



The Organisation of Asylum and Migration Policies

Factsheet: France

1. Introduction

This factsheet 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 information provided in the France National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*¹, as at *January 2009*.² The Report was based on desk research: key sources were the General Secretariat for Immigration and Integration of the Ministry of the Interior; the French Office for Immigration and Integration (OFII); the French Office for the Protection of Refugees and Stateless Persons (OFPRA); the French National Institute of Statistics and Economic Studies (INSEE); and the Central Directorate of Border Police (DCPAF).

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

The Inter-Ministerial Committee on Immigration Control (CICI) is chaired by the Prime Minister and made up of representatives from nine other Ministries. CICI sets out policy guidelines in relation to migratory flows and asylum, and approves an annual report to Parliament. The Ministry of the Interior implements migration and asylum policy under Decree N° 2012-771 of 24 May 2012. A Secretary General for Immigration and Integration coordinates the departments in charge of migration, asylum and integration within the Ministry of the Interior. The French Office for Immigration and Integration (OFII), established in 2009, 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 cases. A number of organisations work as partners of the public authorities in handling reception and integration of legally staying foreigners.

2.2 The legal framework

The authoritative text is the Code for Entry and Residence of Foreigners 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 cases is the National Court for Right of Asylum (CNDA). CNDA decisions may be appealed to the Council of State.

3. Development of migration and international protection systems

Major legislative reforms have been implemented in 2011³ including new tools for promoting economic migration, combating irregular migration and strengthening integration policy and access to nationality. Increased focus has further been put on combating irregular migration by reforming procedures for the removal of illegally-staying migrants. Legislative measures aimed at improving the management of asylum applications and the functioning of the CNDA were also introduced in 2011.

¹ Available on the EMN website

² Information on French asylum and migration policies has been updated in September 2012 for the purpose of this Factsheet.

³ The law of 16 June 2011 on immigration, integration and nationality has adapted French legislation to European directives and new challenges to be met in the context of immigration policy.

4. Organisation of policy

4.1 Overview of migration and international protection policy

For entry, all foreign nationals must, as required, provide documents and visas, accommodation certificates (for private visits), documents related to purpose and conditions of stay and return, and documents required to carry out work. Short-stay visas are issued within the framework of the common regulations. Circulation visas are valid for several years, but with a limit of 90 days in a six month period. Long-stay visas are issued mainly for study, family reunification and employment. A long-stay visa equivalent to a residence permit (VLS-TS) was introduced in June 2009.

Applications for international protection are made with State representatives (Prefects), and the applicant receives temporary stay. If an applicant does not have documents to enter, the division of asylum at the border of OFPRA may carry out interviews at the border to decide whether a case can be made.

To settle, a residence permit is required. Generally, temporary residence permits are valid for a maximum of one year, and are renewable. They may be issued for: persons living on their own resources and not taking up work; employment; private and family reasons (issued to persons granted subsidiary protection); study; scientific research; and artistic and cultural activities. In addition, “skills and talents”, “employees on assignment” and “European Blue Card” permits, valid for three years; full residence permits, valid for ten years (issued to recognised refugees); residence permits for Algerian nationals; retired person's permits, valid for ten years; and EU and EEA permits are also available.

The integration policy for all legally resident foreign nationals takes into account various economic, social and cultural aspects. The most important feature is the contract of reception and integration, and there are various employment-oriented initiatives.

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 French nationality, and spouses of French nationals) and by naturalization (by application after a minimum of five years of residence, reduced to two years in certain cases, knowledge of French and "good character").

In principle, foreigners who wish to have paid employment must hold a work authorisation, issued by Regional Directorates for Companies, Competition, Consumption, Work and Employment (DIRECCTE) and a medical certificate issued by the OFII. The various categories of work authorisations include residence documents with permission to work (permanent residence card or temporary residence permit) or provisional work authorisations (APT), which are valid for a maximum period of 12 months. In order to respond to the recruitment needs of certain economic sectors, a list of fourteen shortage occupations, open to third-country nationals, was established in August 2011.

Asylum applicants are not permitted to work. However, if a decision has not been reached within a year, they may apply for a work authorisation.

Various administrative and legal measures set out the conditions for returns, and the police may carry out (escorted) expulsions. There are a number of financial incentive measures to facilitate voluntary return. For those not qualifying for assisted voluntary return, humanitarian assisted return is an option.

4.2 Links with other policies

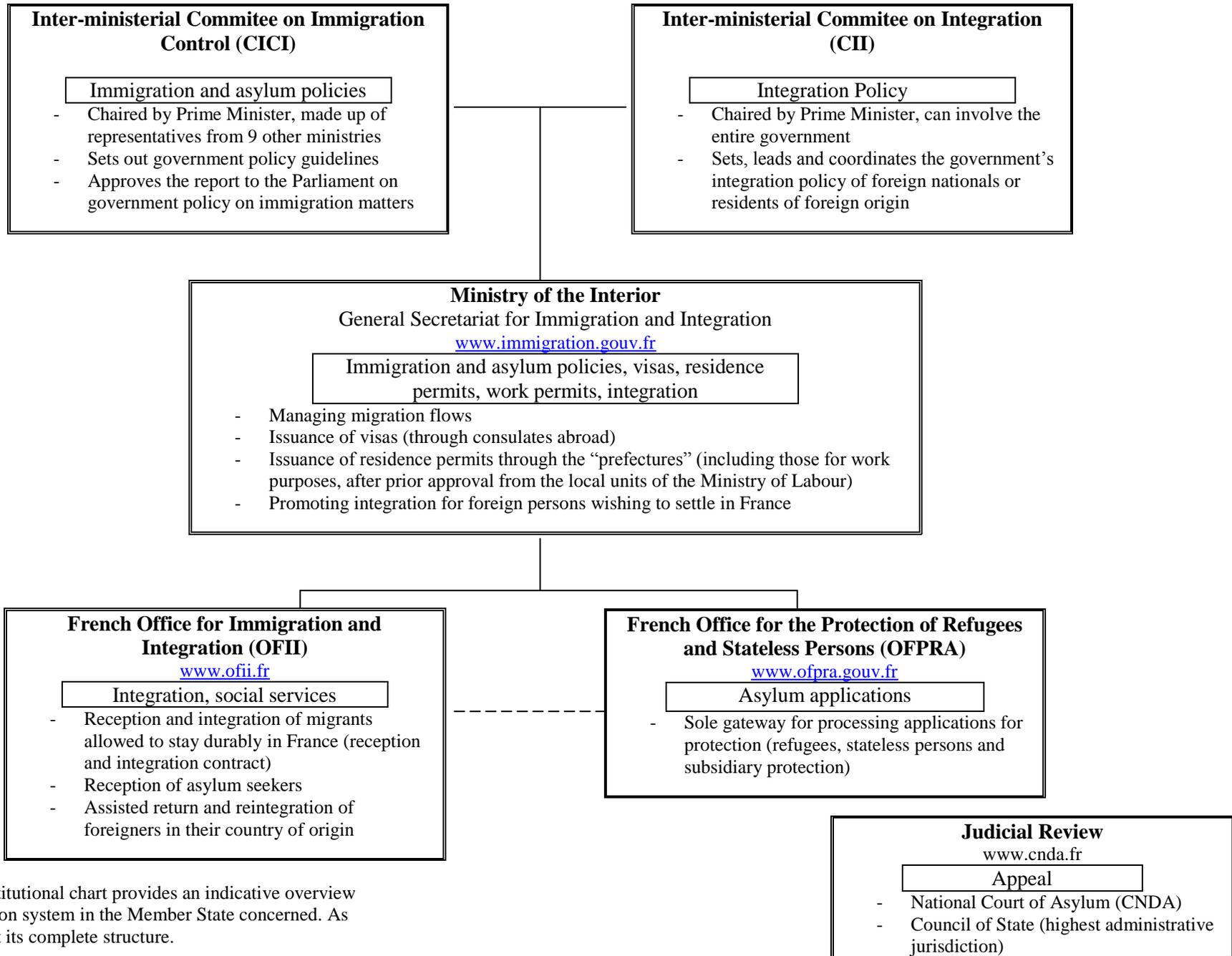
The migration and asylum system is linked in particular to two other policy areas: 1) urban policy, which through actions in disadvantaged neighbourhoods, includes the priority areas of employment, education, public order and safety, and urban renewal; 2) health care policy, where all persons with continuous residence for more than three months are entitled to health care (AME).

5. Analysis of asylum and migration systems

There have been significant changes in recent years with the objective of controlling migratory flows and redirecting them to contribute to the needs of, in particular, the economy. Bilateral agreements with countries of origin have been instrumental to this end. Preferential treatment is given to migration for certain professional purposes, and the number of family reunifications has decreased. In addition, transferable skills, in particular with students, are increasingly promoted. A more pro-active integration policy has been implemented, and integration is seen as a key challenge in the coming years.

FRANCE

Institutional Framework for Immigration and Asylum Policies



* Please note that this institutional chart provides an indicative overview of the asylum and migration system in the Member State concerned. As such, it does not represent its complete structure.