



Labour market integration of asylum seekers and refugees

France

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Summary table to indicate what support is available to (a) asylum seekers; (b) refugees; and (c) third country nationals (TCN) in France

	Refugees	Asylum Seekers	Third Country Nationals	Recipients of Subsidiary Protection
Is the PES involved in the labour market integration of (a) asylum seekers (b) refugees (c) third country nationals (TCN)?	Yes, but refugees are not considered as a specific group For refugees registered as unemployed, the OFII ¹ offers three hours for skill assessment delivered by the French PES (Pole Emploi)	No, only after the first nine months and if gaining refugees status	N/A	Yes, but refugees are not considered as a specific group For refugees registered as unemployed, the OFII ² offers three hours for skill assessment delivered by PES
Do (a) asylum seekers, (b) refugees and (c) TCN have access to:	Yes as unemployed	No	N/A	Yes as unemployed
<ul style="list-style-type: none"> Hiring subsidies 				
<ul style="list-style-type: none"> Start-up (self-employment) support 	Yes as unemployed	No	N/A	Yes as unemployed
<ul style="list-style-type: none"> On-the-job training 	Yes as unemployed	No	N/A	Yes as unemployed
<ul style="list-style-type: none"> Other labour market integration support? 	Yes as unemployed + three hours of skills assessment	No	N/A	Yes as unemployed + three hours of skills assessment
Is there a systematic mentorship scheme in place for (a) asylum seekers (b) refugees and (c) TCN?	Not by OFII; eventually by NGOs	No	N/A	Not by OFII; eventually by NGOs

¹ The French Office for Immigration and Integration (Office français de l'immigration et de l'intégration)

² The French Office for Immigration and Integration (Office français de l'immigration et de l'intégration)

Are (a) refugees, (b) asylum seekers and (c) TCN eligible to receive unemployment benefits or unemployment assistance?	No, only social benefits, which can include unemployment assistance Need to have worked for four months to access unemployment benefit	No, only social benefits during the nine month waiting period Need to have worked for four months to access unemployment benefit	N/A	No, only social benefits, which can include unemployment assistance Need to have worked for four months to access unemployment benefit
Are benefits that are generally received by (a) refugees, (b) by asylum seekers (if applicable) and (c) TCN, conditional on job search requirements/activation?	No	No	N/A	No
Does the support provided to (a) asylum seekers, (b) refugees (c) TCN end as soon as they get a job?	Same as for any unemployed	Same as for any unemployed	N/A	Same as for any unemployed
Please specify which services asylum seekers or refugees have access to that other TCN do not have access to.	Access to PES services	No PES services during the first nine month waiting period	N/A	Access to PES services

1 What is the role of PES in integrating (a) (some³) asylum seekers⁴ and (b) refugees⁵?

If the PES is not involved, is there another agency dealing with the labour market integration of migrants?

Does the support offered differ according to different factors (e.g. socio-demographic characteristics, family circumstances, host country language skills etc)?

Does the support differ according to the skill level of the target group?

Are there specific programmes for these target groups?

To what extent do these target groups benefit from measures for broader target groups?

³ The reasoning for including (some) is that there is no requirement by the EU that asylum seekers are included in integration policies.

⁴ Persons who have applied for international humanitarian protection but have not been granted it yet.

⁵ Covers all beneficiaries of international humanitarian protection – both refugees and subsidiary protection.

For people who obtain the status of refugee, the first step is the signature of a welcoming and integrating contract, recently replaced by the republic integrating contract (cf. 2016, 7 March Act)⁶. It has been compulsory for all refugees since 2007.

The new 'republic integrating contract' will better take into account the personal situation of the refugee.

At the moment, the current contract is signed for one year and the agency in charge of monitoring is the French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration* - OFII).

The main objectives of the contract are: discover France, its culture, its language, access to information on measures and structures that can help the refugees, and then following a linguistic training course. In the case of non-participation in the training course, the refugee can lose their status.

The pathway is as follows: a medical examination before delivering the residence permit; presentation of the welcoming platform; an individual interview focused on the situation of the migrant (social, occupational and family aspects are investigated) – in cases of need, the refugee can be guided to the social service; an assessment of French language proficiency before following the linguistic training course; and at the end of the training course, a certificate is delivered that can help in looking for a job.

A second course, between one and six hours duration is delivered by OFII for informing on rights and duties, presenting the values of the French republic, organisation and functioning of the French state and local authorities. The course also delivers practical information.

If the refugee is registered as unemployed, they will automatically undergo a skills assessment for which the duration is determined by the OFII counsellor.

The OFII counsellors are able to make the link with the Public Employment Service (PES) (Pôle emploi). The service offered by PES to refugees or asylum seekers is the same as the one offered to the French unemployed people.

It is noteworthy that people who do not have the status of refugee, but are considered as asylum seekers are not able to be registered at PES agencies during the first nine months after application for refugee status. After those nine months, and if the French administration did not answer yet, asylum seekers are able to go the PES agencies to be registered as unemployed.

It must be underlined that there are not dedicated services or PES agencies for unemployed asylum seekers or refugees. The latter are considered like any other unemployed person. It is important to have in mind that everybody living in the French territory must be treated in the same way (cf. the French constitution), which can explain why migrants must not be distinguished from other people.

This existing situation (for a very long time) presents big obstacles for refugees and asylum seekers to access the labour market, for which individual labour market difficulties are not specifically identified and cannot be taken into consideration. For instance, the PES has not implemented any specific measure that could better help refugees who have the right to access to the labour market.

In this context, only NGOs can take a targeted approach to working with refugees and asylum seekers. NGOs can adapt provision to take account of the past of the person. The major NGO for refugees and asylum seekers is '*France terre asile*' (<http://www.france-terre-asile.org>).

⁶ The application decree has not yet been published.

2 How does the support provided to (a) (some) asylum seekers and (b) refugees compare to other categories of migrants (third country nationals)?

The main difference is the signature of a welcoming and integration contract for refugees⁷ (only for them; contracts are not open to asylum seekers) which allow them to access training courses and to different rights (accommodation, health, etc.).

In the field of labour market integration, there is no difference in the support provided to refugees compared to other migrants, and also other French unemployed people.

3 Do (a) asylum seekers, (b) refugees and (c) other third-country migrants have access to other ALMPs such as:

- Hiring subsidies,
- Start-up (self-employment) support
- On-the-job training
- Other labour market integration support?

Refugees have access to the same measures as all French unemployed people.

The status of refugee gives the right to access the same labour market measures as any French unemployed person registered to the PES. But as said before, counsellors at PES do not take into account the specificity of the refugee.

The status of asylum seeker does not give this right. The latter must wait nine months which is the time for the French administration to study the application. At end of the nine months, the French administration can deliver the status of refugee and, in this case, automatically, the person will be able to access the labour market. If the French administration does not react, the asylum seeker can however access the labour market by requesting a work permit from the Prefect (*Prefet*) with the help of an employer. If the asylum seeker obtains a work permit, then they can work, and after four months of being in work they can access PES services for unemployment.

4 What are the concrete obstacles/challenges faced by (a) asylum seekers and (b) refugees in successfully integrating into the labour market?

a) Language barrier

This is certainly the most important barrier.

A 2013 report dedicated to the evaluation of welcoming policies for foreigners⁸ underlined that France is one of the rare countries for which competence in host language is a relatively insignificant goal. In reference to the European framework, for 2014, the French government had foreseen foreigners to take the A1 level after one year and the A2 level after five years.

Publications are rare on the question of how a lack of French language can be an obstacle to accessing the labour market. However, it is for sure that a strong working knowledge of French acts as a stepping stone for future employment. Some studies have underlined that French employers expect higher ability in French (spoken, writing) even in cases of unqualified jobs that do not require technical written skills.

Most refugees and asylum seekers complain about the limited aid given by the French administration to overcome the language barrier. The six-month French courses included in the welcoming and integration contract (WIC) are delivered six-months or one year after recognition of the refugee status. Furthermore, according to most French

⁷ Now replaced by the republic integrating contract.

⁸ Interior Ministry and Ministry of Social Affairs

foreign language teachers, the training courses included in the WIC do not enough prepare for labour market integration (access to level A1 and A2 of the European framework for language). The total training hours delivered is a maximum of 400. But according to all, the level is not sufficient for accessing the labour market.

In the context, refugees and asylum seekers may ask PES for French courses but, in most cases, the latter considers that their French level is enough to find an unqualified job. Their demands are rarely taken into account.

It is noteworthy that the new 'republic integrating contract', introduced by the Law of March 2016, must improve the situation of refugees by delivering more training courses and promoting more competence in French language⁹ in order to obtain the resident permit. The delivery of the latter will be strongly linked to the language training courses.

b) The length of the procedure in case of asylum demand

During the procedure of asylum application, a maximum of nine months, it is not possible for an asylum seeker to work anywhere on the French territory. The procedure length pushes them into compulsory immobility which might be hard to change when the status is obtained and which can weaken professional skills previously acquired.

Also, employers often highlight lack of experience on the French labour market; even the PES pointed out this lack.

c) Proof of the education or the certification obtained

In most cases, refugees have left their country of origin quickly and are not able to prove their skills by presenting a certification while in France. Recruitment is mainly based on diplomas obtained. In this context, the asylum seekers who cannot prove their skills are facing strong difficulties in accessing to the labour market. This question of recognising diploma is a stronger problem for asylum seekers and refugees than for working migrants who are recruited because of their skills.

As a consequence, it is to note that most refugees often obtain under-qualified jobs compared to their skills when integrating into the labour market. Lack of French language can also be an explanation.

d) Weakness of social networks in France

The occupational network or the social network can serve as a solid support for integration on the labour market. It is clear that this is the case for ethnic communities also. But the mobilisation of the network depends upon the conditions of arrival. In most cases, refugees miss contacts and personal networks or occupational opportunities that could help their integration through counselling, support and co-opting for jobs.

e) Last but not least: forbidden access to some jobs

Existing regulated occupations are not accessible for foreigners; they need French nationality or a French diploma.

Occupations needing French, EU or associated nationality are permanent civil servant jobs, except jobs of teachers-researchers owned by the Ministry of higher education, and doctors at hospital which are opened to all nationalities. However, temporary jobs in the civil service are opened to foreigners.

Some occupations related to 'public authority prerogatives' are limited to French nationals like doctors, pharmacists, lawyers, architects, certified accountants, veterinarians, undertakers, cash transport officers, security company officers etc. For instance, it means that a refugee doctor can work in France with the condition that they have succeeded in the *Procédure d'autorisation d'exercice* which means they have: 1) passed a theoretical and practical exam; 2) proved fluency in French, 3) completed three

⁹ A2 will be the level of French language competence needed.

years at hospital under the responsibility of head of unit, and finally 4) received an authorisation.

Occupations linked with state owned monopolies like judicial officer, tobacconist officer, notary and some others are limited to EU nationals and some nationalities in reciprocal arrangements.

Furthermore, around 30 occupations are not accessible in France without a French diploma (like hairdresser, dental surgeon etc.)

In the cultural field, also, it is impossible for foreigners to manage a newspaper, a private school or college, a casino or an entertainment venue.

In 2009 with a recommendation by the French Equal Opportunities and Anti-Discrimination Commission (HALDE¹⁰), the Senate adopted a draft act with the proposition to delete the criteria of nationality for some occupations like doctors, dental surgeons, nurses, pharmacists, architects, certified accountants, veterinarians, and surveyors. The national Assembly refused the proposal in 2010. Since 2010, only eight occupations have been opened up compared to 50 that are closed. The more recent one is the occupation of Notary, opened last June.

Some occupations are closed to foreigners only because jobs need a French diploma. In this context, foreigners need to validate the French diploma before being able to access the job. It is the case for doctors and some others occupations: for instance, only 7 000 foreigners doctors from a total of 200 000 doctors have a foreign Diploma; 750 non-European lawyers from 50 000 and 600 architects from 30 000.

Generally speaking, one-third jobs are closed to foreigners in France, the majority in the civil service.

On the other hand, occupations featuring on the list of jobs opened for non-EU nationals can be easier accessed by refugees and asylum seekers. The list¹¹ modified in 2011 with only 14 occupations accessible without any conditions (against 30 occupations determined in 2008) was refused by the State Council in 2012. The 30 occupations list is still relevant¹². For these 30 occupations, employers can hire foreigners with any condition. Nevertheless, it must be underlined that the list is established at regional level depending on the state of the regional labour market and of the national framework. In this context, a refugee will be able to access a job on the list in some regions only.

Furthermore, the French government has negotiated some specific lists with some states. For instance, in the case of people from Mauritius, 61 occupations are opened.

Finally, to conclude the chapter, it is to note that the report on the evaluation of welcoming policies for foreigners¹³ underlined standardised delivery to foreigners, not well adapted to personal situations, and notably lacking ambition in regard to language training and effectiveness in supporting access to the labour market.

¹⁰ Haute autorité de lutte contre les discriminations

¹¹ Cf. arrêté du 11 août 2011: 14 occupations are accessible to foreigners without any condition.

¹² Decree of January 18 2008 in relation with the delivery, without objection of the employment context, of working permits of non UE nationals.

¹³ Interior Ministry and Ministry of Social Affairs

5 Is there a systematic mentorship scheme in place for (a) asylum seekers and (b) refugees integrating into the labour market (and/or society more generally)?

No mentorship scheme exists, except if an NGO that deals with refugees or asylum seekers proposes it.

6 Are (a) refugees and (b) (if applicable) asylum seekers eligible to receive unemployment benefits or unemployment assistance?¹⁴

Refugee Status gives a large range of rights in France. They automatically have a residence card for 10 years minimum. They can access all kind of jobs except those restricted and only accessible to French people. Also, they can access lodging and get specific support for integrating into the labour market. This support covers dedicated accommodation centres delivering support for economic and social integration: support for accessing social benefits, job search, employment, and finding a sustainable home. To summarise, with the gaining of refugee status, the person has exactly the same rights as a French person. They can access unemployment benefits under the same conditions as French people (i.e. must have a minimum period of work).

If the refugee has never worked in France, so never accumulated rights for obtaining unemployment benefits, they can, however, access active solidarity revenue (RSA) which is a social revenue.

For asylum seekers, this status is very different from those with Refugee status. Asylum seekers in France are candidates who have submitted an application to the OFPRA¹⁵ and are waiting for a final decision from the French administration. In this context, asylum seekers cannot work in France during a period of nine months (before 2015, it was one year). After this period, if the application is not accepted or if there is no answer, asylum seekers can obtain a work authorisation from the Prefect (*Prefet*) (state representative in departments and regions) of their residency. The request for a work authorisation must be formulated by the future employer. This means that they do not get granted a work permit if they do not have an employer ready to employ them, and without the employer asking for them to be allowed to work. Nevertheless, the Prefect can refuse on the grounds of high unemployment in the area, but except if the demand is formulated for a job registered on the list of jobs opened to foreigners.

If the asylum seeker has never worked in France, and has never accumulated rights for obtaining unemployment benefits, they can access a specific benefit called the temporary waiting allocation (ATA¹⁶) during the whole period of waiting for the answer of the French administration regarding status, but only if not in an 'accommodation centre for asylum seekers' (CADA¹⁷). To access to this benefit, the asylum seeker must be registered as unemployed. Places in CADA are funded by the government.

7 In what ways are benefits that are generally received by (a) refugees and (b) by asylum seekers (if applicable), conditional on job search requirements/activation?

Access to social benefits are not conditional on job search requirements/activation. The condition to obtain social benefits is depending on the status (refugee or asylum seeker).

¹⁴ As regards unemployment benefits Dir 2011/98 Art 12 (1) e – obliges MSs to provide equal treatment to all TCNs except asylum seekers and as regards refugees there is also the legal obligation to provide equal treatment under Qualifications Directive 2011/95

¹⁵ Office français de protection des réfugiés et apatrides

¹⁶ Allocation temporaire d'attente

¹⁷ Centre d'accueil des demandeurs d'asile

For refugees, the signature of the welcoming and integrating contract, now replaced by the 'integrating republic contract' opens access to rights and duties. Respecting the terms of the contract (notably following the training courses) determines whether refugees obtain the first renewal of the temporary resident permit, and the first 10 years.

Refugees have the right to access the same social benefits as for French people (family benefit, home benefit and allowance for isolated parent, social benefit etc.).

As Asylum seekers, they can only access benefits depending on their position: if they obtain a place in a CADA which helps them in their administrative action, they have access to a living allowance (EUR 78 to EUR 91 per month); For people who cannot obtain a place in a CADA, the State gives a specific benefit called temporary waiting allocation ATA (EUR 340 per month). Access to the latter is dependent on being registered as unemployed. They can also access health treatment.

Again, there is no difference for the French PES if the unemployed is a refugee or a French national.

8 Does the support provided to the (a) asylum seekers, (b) refugees and (c) other migrants end as soon as they get a job or does it continue for a while during the first phase of their employment? If yes, what support continues?

There is no specific measure dedicated to them for integrating in the labour market. Refugees are able to access measures under ordinary law (i.e. like any unemployed).

Nevertheless, specific support can be delivered by an NGO even for supporting people to access the labour market. Specific support can include support during the first phase of employment.

9 To what extent are social partners systematically involved in (a) labour market integration service provision and/or (b) labour market integration service/policy definition and design?

Most measures are defined and designed under a tripartite agreement signed between the three main actors in the design of employment policies: The State, Pole Emploi (the French PES) and the UNEDIC, an association representing social partners in charge of the management of unemployment insurance. The implementation of the agreement is monitored every year with the publication of an annual report. The ongoing agreement covers the 2015 – 2018 period.

From an operational point of view, the PES is responsible for the implementation of the tripartite agreement. However, social partners through the UNEDIC are the uniquely responsible for the design of the French unemployment insurance (definition of the principle for access). This latter is not included in the tripartite agreement. The tripartite agreement is mainly focused on the design of support to unemployed and the impact on PES organisation and functioning.

If social partners are not involved in the operational part of the tripartite agreement, however, they can design and fund new kinds of support to some groups facing integration difficulties. They intervene under experimental approaches at first. For instance, it was the case a few years ago in the field of youth unemployment with a social partner agreement (7 April 2011). This agreement designed an intensive support dedicated to young unemployed. The results were quite effective. For this reason, the measure –redesigned- is now included in services offered by PES to unemployed. It was also the case in the design of the Securing Professional Contract (in French, *contrat de sécurisation professionnelle*), which was decided under an agreement of May 2011 to replace a previous less effective one. The Securing Professional Contract is an

intensive support for redundant workers in companies of less than 1 000 employees. The kind of support was previously limited to companies of more than 1 000 employees.

In the specific case of asylum seekers and refugees, as there are no specific labour market measures, social partners are not involved.

NGOs, which intervene to welcome refugees and asylum seekers, are funded by the government, and more particularly by CADAs.

10 To what extent is the labour market integration of refugees well-coordinated within the country? Do employment agencies and asylum authorities coordinate?

There is no coordination as far as we know.

It is already an important challenge for French PES and social services, owned by *Conseils Départementaux*, to coordinate interventions for supporting people receiving active solidarity revenue (RSA), even if some progress has been recently made with the launch of the global accompaniment as part as PES offered services. Taking this remark into consideration, it is easily understandable that in the case of refugees or asylum seekers, coordination is totally missing.

The challenge is enormous given the historic separation of social support and support to access the labour market for all people supported by social services, even French people. The coordination has been for a long time mainly under NGOs and integrating associations which have delegation from social services to support people with labour market integration.

The challenge is to address quickly labour market integration support for refugees but also for asylum seekers when they are arriving in France. The more we wait, the more we introduce obstacles for their integration.

Regarding the way we are supporting refugees and asylum seekers in France, it is thus not surprising that French unemployment rate is three-times more for non EU migrants than for natives (21 % against 9 %).

More particularly, it is to note that the most vulnerable migrant group on the French labour market are non-EU migrant women. This is due to:

Precarious working contracts linked to low-qualified jobs (personal care services, domestic worker, cleaners, building workers etc.).

Preferring to withdraw their participation of the labour market due to double discrimination (as foreigners and as women).

Some specific measures must be introduced looking at this particular aspect.

Sources of information

Annual report of France Terre d'Asile 2014

http://www.france-terre-asile.org/images/stories/rapport-activites/7645-FTA_Rapport%202014-version%20electronique.pdf

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Integration on labour market and downgrade of refugees in France between reality and perception – October 2015

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