ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN FRANCE
OVERVIEW

INTRODUCTION
This document provides an overview of how asylum and migration policies are organised in France, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by the French EMN NCP in February 2019.

OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT
The Ministry of the Interior implements migration and asylum policies under Decree No 2013-728 of 12 August 2013 modified by the Decree No 2018-912 of 24 October 2018. The Ministry is competent for managing migration flows; for regulations related to visas, foreign nationals’ entry, stay and work in France; for reception and support integration and access to nationality; for the fight against illegal employment and illegal migration and for asylum policies.

The General Directorate for Foreign Nationals in France coordinates the Directorates in charge of migration and asylum and the Directorate in charge of accompanying foreign nationals and citizenship issues within the Ministry of the Interior.

It also exercises the State’s control on two entities:
- the French Office for Immigration and Integration (OFII) is the State operator responsible for the integration of newly-arrived migrants. It also manages family and economic migration procedures, national reception of asylum-seekers, as well as assisted return and reintegration.
- The French Office for the Protection of Refugees and Stateless Persons (OFPRA) handles asylum procedures.

In addition, an interministerial delegate responsible for the reception and integration of refugees was appointed on February 2018. Under the authority of the French Minister of the Interior, he provides a support for defining, animating and evaluating the refugees’ reception and integration policy. He coordinates the actions of all involved ministries and is responsible for organising the reception operations decided by the government.

In September 2017, an ambassador responsible for migration was appointed by the Minister of the Interior and the Minister in charge of Foreign Affairs 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).
A number of associations and NGOs work as partners of the public authorities in handling reception and integration of legally staying foreign nationals and for reception and support for asylum seekers.

THE LEGAL SYSTEM

The legal provision is the Code for Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA). In addition, bilateral agreements (most notably with Algeria), multilateral agreements within the scope of the UN and the Council of Europe, and European legislation frame the legal regulations.

The judicial body for appeals in asylum procedures is the National Court of Asylum (CNDA). CNDA decisions may be appealed to the Council of State.

MIGRATION POLICY AND LEGAL DEVELOPMENTS

Several major reforms have been implemented since 2015 in conjunction with the EU acquis.

International protection / asylum

The law of 29 July 2015 related to the reform of the right of asylum and the law of 10 September 2018 for a managed migration and an effective right of asylum and a successful integration implemented several amendments regarding the asylum procedure and converged the procedures with the law and European practices (acceleration of the asylum seeker processing, improved distribution of the asylum seekers on the territory, additional asylum seekers rights/guarantees, improved housing conditions and better financial assistance with allowance linked to family composition). The creation of one-stop shops also aims to improve reception conditions and a large number of accommodation places have been created over the last four years to facilitate the process and the fluidity of the accommodation system.

Applicants must firstly pre-register at one of the first-contact orientation platforms (SPADA). These platforms are run by NGOs in the framework of a public contract with OFII, which provides the overall management and financing of this pre-registration network. They receive an appointment for registering their application at the single desk for asylum applicants (GUDA). Then the OFPRA proceeds with the asylum application itself. For asylum applications at the border, specific procedures apply to asylum seekers who arrive at the airport, train or sea border without any required document and apply for asylum. Asylum applicants are not permitted to work. However, if a decision has not been reached within six months, for which they are not responsible for, they may apply for a work permit.

Entry and residence

Recent laws (7 March 2016 and 10 September 2018) implemented important changes in the reception and integration policy for third-country nationals, and generalized multi-year residence permits. They also strengthened the attractiveness and reception of talents and competencies.

Third-country nationals require for the legal entry into the territory of France a valid travel document and a valid visa. Furthermore, proof of accommodation (for private or family visits of less than three months), documents related to purpose and conditions of stay, proof of return and of financial means, as well as if applicable, documents allowing its holder to work, can also be required. Short-stay visas are issued within the framework of the common regulations and are valid for several years, but with a limit of 90 days in a six month period. In order to reside more than three months in France, all third-country nationals need a long-stay visa and/or a residence permit. Temporary residence permits are issued, for a maximum of one year. They may be issued to persons living with their own resources, internships, employment, private and family reasons. After a one-year residence permit, a multi-annual residence permit valid for a maximum of four years may be issued if the person still fulfils the conditions for the issuance of the residence permit. In addition, “talent passport” residence permits, valid for a maximum of four years; ten-year residence permits (issued for example to recognised refugees); residence permits for Algerian nationals; retired person’s permits (valid for ten years); and EU and EEA permits are also available.

Work in France

In order to exercise a salaried activity, a work permit is required: it can take the form of a visa, a residence permit or a dedicated authorization. However, third-country nationals do not all have to apply for a work permit, issued by Regional Directorates for Companies, Competition, Consumption, Work and Employment (DIRECCTE). Indeed, the multi-year “talent passport” residence permit enables the person to exercise a salaried professional activity without a work permit. The law also removed work permits for third-country nationals entering the territory to carry out a professional activity for a duration less
than or equal to three months in a sector indicated on a list set by decree. Moreover, in order to respond to the recruitment needs of certain economic sectors, a list of thirty shortage occupations, open to third-country nationals, was established in January 2008.

Integration policy
The integration policy for all legally resident third-country nationals takes into account various economic, social and cultural aspects. The law of 7 March 2016 reformed the integration system of third-country nationals arriving for their first stay in France and wishing to settle there on a long-term basis. It created an individual personalised Republican integration pathway for a duration of five years with the signature of a Republican Integration Contract, a reinforced civic and language training and a new integration process adapted to the foreign national’s needs.

Recently, based on a report on the reform of the integration policy of foreign nationals in France and the findings of an interministerial committee of integration, a national strategy for the reception and integration of refugees has been defined. It is focused on seven priorities, which need to be implemented through concrete measures and suitable means: strengthening the management of the integration policy, involving each refugee in a reinforced integration pathway, improving the knowledge of French language and the access to training and employment for refugees, ensuring the access to accommodation for refugees, improving the access to healthcare for asylum seekers and refugees, improving the access to the rights, encouraging the relations between refugees and France.

Citizenship
Citizenship can be acquired automatically (by birth or by reaching the age of majority for children born in France), by declaration (for young people born in France, who at the age of 16 may acquire the French nationality, and spouses of French nationals) and by naturalization (by application after a minimum of five years of residence which can be reduced to two years in certain cases, integration into French society and adherence to its values, sufficient knowledge of the French language, a good moral conduct and absence of criminal convictions).

Irregular migration
The fight against irregular migration was one of the main issues of migration policies in France since 2015 with several measures related to enhanced border management at the external borders and better tackling of misuse of legal migration channels, as well as fight against smuggling and monitoring migration routes.

Recent French regulations aim at launching more efficient tools to combat irregular migration in particular secured house arrest conditions, reinforced fight against fraud, increased sanctions for resistance to removal orders and as well as improvement of the return policy.

Regarding the return of migrants, it should be noted that the priority is given to measures other than detention, as well as important changes in strengthened process for assistance in return and re-integration.

Links with other policy areas.

The migration and asylum system is linked in particular to other policy areas:
- For labour issues and fight against illegal employment, the Ministry of the Interior cooperates with the Ministry of Labour.
- It is jointly responsible for visa policy with the Ministry for European and Foreign Affairs and for declarations of nationality and issuance of citizenship certificates with the Ministry of Justice.
- Urban policy, which through actions in disadvantaged neighbourhoods, includes the priority areas of employment, education, public order and safety, and urban renewal;
- Health care policy, according to which irregular third-country nationals with continuous residence in France for more than three months and limited resources are entitled to health care (AME).

Institutional Chart
The most up to date Institutional Chart will be added in as an Annex.