France did not conclude any new agreements in this area in 2017. The following events should be noted, however:

- the entry into force on 09 August 2017 of an agreement with Algeria on the mobility of young workers, signed on 26 October 2015;
- ratification currently under way of the Agreement relating to the mobility of professionals and trainees signed with South Korea on 17 September 2015;
- the decision taken on 21 November 2017 to review the agreement with Russia on professional migration of 27 November 2009 (procedure under way).

The PPM set a range of policy objectives to improve the movement of people, to prevent and combat irregular immigration and trafficking in human beings, to strengthen cooperation in terms of migration and development and to support the system to protect asylum applicants and refugees in countries benefiting from a PPM.

The MEAE is heavily involved in Partnerships for Mobility (PPM), notably with Morocco and Tunisia, which are privileged instruments of structured cooperation and migration dialogue between the EU and third countries.

In 2017, the MEAE participated in technical committees and steering committees of the Lemma project, the project to support the Tunisian PPM. The MEAE is particularly involved in Component 2 of the project, which aims to build capacity of the Tunisian authorities to mobilise the skills of Tunisians resident abroad and to promote the integration of migration into local development. As part of this Component, the MEAE funds €240,000 for a long-term expert position.

The MEAE funds €146,000 to the Sharaka project, the project to support the Moroccan PPM. When the final event of the project was held on 15 and 16 November 2017 in Rabat, the MEAE was represented at a high level and recalled that the project fell squarely within the overall approach to migration and mobility which also governs the European migration dialogue and, more particularly, the Rabat Process and the Valletta Summit. France also recalled its full support as part of the extension of the Sharaka project to the national migration strategy of Morocco as well as its roll out across the region.

10.1.2. Efforts to mitigate 'brain drain'

No new measures were taken in 2017.

10.2. Migrants' Remittances

In addition, France continues its national and international work to reduce the cost of money transfers and to support a better allocation of these transfers to promote the economic development of migrants' countries of origin.

As a reminder, migrants' remittances to developing countries are estimated to be three times global ODA (**429 billion dollars in 2016**) and play a significant role in reducing poverty as well as increasing growth in countries of origin.

According to data from the *Banque de France*, the flow of money transfers from migrant workers living in France rose significantly in 2016, reaching **€10 billion (+ 25% since 2010)**. The corridors through which most money transfers take place are focussed on countries in Africa where the migration flows originate.

In the case of the G7 and the G20, France is committed to working to facilitate these transfers and, in particular, to reduce the costs of doing so. In 2014, the G20 restated its target of reducing the global average cost of sending remittances to 5%, although they did not impose any date on reaching the target. In order to encourage States in the G20 to make progress towards this target, in 2015 the Turkish president of the G20 asked them to produce national plans on migrants' remittances.

France addressed this by building its action plan around **three working areas**:

- facilitating remittance flows with the aim of strengthening competition between operators and encouraging legislative progress to improve financial inclusion;
- optimising remittances into sustainable activities which are innovative and generate growth, with the idea of strengthening the potential development of migrants' countries of origin (supporting entrepreneurship and the productive investment of diasporas: c.f. 1.3 working with diasporas);
- evaluation to have a better understanding of remittance flows in order to adapt measures to the needs of migrants.

Actions aiming to significantly reduce the costs of sending remittances continued in 2017 and will be continued in 2018:

- **the site www.envoidargent.fr funded by the MEAE and the AFD** allow migrants to compare the prices and services practiced by 19 financial establishments in France to 26 countries. This site was certified by the World Bank in March 2013. An assessment of the site was initially carried out in 2017 and will be finalised at the start of 2018. It has a two-fold objective: to update understanding of the needs and motivations of people initiating these transfers and to take stock of trends and strategies that France could support in the future.

- **support of up to 7 million euros (from the MEAE and the General Directorate for the Treasury) to the multi-donor "Migration and Development" fund** hosted by the African Development Bank. The aim of this fund is to support projects enabling the creation of innovative solutions in terms of migrants' remittances and to support the creation of productive activities by the diasporas. In the context of these funds, a study is currently under way on the opportunities and risks around digitalisation of the transfer of money in the Franc Zone.

- **improving migrants' access to financial products and services, notably through payments by mobile phone**, enabling them to invest in their country of origin from their

country of residence (dual-banking). This is one of the cornerstones of the Law on Orientation and Programming relating to the Development and International Solidarity Policy of July 2014.

Thus, **the average cost of a remittance from France has reduced by more than 40% since 2011, to an average of 6.6% in 2017** (lower average than that of all G20 countries and below the global average which was 7.2% in 2017).

10.3. Working with Diasporas

- a) Promotion of transnational entrepreneurship;
- b) Cooperation on trade between countries of origin and stay
- c) Others (e.g. education).

The mobilisation of diasporas has been and remains a central element in the Ministry for Europe and Foreign Affairs “Migration and Development” strategy. It is a component of the development policy which recognises the financial, technical and cultural contribution which migrants make to their countries of origin.

On the operational level, MEAE’s work to promote the diasporas is reflected through **capacity building work with migrants’ organisations**. The MEAE works closely with the national platform of federations and groups of international solidarity organisations resulting from migration, **the FORIM**, which represents more than 700 migrants’ associations working on co-development projects, particularly sub-Saharan Africa and the Maghreb. Through, for example, **its support programme for projects for international solidarity organisations resulting from migration** (PRA-OSIM) created in 2003, the FORIM facilitates the implementation of co-development projects (up to 2016 on top of MEAE funding, i.e., a total of €5.1M, and now with the help of the AFD. Since 2003, 426 projects have been implemented for a total of €5.8M in more than thirty countries.

On a bilateral level, the MEAE has also participated in implementing **migration, mobility and development programmes in partnership with countries of origin** (Comoros, Mali, Senegal, Cameroon). Thus, since 2005, France and Senegal have concluded several schemes to provide technical and financial support for Senegalese nationals living in France who support initiatives to promote the economic and social development of their country of origin. Between 2005 and 2017, €15.7M of grants from the French state were released. The support programme for solidarity for development initiatives (PAISD), the flagship scheme for French-Senegalese cooperation, is ongoing. Since 2017, it has been managed in collaboration with the AFD through enhanced European funding (€10M). It falls within a more comprehensive initiative which aims to promote local economic and social development initiatives by the Senegalese diaspora and supports productive investments by this diaspora through mobilising the resources and skills of Senegalese people living in France, Spain, Italy and Belgium.

France’s support also involves **encouraging the creation of businesses and productive investment**. The creation of enterprises is one way in which migrants can contribute towards the development of their countries of origin, by creating jobs,

encouraging growth and promoting the experience and expertise that the diasporas have acquired in France.

Between 2009 and 2016, the Ministry for Foreign Affairs dedicated €5.5M to the **IRD's support programme for the creation of innovative businesses in the Mediterranean** as well as to the *Entrepreneurs en Afrique* programme by Campus France. Launched in 2009, the *Entrepreneurs en Afrique* (EeA) supports African graduates and managers in France wanting to create companies with high added value in Africa (Benin, Burkina Faso, Cameroon, Cap Verde, Congo Brazzaville, Côte d'Ivoire, Gabon, Guinea, Madagascar, Mali, Niger, DRC, Senegal and Togo). Created in 2011 by the *Institut de Recherche pour le Développement* (IRD), the support programme for the creation of innovative businesses in the Mediterranean (*programme d'aide à la création d'entreprises innovantes en Méditerranée*, PACEIM) set itself the objective of mobilising the expertise of the scientific and technical diasporas in France through support with projects to create technological companies in countries of the South Mediterranean, particularly Tunisia, Morocco, Algeria and Lebanon.

In June 2016, the two French business support programmes merged to create a new European Programme to Support Entrepreneurship in Africa (*programme Européen pour l'Entreprenariat en Afrique*, MEET Africa), funded by the EU and France. Involving French operators (Expertise France, IRD, Campus France) and German operators (GIZ), its pilot phase strives to support entrepreneurs from the African diaspora who are graduates of the French or German educational systems, through the creation, in their countries of origin, of technological companies or ones which promote innovative solutions. This will continue until April 2018.

In Mali, the AFD has also established a **project to support investments from the Mali diaspora in their regions of origin**. The first phase of this project, involved €2.2M funding from the AFD which was granted at the end of 2013. The second phase has been funded by €6M from the FFU since 2016. The project aims to promote collective development initiatives in areas of origin (generally through migrants' associations in the countries of immigration) and to support productive investment in Mali of the Malian diaspora, to increase their impact on employment, and to participate in the implementation of the national migration policy in Mali.

As for OFII, it continues its communication work with the diaspora of countries representing the main migration flows (Cameroon, Mali, DRC, Senegal, Sri Lanka) to inform them of the repatriation and reintegration grants available. Information is gathered from meetings with civil society organisations, OFII participates in fairs and forums, and engages in discussions also with authorities (embassies, consulates, operators), as well as monitoring accessible media in certain countries of origin. Many such meetings took place in 2017:

-in France with the participation of the Directorate General of OFII in France in fora ("*Forum Afrique: destination emplois*" in November 2017; the "*Généralions diasporas*" forum in March 2017; the *Salon Afrique Unie* in May 2017; the "Forum Back to 237" in May 2017) and meetings with NGOs representing the diasporas in the OFII premises).

-in target countries, through OFII representation in fora organised abroad (Africa New Forum organised in Cameroon in October 2017; Forum MALI SINO NYESIGI in October 2017).

ANNEXES

ANNEX 1: COMBATING ILLEGAL EMPLOYMENT AND SOCIAL DUMPING

Law No. 2016-1088 of 8 August 2016 concerning employment, modernising social dialogue and securing pathways establishes several provisions, in particular:

- **strengthening the duty of care on the contracting authority.** Thus, the obligation to check the posting declaration, which previously applied only to direct co-contractors, has been extended. Now, the contracting owner must check, before the start of the posting, that a posting declaration has been sent to the Labour Inspectorate by each of the direct or indirect sub-contractors of the co-contractors posting employees to France. They must also check that temporary employment companies who have contracted with one of their co-contractors or with a direct or indirect sub-contractor, have made a declaration to the Labour Inspectorate.

- **the obligation to declare a workplace accident involving a posted worker.** The client or contracting authority is responsible for declaring to the Labour Inspectorate any workplace accident involving a posted worker. This obligation also applies when the employee has been posted by a company of the same group as the host company or by a temporary employment company based abroad.

- **the obligation to display regulations applicable to posted workers employed on building sites or engineering sites, with more than 10,000 worker/days.** The contracting authority is now obliged to display the French regulations which apply to them. The display must be in the workplace. The display must be easily accessible and translated into one of the official languages spoken in the country of origin of each employee.

- **suspension of the international provision of a service** The administration may suspend the international provision of a service for a maximum duration of one month in the event of a failure to declare a posting by the contracting authority or the client.

- **recovery of fines issued by another Member State in the event of irregular posting.** This measure states that administrative fines issued in another country against companies which have posted workers from France as part of international service provision will be recovered in France according the regulations applicable to foreign tax and estate receivables. This provision applies to fines issued abroad as part of cross-border posting of workers under the conditions set out by Directive 96/71/EC of 16 December 1996. The Law specifies that the collection titles will be issued by the Minister for Labour. In addition, the recovery action will lapse five years after the collection title is issued.

- **stoppage of a company's on-site work in the event of illegal employment.** The Law enables the administrative authorities to rule the temporary stoppage of activity of a company on its building or construction sites in the event of illegal

employment. In addition, if the site on which the violation took place has been completed or if work on that site has been interrupted, the administrative authority may issue a stoppage on the activity of the company on another site.

- **increasing the rights of inspection officers to combat the illegal posting of foreign workers.** The Law strengthens the powers of inspection officers as part of the fight against illegal posting of foreign workers. It thus gives them the right of access to data from posting declarations sent to the Labour Inspectorate prior to the posting of workers to France. In addition, inspection officers have a right of entry into premises, pursuant to Article L.8113-1 of the Labour Code and can now be accompanied by a sworn interpreter.

- finally, the law mentions the **possibility of an exchange of information between inspection officers responsible for combating illegal employment and the Centre of European and International Liaisons for Social Security (CLEISS)** which is responsible for applying international and European social security agreements and regulations.

ANNEX 2: PRESENTATION OF THE BTP CARD

Employees covered

Any employee who carries out, manages or organises, even on an occasional, subsidiary or secondary basis, construction work, regardless of their employment contract: permanent contract, temporary contract, temp contract, or posted workers from a foreign company. This obligation thus applies to all employers: construction companies or temporary employment companies established either in France or another country, employers based in France who post workers in France, and companies which use temporary posted workers.

The characteristics of the card

The BPT card is of limited duration, but this duration varies depending on the status of the employee and his or her employer;

- for workers on a permanent or temporary contract in France, the length of validity of the card is the same as the length of the employment contract.
- for workers posted to France by a company based in another country to carry out work on a construction site, the card is only valid for the duration of the posting to France. The employer must, therefore, request a new card if the same worker is posted to France for another service.
- for temporary workers employed by temporary employment companies based in France, the BTP card is valid for five years. Temporary workers may still use their card if they change employer, as long as the card remains valid. However, the new temporary employer must inform the *Union des Caisses de France* of this change.

The price of the card is fixed at €10.80 by the national operator of the scheme, the *Union des Caisses de France* (UCF). This corresponds to all costs involved in the process of making the card, as well as the provision of assistance to companies in their steps to request the card.

The service provider chosen by UCF to make the cards is *Le Groupe Imprimerie Nationale*, whose experience and expertise in the field of administrative cards is an important bonus and an incontestable guarantee of quality.

Violation of this obligation is liable to an administrative fine of €2,000 issued by the DIRECCTE, with a maximum ceiling of €500,000.

ANNEX 3: ADMISSION POLICIES FOR STUDENTS AND RESEARCHERS

The Law of 7 March 2016:

- ✓ **enables students to benefit from residence permits adapted to the length of their study cycle. Before this law, only students enrolled on “Bac+5” courses and doctorates could benefit from a multi-annual card, which saves them from going to the Prefecture every year.**
- ✓ enables researchers to receive a dedicated residence card, the Passport Talents, much like other groups targeted by France’s attractiveness policy such as artists, athletes and entrepreneurs.

One of the features contributing to the attractiveness of France for foreign students is the administrative steps connected with being granted a residence permit which several recent reforms have moved to simplify. The latest census of 2016 revealed that 26 Prefectures had signed partnership agreements with higher education establishments (decentralised offices or grouped submissions).

The Law of 07 March 2016 secured the future for students by strengthening and simplifying the possibilities of going directly from studying to working. The scope of eligibility for access to the temporary residence permit to seek employment or carry out a professional activity after studying was thus opened up to new graduates: the APS is now open to Masters and Doctoral graduates but also to specialised Masters students from the *Grandes Ecoles* and professional degrees. It was also opened up to students who could prove they planned to create a company in a field corresponding to their training (and not only to students becoming employees).

Students obtaining a degree at least equal to a Bac+5 may access the Passport Talent (an employee if the post is paid at least two times the minimum wage or company creator if there is €30,000 investment). They may also develop plans to create a company and request a “entrepreneur/independent professional” residence permit by justifying the economic viability of the company.

The Law of 7 March 2016 also broadened the possibilities of residence open to students after their studies in France:

- possibility of receiving an “employee” permit without a test of the labour market after receiving a degree in France (professional degree, Masters, Level 1 degree labelled by the *Conférence des Grandes Ecoles* or doctorate) when the post is paid at least 1.5 times the minimum wage and relates to the studies undertaken;
- Possibility of accessing the “Passport Talent”, employee, or entrepreneur residence permits.
- Possibility of developing a plan to create a company for one year after the end of their studies and then to receive a residence permit when the company is created and is viable.

ANNEX 4: CONSULAR COOPERATION AND SHARED CONSULAR SERVICES

Externalised centres	Schengen Member States present
Abu Dhabi	Germany, Spain, Greece, Switzerland, Malta, Austria, Bulgaria, Hungary, Czech Republic, Sweden, Norway, Portugal, Italy
Abuja	Belgium, Spain, Italy, Norway, Portugal
Ahmedabad (cases dealt with in Mumbai)	Germany, Austria, Belgium, Spain, Greece, Hungary, Italy, Netherlands, Switzerland
Algiers	Italy
Al Khobar (cases dealt with in Riyadh)	Germany, Austria, Italy, Denmark, Hungary, Norway, Portugal, Sweden, Netherlands, Czech Republic, Malta
Altunizade (cases dealt with in Istanbul)	Poland, Netherlands, Malta, Austria, Spain, Belgium
Ankara	Belgium, Spain, Denmark, Malta, Poland, Sweden
Annaba	Italy
Bangalore	Germany, Austria, Belgium, Denmark, Spain, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Sweden, Switzerland
Bangkok	Switzerland
Beirut	Italy, Denmark, Switzerland
Mumbai	Germany, Austria, Belgium, Denmark, Spain, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Sweden, Switzerland
Calcutta	Germany, Austria, Belgium, Denmark, Spain, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Sweden, Switzerland
Canton	Germany, Netherlands, Switzerland
Casablanca	Belgium, Italy
Chandigarh (cases dealt with in Delhi)	Germany, Belgium, Spain, Greece, Hungary, Italy, Malta, Switzerland
Changsha (cases dealt with in Wuhan)	Germany
Chengdu	Germany, Switzerland, Netherlands, Cyprus
Chennai (cases dealt with in Pondicherry)	Germany, Austria, Belgium, Denmark, Spain, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Sweden, Switzerland
Chongqing (cases dealt with in Chengdu)	Germany
Cochin (cases dealt with in Pondicherry)	Germany, Spain, Greece, Hungary, Italy, Switzerland
Colombo	Germany, Austria, Greece, Italy, Norway
Dakar	Italy, Portugal, Netherlands, Norway
Jeddah	Germany, Austria, Italy, Malta, Sweden, Switzerland, Denmark, Portugal, Czech Republic, Hungary, Netherlands, Norway, Finland
Dubai	Germany, Austria, Spain, Greece, Hungary, Malta, Switzerland, Sweden, Croatia, Netherlands, Norway, Czech Republic

Durban (cases dealt with in Johannesburg)	Italy
Ekaterinburg (cases dealt with in Moscow)	Germany
Erbil	Austria, Slovenia, Portugal, Netherlands
Fuzhou (cases dealt with in Canton)	Germany, Switzerland, Netherlands
Goa (cases dealt with in Mumbai)	Germany, Greece, Hungary, Italy, Portugal
Hangzhou (cases dealt with in Shanghai)	Germany
Hanoi	Switzerland
Hyderabad (cases dealt with in Bangalore)	Germany, Belgium, Spain, Greece, Hungary, Italy, Luxembourg, Slovenia, Sweden, Switzerland
Ho Chi Minh	Switzerland
Irkutsk (cases dealt with in Moscow)	Austria, Sweden, Norway, Czech Republic, Spain, Malta, Greece, Netherlands, Switzerland, Lithuania, Denmark
Istanbul	Belgium, Denmark, Spain, Luxembourg, Malta, Poland, Sweden
Izmir (cases dealt with in Istanbul)	Austria, Greece, Malta
Jalandar (cases dealt with in Delhi)	Germany, Austria, Spain, Greece, Hungary, Italy, Portugal, Switzerland
Jaipur	Germany, Austria, Greece, Hungary, Italy
Jakarta	Switzerland
Jinan (cases dealt with in Beijing)	Germany
Johannesburg	Italy
Kazan (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Finland, Greece, Lithuania, Malta, Norway, Czech Republic, Sweden, Switzerland
Kathmandu (cases dealt with in Delhi)	Denmark, Greece, Italy, Sweden
Kaliningrad (cases dealt with in Moscow)	Germany, Austria, Spain, Estonia, Finland, Greece, Malta, Norway, Poland, Czech Republic, Slovenia, Sweden
Khabarovsk (cases dealt with in Moscow)	Czech Republic, Netherlands, Greece, Spain, Denmark, Malta, Bulgaria, Sweden, Austria, Norway, Germany, Lithuania, Croatia, Slovenia
Krasnodar (cases dealt with in Moscow)	Germany, Greece, Czech Republic, Austria, Spain, Netherlands, Denmark, Malta, Sweden, Norway, Lithuania, Finland, Slovenia
Krasnoyarsk (cases dealt with in Moscow)	Greece, Czech Republic, Austria, Spain, Denmark, Malta, Sweden, Norway, Lithuania, Croatia, Finland, Netherlands, Poland, Slovenia, Germany
Kunming (cases dealt with in Chengdu)	Germany, Switzerland
Lagos	Belgium, Spain, Italy
Cairo	Denmark, Switzerland, Germany
Cape town	Italy
London	Belgium
Manilla	Spain, Netherlands, Malta, Norway, Denmark, Croatia
Marrakech	Germany
Mascate	Spain, Netherlands, Czech Republic
Nankin (cases dealt with in Shanghai)	Germany, Switzerland, Netherlands, Hungary
New Delhi	Germany, Austria, Belgium, Denmark, Spain, Greece, Hungary, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Sweden,

	Switzerland
Nijni-Novgorod (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Finland, Greece, Lithuania, Malta, Norway, Czech Republic, Sweden, Switzerland
Novosibirsk (cases dealt with in Moscow)	Germany (for information: 2nd VFS centre with other Schengen partners: Austria, Spain etc.)
Omsk (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Estonia, Finland, Greece, Malta, Norway, Netherlands, Poland, Czech Republic, Slovenia, Sweden
Oran	Italy
Beijing	Germany, Netherlands, Switzerland, Hungary, Cyprus
Perm (cases dealt with in Moscow)	Czech Republic, Greece, Spain, Denmark, Malta, Bulgaria, Finland, Sweden, Austria, Norway, Germany, Lithuania, Slovenia
Pondicherry	Germany, Spain, Greece, Hungary, Italy, Switzerland
Pune (cases dealt with in Mumbai)	Germany, Belgium, Spain, Greece, Hungary, Italy, Sweden, Switzerland
Rabat	Denmark, Norway, Italy, Germany
Ramallah (cases dealt with in Jerusalem)	Belgium, Greece, Italy, Malta, Norway, Spain, Sweden
Riyadh	Germany, Italy, Malta, Austria, Switzerland, Sweden, Denmark, Portugal, Czech Republic, Hungary, Belgium, Norway, Netherlands
Rostov-on-the-Don (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Finland, Greece, Lithuania, Malta, Norway, Czech Republic, Sweden, Switzerland
Saint Petersburg (cases dealt with in Moscow)	Belgium, Denmark, Spain, Finland, Greece, Lithuania, Malta, Norway, Czech Republic, Sweden, Switzerland
Samara (cases dealt with in Moscow)	Germany, Spain, Czech Republic, Austria, Norway, Denmark, Malta, Sweden, Lithuania, Netherlands, Greece, Slovenia, Poland, Finland, Portugal
Saratov (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Estonia, Greece, Lithuania, Malta, Norway, Netherlands, Poland, Czech Republic, Slovenia, Sweden
Shanghai	Germany, Netherlands, Switzerland, Hungary
Shenzhen (cases dealt with in Canton)	Germany, Netherlands
Shenyang	Germany, Switzerland
Teheran	Netherlands, Austria, Norway, Hungary
Ufa (cases dealt with in Moscow)	Germany, Austria, Denmark, Spain, Estonia, Finland, Greece, Lithuania, Malta, Norway, Netherlands, Poland, Czech Republic, Slovenia, Sweden
Vladivostok (cases dealt with in Moscow)	Austria, Denmark, Spain, Finland, Greece, Lithuania, Malta, Norway, Czech Republic, Sweden, Switzerland
Wuhan	Germany, Netherlands
Xian (cases dealt with in Beijing)	Germany, Netherlands

ANNEX 5: PRESENTATION OF THE LEGISLATIVE REFORM OF THE ISSUANCE OF RESIDENCE PERMITS FOR HEALTH REASONS APPLICABLE FROM 1 JANUARY 2017

- *Changes to fundamental criteria*

Law No. 2016-274 of 07 March 2016 on the rights of foreigners in France strengthens the guarantees granted to applicants for residence permits on health grounds by mentioning the issuance of a temporary residence card for treatment “for foreigners habitually residing in France, if their health condition requires medical treatment failing which there would be exceptionally serious consequences and if, with regard to the healthcare system and treatment available in their country of origin, they cannot receive appropriate treatment there” (Item 11 of Article L. 313-11 of CESEDA). Similarly, the fundamental criteria for protection against repatriation were also changed (Item 10 of L. 511-4 of CESEDA): the criteria for effective access to appropriate treatment in light of the healthcare system existing in the country of origin is mentioned again. In addition, the Law improves the situation of foreigners who “accompany” a seriously ill minor foreigner (Article L. 311-12) by issuing a temporary residence permit for the child’s two parents or for the foreigner who exercises parental authority over the child, on the condition that they reside habitually in France with the child and are responsible for their upkeep and education. The procedure and the criteria for appraising the health of a seriously ill foreign child are set out in Article L. 313-11 (Item 11), modified. This temporary residence permit includes permission to carry out a professional activity.

In addition, Item 3 of Article L. 313-18 of the CESEDA, using wording taken from Article 17 of the Law of 7 March 2016 mentioned above, states that the multi-annual residence card issued to a foreigner covered by Article L. 313-11-11 of the same Code is valid for the duration of the treatment: the ill foreigner may then benefit from a multi-annual residence permit for the scheduled length of treatment. This may not, under any circumstances, exceed four years.

- *The Opinion addressed to the Prefect is communicated by doctors in the regional health agencies (MARS) to OFII doctors.*

Article 13 of the Law of 07 March 2016 codified in Article L. 313-11 Item 11 of the CESEDA, states that the decision to issue a residence permit is taken by the administrative authority after the opinion of a college of doctors of the medical service of OFII under the conditions defined by Decree in the *Conseil d’Etat*. OFII has a centralised medical service which covers the key medical specialities, responsible for issuing, in line with the new procedure, opinions which assist the Prefects in appreciating the applications of ill foreigners. The opinion is issued by a college consisting of three OFII doctors.

OFFI has developed particular expertise in terms of migrants and has experience in terms of training and medical visitors for new arrivals as well as an excellent knowledge of health situations in different countries of origin.

- *The report on the health of the foreigner subject to a removal measure is carried out under an adjusted procedure which is different to that of residence, with two particularities.*

Appraisal of the health of the foreigner takes place in the context of a procedure which is distinct to that of access to residence, specified in Decree No. 2016-1457 of 28 October 2016 taken in application of the Law on the Rights of Foreigners in France and including various provisions relating to the fight against irregular immigration. Initially, the opinion is issued by an OFII doctor in the event of house arrest under application of Article L. 561-2 or placement in detention, as an exception to the rule of collegiality. In addition, in the event of placement in detention, it is the doctor working in the place of detention who establishes the medical certificate on the basis of which the OFII doctor issues their opinion.

NATIONAL STATISTICS

See attached