



STUDY 2022

The integration of applicants for international protection in the labour market in France

November 2022

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THE INTEGRATION OF APPLICANTS FOR INTERNATIONAL PROTECTION IN THE LABOUR MARKET IN FRANCE

Study conducted by EMN France

November 2022

Disclaimer:

The information provided by EMN France is considered to be up to date and objective, and thus in accordance with the context and aims of the study. However, this information may not be exhaustive and representative of the overall official policy in France. EMN France shall not be held liable, under any circumstances, for the use which may be made of the information contained in this study.

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List of Acronyms

- ANEF: Digital Administration for Foreign Nationals in France
- CESEDA : Code on Entry and Residence of Foreign Nationals and Right of Asylum
- CNDA: National Court for Right of Asylum
- DIRECCTE: Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment
- DGEF: General Directorate for Foreign Nationals in France
- OFPRA: French Office for the Protection of Refugees and Stateless Persons
- PIAL: Integration Path Through Language Acquisition
- SPADA: Initial Reception Centre for Asylum Seekers

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BACKGROUND FOR THE STUDY

BACKGROUND AND RATIONALE FOR THE STUDY

The study focuses on the integration of applicants for international protection in the labour market.

As stated in the EU Action plan on Integration and Inclusion 2021-2027 “The EU’s work on integration and inclusion is underpinned by a shared set of principles and values, which should also guide the work of EU Member States when they design, implement or review their strategies for integration.”¹ Research has shown that labour market integration is one of the key elements of migrant integration and successful participation in society. For many migrants, building a new life entails the important aspect of finding appropriate work in the host country, because it is related to their economic independence, health and overall wellbeing.²

In the EU, access to the labour market is a shared competence, regulated for different groups under various legislative acts. For applicants of international protection access to the labour market is regulated under Reception Conditions Directive Recast (2013/33/EU).³ The idea of allowing access to the labour market for the applicants of international protection is connected with the aim of promoting the self-sufficiency of applicants even whilst their applications are being processed. This contributes also to having better prospects for eventual integration of those who will ultimately be granted protection.⁴

Hence, access to the labour market with an aim to increase applicants' self-reliance and possible integration prospects is regulated in EU Member States by the Reception Conditions Directive Recast (2013/33/EU) currently in force. However, in terms of practical implementation, EU Member States have considerable flexibility in deciding whether to allow this access once the nine months deadline set as a maximum in the Reception Conditions Directive Recast (2013/33/EU) is reached, directly after the application is lodged, or sometime in between. Although almost all EU Member States give applicants access to the labour market during the asylum procedure, the period after which access to employment is granted, varies considerably from one Member State to another.⁵

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Action plan on Integration and Inclusion 2021-2027, COM(2020) 758 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0758&from=EN>, last accessed on 28 July 2022.

² Dustmann, C., Fasani, F., Frattini, T., Minale, L., Schönberg, U., Sunde, U., and Trigari, A. ‘On the economics and politics of refugee migration’ (2017), *Economic Policy*, 32, p. 497. de Vroome, T., and van Tubergen, F. ‘The employment experience of refugees in the Netherlands’ (2010), 44, p. 376. Ager, A., and Strang, A. ‘Understanding integration: A conceptual framework’ (2008), *Journal of Refugee Studies*, 21, p.166.

³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013, p. 96–116.

⁴ Recital 23 in the Directive 2013/33/EU.

⁵ Please see the results of relevant past ad hoc queries on that topic:

European Migration Network, ‘Ad-Hoc Query on Residence permit and labour market needs’. Requested by COM on 11 December 2020. Link: https://ec.europa.eu/home-affairs/system/files/2021-02/202075_residence_permit_and_labour_market_needs_en.pdf

EU Member States experienced an unprecedented influx of incoming applicants for international protection in the period of 2014-2016,⁶ which, in addition to immense pressure on the asylum systems, also led to changes in the integration programmes and activities offered to applicants for international protection. According to the results of a study carried out by the European Migration Network (EMN) in 2018,⁷ one of the main areas where the changes were detected was access to the labour market, with the study reporting on different measures taken after 2015 to improve such access for applicants of international protection. For example, Belgium reduced the waiting period between the lodging of the application for international protection and access to the labour market from six to four months, while Latvia reduced this period from nine to six months. In Germany, the Integration Act of 6 August 2016 foresaw the creation of 100 000 work opportunities for applicants for international protection to bridge the long waiting period of several months between the lodging of a claim and the decision on the status. Austria and Sweden focussed on better matching of qualifications with employment and, alongside Belgium, introduced measures for a swifter recognition of applicants' qualifications. Belgium offered an alternative to the recognition of a diploma to the applicants for international protection. Namely, they introduced a trajectory which could include, depending on the profession / field of study, participation in a limited number of courses on a related master discipline, attending one or more seminars, practical training sessions, or authoring a paper. With the aim of better matching applicants' qualifications with available jobs, Sweden introduced a fast-track scheme. Finally, Finland piloted a prepaid debit card, to which the employer could transfer the salary, to overcome the obstacle posed by the fact that applicants for international protection were not allowed to open a bank account. Although, the above-mentioned study brought out several changes EU Member States carried out in the period of 2014-2016, an in-depth study for the more recent years is needed to examine further the laws, policies and practices (measures) of the EMN Member States and Observer Countries and developments when it comes to the integration in the labour market of applicants for international protection.

As noted above, the first point of divergence between the EU Member States is *when* labour market access is granted. Further issues relate to variations in the laws, policies and measures which guarantee that this access, when granted, is effective.

Under the expression 'effective access', there are several questions that need to be looked at. As the practical implementation of access to the labour market is under

European Migration Network, 'Ad-Hoc Query on access of international protection applicants to the labour market', Requested by LU EMN NCP on 19th July 2016. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/2016.1091b_lu_access_of_international_protection_applicants_to_the_labour_market.pdf

European Migration Network, 'Ad-Hoc Query on access to the labour market for asylum seekers', Requested by AT EMN NCP on 23rd January 2015. Compilation produced on 3rd June 2015. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/654_emn_ahq_access_to_the_labour_market_for_asylum_seekers_wider_dissemination.pdf

European Migration Network, 'Ad-Hoc Query on the rules of access to labour market for asylum seekers'. Requested by FR EMN NCP on 25th October 2010. Compilation produced on 10th December 2010. Link: https://ec.europa.eu/home-affairs/system/files/2020-09/269_emn_ad-hoc_query_rules_of_access_to_labour_market_for_asylum_seekers_25oct2010_wider_disseminat_en.pdf

⁶ Overall figures of Eurostat show a total of 431 095 first time asylum applicants in 2013 and 626 960 in 2014 in the European Union. In 2015 and 2016 more than 1.2 million first time applicants for international protection were registered.

⁷ European Migration Network, 'Changing Influx of Asylum Seekers 2014-2016', 2018, https://ec.europa.eu/home-affairs/system/files/2020-09/00_eu_changing_influx_study_synthesis_final_en.pdf, last accessed on 28 July 2022.

national laws, questions arise about whether EMN Member States and Observer countries,⁸ for example, use labour market tests, and what kind of impact they have in practice. Another basis for divergence comes from the rights that applicants in different EU Member States are entitled to when accessing the labour market and whether they are guaranteed equal treatment with nationals of the Member State or similar to as other third-country nationals who are working in the European Union (EU) (for example under the Single Permit Directive⁹ or the Seasonal Workers Directive).¹⁰ Another issue which allows divergences between the EMN Member States and would need to be explored further, is whether applicants for international protection are excluded from some specific labour market sectors and, if so, if this is limited in time (for example in some cases for certain seasonal sectors). Another question would be on the rights of the applicants in different EU Member States as regards the length of employment permits and hence, contract duration, equal treatment for freedom of association and affiliation, education and vocational training, the recognition of professional qualifications (including formal qualifications that cannot be documented) and diplomas and social security.

Access to the labour market for the applicants of international protection would need to be in full compliance with labour market standards (such as a minimum wage, working conditions), which should also help to avoid distortions in the labour market. Research suggests that differences between EU Member States' rules on access to the labour market may also create incentives for secondary movements of asylum seekers.¹¹

While several EU Member States do not apply any specific restrictions¹² with regard to the applicants' access to the labour market but as integration measures vary, it is important to have an up-to-date and clearer overview of the ways the integration to the labour market is currently provided and facilitated by the EMN Member States and Observer Countries.

⁸ The EMN National Contact Points (EMN NCPs) coordinate the EMN activities at national level in all EU Member States (except Denmark) and the EMN observers, namely Norway, Georgia and the Republic of Moldova. For more information, please see: https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-members_en , last accessed 14 July 2022.

⁹ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State OJ L 343, 23.12.2011, p. 1–9.

¹⁰ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375–390.

¹¹ European Migration Network, 'EMN Policy brief on migrant's movements through the Mediterranean, 2016, <https://emnbelgium.be/publication/migrants-movements-through-mediterranean-emn-policy-brief-update> . See also: Advisory Committee on Migration Affairs, 'Advisory report: Increasing onward migration of asylum seekers in the EU', 2019, <https://www.adviescommissievoorvreemdelingenzaken.nl/publicaties/publicaties/2019/11/05/increasing-onward-migration-of-asylum-seekers-in-the-eu> , European Parliament, 'Secondary movements of asylum-seekers in the EU asylum system' , 2017, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI\(2017\)608728_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2017/608728/EPRS_BRI(2017)608728_EN.pdf) , Brekke J.P., Brochmann G., 'Stuck in Transit: Secondary Migration of Asylum Seekers in Europe, National Differences, and the Dublin Regulation', (2015), *Journal of Refugee Studies*, 28 (2), p. 145.

¹² Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN>

In a study carried out by the EMN and published in 2019, which explored the labour market integration of third-country nationals in the EU Member States, the following most common obstacles were identified:¹³

- The accreditation of job qualifications/assessment of skills of those arriving from outside the EU;
- Tackling discrimination within recruitment processes and;
- Managing varying levels of language skills in integration measures.

These difficulties were found to be more pronounced when dealing with migrant women or vulnerable groups.¹⁴ It is likely that similar difficulties can come into play when it comes to ensuring effective access to the labour market for applicants of international protection.

The integration of applicants for international protection in the labour market is a topic that has also emerged in the context of discussions on the 2016 Reception Conditions Directive Recast proposal¹⁵ as one where laws and practices differ from one EU Member State to another. In a briefing¹⁶ by the European Parliamentary Research Service (labour market integration of asylum-seekers and refugees) it was brought out that although national asylum rules have become more harmonised when it comes to access to the labour market to the applicants of international protection since 2013, differences in the approach to granting access persist across the EU¹⁷.

STUDY AIMS AND OBJECTIVES

The overall aim of the study is to inform the target audience (e.g. practitioners, policy officers, decision makers at both EU and national level, including the European Commission and the European Union Agency for Asylum (EUAA), academic researchers, civil society organisations and the general public) on the labour market access of applicants for international protection, identifying existing laws, policies and

¹³ European Migration Network, 'EMN Study on Labour Market Integration of Third-Country Nationals in EU Member States', 2019, https://home-affairs.ec.europa.eu/news/emn-study-labour-market-integration-third-country-nationals-eu-member-states-2019-02-14_en, last accessed on 04 August 2022.

¹⁴ This is also confirmed by other studies for example European Commission and Joint Research Centre, 'Gaps in the EU Labour Market Participation Rates: an intersectional assessment of the role of gender and migrant status', 2020, <https://publications.jrc.ec.europa.eu/repository/handle/JRC121425>; EMN Study on Integration of Migrant Women in the EU: Policies and Measures (to be published in June 2022)

¹⁵ Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) COM(2016) 465 final 2016/0222 (COD) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0465&from=EN> (Reception Conditions Directive Recast).

¹⁶ European Parliament, 'Briefing on the labour market integration of asylum-seekers and refugees', 2022, https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690651/EPRS_BRI%282021%29690651_EN.pdf, last accessed on 04 August 2022.

¹⁷ European Migration Network: 'Ad-Hoc Query on Residence permits, borders and working conditions - Gaps in information', Requested by COM on 11 December 2020, https://www.emn.lt/uploads/Products/product_1833/202076_residence_permits_borders_and_working_conditions_gaps_in_information.pdf; 'Ad-Hoc Query on residence permits and labour market needs' from 11 December 2020 (not published); Ad-Hoc Query on Labour market integration policies aimed at third-country nationals - update', Requested by Adolfo Sommarribas on 10 May 2020, https://www.emnetherlands.nl/sites/default/files/2020-10/%5bWIDER%20COMPILATION%5d%20labour_market_integration_policies_aimed_at_third-country_nationals_-_update.pdf; 'Ad-Hoc Query 2019.5 on Right to work for asylum seekers', Requested by Simon Woollaccott on 16 January 2019, <https://www.emnetherlands.nl/sites/default/files/2019-09/2019%205%20Right%20to%20work%20for%20asylum%20seekers.pdf>

measures regarding the labour market integration of applicants, good practices and challenges in the period of January 2017- June 2022.

The study's main objectives are:

- To map current national legal and policy frameworks in the EMN Member States and Observer Countries as regards providing access to the labour market for international protection applicants.¹⁸
- To map current national measures¹⁹ in the EMN Member States and Observer Countries as regards supporting effective access to the labour market for international protection applicants, and potential obstacles that hinder access.
- To identify the key actors, including where relevant on the local and regional level in the EMN Member States and Observer Countries, responsible/involved in the design and implementation of support measures aimed at facilitating the labour market integration of international protection applicants.
- To provide examples of good practices and challenges from EMN Member States and Observer Countries on the measures adopted at national level, but also, where applicable, at the regional or local levels, to facilitate access to the labour market for applicants of international protection.

SCOPE OF THE STUDY

This study addresses third country nationals that have applied for international protection in the EMN Member States and Observer Countries and would benefit from the access to the labour market in the meaning of Article 15 of the Directive Reception Conditions Directive Recast (2013/33/EU) currently in force in the EU or in the meaning of any other equivalent national act that regulates access to the labour market for the international protection applicants.

The reporting period for this study ranges from 2017 to 2022, depending on the area of analysis (i.e. data, policies, laws, measures):

- Data: 2017–June 2022
- Policies/laws: As of August/September/October 2022
- Measures: As of August/September/October 2022

This period covers years after the high migration flows seen in 2015-2016 and after the Reception Conditions Directive Recast proposal by the European Commission. In addition, this period will give an overview of the most recent changes in the EMN Member States and Observer Countries' laws, policies and practices as regards facilitating access to the labour market.

This study will present and compare laws, policies and measures for labour market integration for applicants of international protection in EMN Member and Observer

¹⁸ Taking into account what is foreseen in the Article 15 of the Reception Conditions Directive Recast (2013/33/EU).

¹⁹ EMN definition of 'measures' includes systematic initiatives (multi-year / long term), projects (ad-hoc) and legislative (structural) measures that are used to implement the integration policies (including those funded by governments but implemented by NGOs on behalf of the governments).

Countries, discuss relevant evidence on the ways integration to the labour market is provided and draw good practices and challenges.

EU LEGAL AND POLICY CONTEXT

According to article 78 the Treaty of the Functioning of the EU (EUTF)²⁰ the EU shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement*. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties. According to the second paragraph of the same article, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising standards concerning the conditions for the reception of applicants for asylum or subsidiary protection. With this aim in mind and in order to promote the self-sufficiency of applicants and to limit wide discrepancies between EU Member States, the Reception Conditions Directive Recast (2013/33/EU)²¹ provides for rules on the applicants' access to the labour market. According to article 2 of the Reception Conditions Directive EU Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national law, while ensuring that applicants have effective access to the labour market.

According to article 15 in the current Reception Conditions Directive Recast (2013/33/EU) EU Member States shall ensure that applicants have access to the labour market no later than nine months from the date when the application for international protection was lodged, if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

According to the Reception Conditions Directive Recast (2013/33/EU) article 15(2), EU Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national law, while ensuring that applicants have *effective access* to the labour market. When it comes to ensuring access to the labour market to the applicants of international protection, for reasons of labour market policies, EU Member States may give priority to EU citizens and nationals of State parties to the Agreement on the European Economic Area (EAA), and to legally resident third-country nationals. According to Article 15(3) of the same Directive access to the labour market for applicants of international protection shall not be withdrawn during appeals procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.

In the Reception Condition Directive Recast proposal COM(2016) 465 final, the European Commission has proposed to further reduce the time-limit for access to the labour market from no later than nine months to no later than six months from the lodging of the application. In the same proposal, EU Member States were also encouraged to grant access to the labour market no later than three months from the lodging of the application where the application is likely to be well-founded.

²⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN>

²¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) OJ L 180, 29.6.2013

Other relevant policy instruments include:

- The Pact on Migration and Asylum,²² that was proposed by the European Commission on 23 September 2020, but which also includes proposals by the Commission from 2016. With the Pact, the Commission is proposing a fresh start on migration, bringing together policy in the areas of migration, asylum, integration and border management. From 2016, among others a proposal for the Reception Conditions Directive Recast (2013/33/EU) was kept, which regulates the access to the labour market.
- EU Action plan on Integration and Inclusion 2021-2027²³ promotes an integrated approach to migrants' inclusion and aims to create close synergies with existing and upcoming EU strategies to foster equality and social cohesion to ensure everyone is fully included and participates in European societies.
- EU Anti-racism Action Plan 2020-2025,²⁴ which was published on 18 September 2020 by the European Commission to step up action against racism in the EU.

²² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM/2020/609 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0609>

²³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Action plan on Integration and Inclusion 2021-2027, COM/2020/758 final, EUR-Lex - 52020DC0758 - EN - EUR-Lex (europa.eu).

²⁴ European Commission, EU Anti-racism Action Plan 2020-2025, [EU Anti-racism Action Plan 2020-2025 | European Commission \(europa.eu\)](#), last accessed on 04 August 2022.

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NATIONAL CONTRIBUTION FROM FRANCE

Disclaimer: The following information has been provided primarily for the purpose of contributing to this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet

The **first section** provides an overview of the main trends (number of applications for international protection, age, sex, nationality) in international protection applicants in France for the period January 2017-June 2022, as well as the available statistics on applications to access employment. This section also presents the main public and policy debates regarding the integration of applicants for international protection into the labour market.

Section 2 then describes France's organisational approach towards labour-market integration policy and analyses how applicants for international protection are addressed in national labour market integration policies. The legislative amendments are also considered in this section, notably with regard to the labour market access of asylum seekers.

Section 3 focuses on the procedures required for the access of international protection applicants to the labour market in France by presenting the conditions for access to the labour market and those required to obtain a work permit.

Section 4 presents the support measures targeting international protection applicants to enhance labour market integration.

SECTION 1: INTEGRATION OF APPLICANTS FOR INTERNATIONAL PROTECTION – DATA AND DEBATES

This section aims to provide an overview of the main trends with regard to international protection applicants, as well as present information on public debates (if any).

Q1. Please provide an overview of the main trends (number of applications for international protection, age, sex, citizenship) in international protection applicants in your country in the period January 2017-June 2022 as extracted from Eurostat and included in the statistical Annex.

In 2017, France recorded 99 330 asylum applications, with 137 665 in 2018, 151 070 in 2019, then a decrease to 93 200 in 2020 due to the Covid-19 pandemic. In 2021, the number of asylum applications reached 120 685 (for all applications, including initial applications and reassessments). Over the five year period, women represented between 28 and 35% of the applications. Over the five reference years, between 47 and 55% of asylum applicants (for all applications) were aged between 18 and 34 years and between 16 and 20% were between 35 to 64 years. Thus, a majority of the asylum seekers located in France are of working age.

These same trends can be found for the first six months of 2022. However, in 2022, 24% of the asylum applicants are aged under 16 years.

The first five nationalities of asylum seekers in 2022 are: Afghanistan (12% of applications), Bangladesh (7%), Turkey (6%), Georgia (6%) and Guinea (5%).

Over the 2017 – 2021 period, Afghanistan, Albania, Guinea, Côte d’Ivoire, and Bangladesh are the five main countries of origin for international protection applicants. (Source: Eurostat)²⁵

Q2. Is the labour market situation²⁶ of international protection applicants monitored with official data (gathered by the authorities and reliable)? If so, please provide an overview in terms of indicators that are used in your country, focus on specific groups, data collection intervals etc.

The collection of data on international protection applicants’ access to the labour market was recently reorganised.

Before April 2021, the data was not consolidated at the national level: work permit applications were processed by the foreign workforce services at the Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment (*Direction Régionale des Entreprises, de la Concurrence, de la Consommation, du Travail et de l’Emploi - DIRECCTE*) which did not keep statistics on work permits by reason for residence.

An information report in September 2020 on the professional integration of asylum applicants and refugees indicated that “in 2017, less than 1 000 work permits were issued to asylum applicants whereas the French Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides - OFPRA*) recorded 100 755 asylum applications the same year”²⁷.

Since 1 April 2021, the prefectures have been competent for processing work permit applications. Data is collected via inter-regional platforms, as the administration of these

²⁵ Eurostat, applicants and initial applicants for asylum – annual aggregated data, last updated on 21 November 2022, <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=fr>

²⁶ For example: participation rates/unemployment rates of applicants for international protection.

²⁷ French National Assembly, Jean-Noël Barrot, Stella Dupont, Information report on the professional integration of asylum seekers and refugees, page 7, https://www.assemblee-nationale.fr/dyn/15/rapports/cion_fin/I15b3357_rapport-information.pdf

applications is decentralised through seven platforms. Data is collected via IMMI PRO, the filing and processing information system for work permit applications by foreign nationals. This system is developed by the Digital Administration for Foreign Nationals in France (*Administration Numérique pour les Étrangers en France* - ANEF) programme and is part of the gradual dematerialisation of all administrative procedures for foreign nationals in France.

Q3. Are statistics available on applications/grants/refusals of the applications to access the labour market/self-employment as well as the employment rates of applicants for international protection? Yes/No

If yes, then please provide the totals per year in the period 2017-2022.

Between 6 April and December 2021 (nine months), 3 728 work permit applications for salaried work were filed: 1 460 were accepted (39%), 385 were refused (10%) out of a total of 95 825 asylum applications filed (all applications) for the full year.

Between 1 January and 14 September 2022 (8.5 months), 2 798 applications were filed: 965 were accepted (34%), 503 were refused (18%) given that a total of 54 410 asylum applications were filed for the first six months of the year.

Data for the employment rates of applicants for international protection are not available.²⁸

Q4. What are the main public and policy debates regarding applicants for international protection's labour market integration (e.g. time frame for access, opportunities and challenges)?

The integration of international protection applicants to the labour market has been subject to several debates over the last few years.

The law of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration has enabled a reduction of the time frame for access to the employment market for international protection applicants.

The information report on the professional integration of asylum seekers and refugees filed on 23 September 2020 at the French National Assembly by the rapporteurs, Mr Barrot and Ms Dupont, highlighted several points that adversely affect the situation of applicants for international protection, notably:

- The six-month threshold is still a barrier for entry to the employment market, although it has been lowered;
- The two-month time frame for processing work authorisations is neither suited to the needs of employers nor to those of the applicants;
- The fact that applicants for international protection encounter difficulties in registering with *Pôle emploi* (job centre) and that they are not authorised to receive return-to-work benefits;
- The very limited access to initial and vocational training.

According to the report, some defenders of the rights of international protection applicants are in favour of providing more flexibility in the professional integration of applicants for international protection to facilitate over the long term their integration into French society. The processing time for the asylum request is often considered to be too long, and some actors feel that it is important to use the period positively by allowing the foreign nationals to prepare their possible future integration into French society. Similarly, a faster entry to the labour market would reduce public spending and participate in covering the financial expenses for this group.

Others, on the other hand, are not in favour of allowing international protection applicants to enhance their professional skills and learn the language, and so begin their professional integration path, when they could have their applications rejected and return to their countries

²⁸ DGEF, IMMI PRO system.

of origin. Similarly, some refuse to give them access to the labour market during the procedure to avoid a potential “pull factor” (for economic migrants who would divert the asylum procedure).

Proposals for making access to the labour market for these people more flexible exist:

- Within the framework of the Covid-19 pandemic, in May 2020, during the discussion of the draft law on various urgent provisions to deal with the consequences of the Covid-19 pandemic, several parliamentary amendments to temporarily promote the employment of asylum seekers to meet the lack of seasonal agricultural workforce were filed, but rejected.
- Mr Barrot and Ms Dupont recommend a differentiated approach to international protection applicants according to their country of origin. Several proposals were made to facilitate access to the labour market for certain nationalities for which the applications are very likely to be accepted.

SECTION 2: INTEGRATION POLICIES IN THE EMN MEMBER AND OBSERVER COUNTRIES

This part of the study describes the Member State's organisational approach towards labour-market integration policy and analyses how applicants of international protection are addressed in national labour market integration policies for third-country nationals.

Q5. Does your state have a specific policy/ strategy to support the labour market integration of third-country nationals? Yes/No^{29 30}

France has implemented a proactive policy for access to the labour market for foreign workers with significant financial means and skills. However, the conditions for access to the employment market for international protection applicants are more restrictive.

Foreign workers benefit from language and civic training and personalised integration paths with an assessment of their needs in terms of professional integration, which applicants for international protection cannot benefit from (with the exception of language training which is provided according to their level of French). International protection applicants that benefit from support in Initial Reception Centre for Asylum Seekers (*Structure du Premier Accueil des Demandeurs d'Asile - SPADA*) and for whom the language skills are lower than level A1 are directed towards associative partners that provide French as a Foreign Language (FLE) lessons.

One of the reasons for these restrictions is that applicants for international protection, who benefit from material reception conditions during the asylum procedure, are not entitled to benefit from integration policies until a positive decision has been taken on their application.

- a. if yes, does it encompass applicants of international protection? Yes/No
 - i. if yes, please provide a brief outline of the strategy / policy in place in your country to integrate applicants of international protection into the labour market.
 - ii. if no, please answer question 5b below
- b. if no, how is the labour market integration of applicants for international protection addressed? Is there a mainstreaming labour market integration approach applicable? Yes/No
 - i. if no, please provide a reason, if available, and describe briefly how international protection applicants are treated in practice with regard to labour market integration.

Labour market access for applicants for international protection comes under a specific legal framework. Applicants for international protection have access to the employment market after a certain processing time for their asylum applications (six months). Only access to salaried work is authorised.

However, France is planning to change its legislation to allow faster access to employment for applicants of nationalities with a high recognition rate.

Q6. Have there been any major changes in the strategy/policy to support the labour market integration of third-country nationals within the temporal scope of the study (January 2017 – June 2022)? Yes/No

²⁹ Please note that measures aimed at supporting labour market integration of applicants are discussed in section 4.

³⁰ Please note that regional/local level strategies/policies should be reported only if national is not available.

- a. If yes, please explain briefly the content, including what was the driver and objective for these changes?

Until 2018, French law provided for a nine-month period, as provided in the European texts (Directive 2013/33/EU, known as the "Reception" Directive), but this time frame was reduced to six months by the law of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration³¹. This reduction in the threshold for access to the labour market met a strong desire by parliamentary members to promote and open more widely access to the labour market for this group.

Two amendments were introduced by article 49 (1°) of the law of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration:

- the waiting time before being able to file a request for a work permit was reduced from nine to six months;
- the absence of a response within two months from the administrative authorities responsible for processing a work permit request is considered to be an acceptance.

Since 2018, the conditions for access to initial training have also been made more flexible. In application of an interministerial instruction, third-country national asylum seekers aged under 26 years are now eligible for the Integration Path Through Language Acquisition (*Parcours d'intégration par l'acquisition de la langue - PIAL*) if they have not received a response from the OFPRA within six months after first filing their application³².

- Q7. Are specific governance structures in place to support the labour market integration of international protection applicants? If yes, please provide an organigram or overview of the institutional framework for developing and implementing relevant strategy/policies/measures on the labour market integration of applicants for international protection.
- a. describe the key stakeholders and their role (government departments, public authorities, trade unions, employers' associations, NGOs, others?)
 - b. indicate the responsibilities of the different key actors, noting whether their role is specific to international protection applicants or more general.

Include national / regional /local structures where relevant.

No

The common law provisions apply.

³¹ Law n° 2018-778 of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration, <https://www.legifrance.gouv.fr/loda/id/JORFTEXT000037381808/>

³² French National Assembly, Jean-Noël Barrot, Stella Dupont, Information report on the professional integration of asylum seekers and refugees, page 28-29, https://www.assemblee-nationale.fr/dyn/15/rapports/cion_fin/l15b3357_rapport-information.pdf

SECTION 3: ACCESSING THE LABOUR MARKET (EMPLOYMENT AND SELF-EMPLOYMENT)

This part of the study describes how applicants of international protection can access the Member States' and Observer Countries' labour markets as well as enter self-employment.

3.1. Procedures for accessing the labour market

- Q8. Please describe the procedure required to enter the labour market/self-employment for an applicant for international protection in your state.
- a. Does your state regulate differently access to employment or self-employment?

Applicants for international protection have access to salaried work subject to certain conditions, but they cannot exercise a self-employed activity.

- b. Please provide in your response an overview of the applicable legal framework and make a clear distinction between what is prescribed in laws, policy documents and practice.

In France, access to the employment market for international protection applicants is governed by the articles L. 554-1 et seq. of the CESEDA.

Article L. 554-1 of the CESEDA provides that "access to the labour market may be authorised for asylum seekers when the OFPRA, for reasons not attributable to the applicant, has not ruled on the asylum application within six months after the request has been filed".

By decisions no. 450285, 450288 of 24 February 2022, the Council of State partially cancelled this article for international protection applicants under the Dublin procedure as it excludes asylum seekers subject to a transfer decision in application of the ruling (EU) n° 604/2013 from access to the labour market.

A study is currently ongoing to adapt the positive right to this jurisprudence and integrate people under the Dublin procedure into the procedure.

However, article L.554-1 of the CESEDA continues to apply to the other applicants for international protection.

Applicants for international protection are subject to the **common law rules for foreign workers** for the issue of a temporary work permit, i.e. the situation of the labour market (with the exception of occupations under tension listed by the decision of 1 April 2021), compensation conditions and work in compliance with the regulations.

3.1.1. Employment (if the access is regulated differently for employment and self-employment)

Q9. What is the minimum period from lodging an application for international protection after which an applicant has access to the labour market?³³

Article L. 554-1 of the CESEDA provides that "access to the labour market may be authorised for the asylum seeker when the OFPRA, for reasons not attributable to the asylum seeker, has not ruled on the asylum application within six months after the request has been filed".

The **common law rules** provided **for the issue of a work permit** apply. The competent prefecture for the address of residence has a **processing time frame of two months** from the receipt of the application to ensure that the hiring of the foreign national meets the common law conditions for access to the labour market (compliance with labour regulations, opposability of the employment situation, except for occupations under tension, compliance with the minimum wage conditions and working time, etc.). If this notification is not made within this time frame, the permit is considered to have been acquired for the duration of the international protection applicant's right to residence.

Q10. Please describe the reasoning related to the minimum period of accessing the labour market and conditions of access to the labour market/self-employment.

According to Ms Dupont, rapporteur for the information report to the National Assembly of September 2020, "this reduction in the threshold of access to the labour market meets a strong desire by parliamentary members, (...), to promote and open more widely access to the labour market for this group".³⁴

In addition, this time frame is consistent with the six-month time frame for processing the asylum application that the OPFRA must comply with, as provided by article R. 531-6 of the CESEDA (transposing article 31, paragraph 3, of the "Procedures" directive 2013/32/EU).

Q11. Is the right to access the labour market automatic after a specified period?
Yes/No

A work permit request must be filed and processed by the prefecture which checks the applicant's conditions of employment and compensation as well as the labour market situation in the occupation and region concerned. The work permit must be requested before the OFPRA has notified the decision on the asylum application.

See Q9.

Q12. What kind of documents are necessary in order to access the labour market?³⁵

³³ According to the Reception Conditions Directive Recast (2013/33/EU) article 15(1) Member States shall ensure that applicants have access to the labour market no later than nine months from the date when the application for international protection was lodged if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

³⁴ Stella Dupont, Access to the labour market for asylum seekers and refugees in France : different rights and a deficient application (L'accès au marché du travail pour les demandeurs d'asile et les réfugiés en France : des droits différents et une application lacunaire), Annales des Mines - Réalités industrielles, 2021/2 May 2021, pages 20 à 23, <https://www.cairn.info/revue-realites-industrielles-2021-2-page-20.htm>

³⁵ According to Reception Conditions Directive Recast (2013/33/EU) article 6, Member States shall ensure applicants have a document that proves they are applicant.

The articles R. 5223-1 et seq. of the Labour Code apply for work permit applications for international protection applicants in the same way as for all foreign workers. Common law applies.

For the work permit request, the asylum application certificate is required. A promise of employment or a work contract indicating the working time and compensation must also be provided.³⁶

- Q13. Is a work permit or another type of administrative application/decision necessary for accessing the labour market? Yes/No
- a. if yes, please specify:
 - i. who is required to submit the application, the applicant/employer/jointly by both?

Article R.5222-1 of the Labour Code provides that the work permit application must be made by the **employer**. The application may also be filed by a person approved for this purpose through a written mandate from the employer or company.

- ii. which authority is responsible for granting access to the labour market?

According to article R.5221-15 of the Labour Code, the competent authority for labour and employment is the **prefect of the place of residence**.³⁷ The prefect issues work permits to third-country nationals including international protection applicants.

Article R.2221-18 of the Labour Code stipulates that the prefect must send the work permit for contracts with a duration exceeding three months or seasonal employment contracts to the French Office for Immigration and Integration (OFII) that is competent for the employer tax.

- iii. what are the criteria for obtaining the work permit?

The Labour Code provides for the following criteria:

(1) Opposability of the employment situation: The work permit may be refused in view of the **employment situation** in the region, or the sector concerned (unless the person applies for employment indicated on one of the lists of occupations characterised by established recruitment difficulties). This principle of **opposability of the employment situation** concerns all third-country nationals (except for specific statuses). Article R.5221-20 of the Labour Code provides, with regard to the employment proposed, therefore, that the work permit is granted when:

- **This employment comes under the list of occupations under tension** provided by article L.421-4 of the CESEDA and established by a joint decision of the Minister for Labour and the Minister for Immigration;

- **Or the offer for this employment was previously published for three weeks** with public employment service organisations and was not satisfied by any candidate applications meeting the characteristics of the work position offered.

³⁶ Ministry of the Interior, Access for asylum seekers to the labour market, <https://www.demarches.interieur.gouv.fr/particuliers/acces-travail-demandeur-asile>

³⁷ Before 1 January 2021, the work permit application had to be filed with the foreign workforce department of the Regional Directorate for Enterprise, Competition, Consumer Affairs, Labour and Employment (Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi - DIRECCTE).

(2) The compensation offered must be at least equal to the statutory minimum wage (SMIC) or the minimum wage provided by the collective agreement (even for part-time employment).

(3) Compliance by the employer (and/or user and/or receiving company) of the legislation on work and social protection. In the event of a violation, the work permit is refused (for example: undeclared work, non-payment of social contributions).

- iv. what is the average duration of the procedure to grant access to the labour market? If applicable, please also add any official time limits according to law/policy.

Since the start of the teleservice (April 2021), 7 307 work permit applications have been filed, of which 7 053 have been completed. For 2022, 3 579 work permit applications have been recorded.

Today, the average duration of the procedure for a completed work permit applications is 12.5 days compared to 16.7 days for all work permit applications. The closure rate for completed applications is 45.5% (irrelevant or incomplete applications).

The refusal rate among completed applications is 15.5% (applications that do not meet criteria eligible for an appeal).

3.1.2. Self-employment (if the access is regulated differently for employment and self-employment)

Q14. Is self-employment of international protection applicants permitted in your state? Yes/No

a. if yes:

- i. what is the minimum period from lodging an international protection application after which an applicant has access to self-employment?
- ii. which authority is responsible for granting access to self-employment?

3.2. Conditions and limitations in accessing the labour market

Please provide a reference to the legal base (where relevant, linking it to what is described in Q8, if applicable, and make a clear distinction between what is prescribed in laws, policy guidance and practice).

Q15. If applicable, please describe the period of validity and conditions of the authorisation to access the labour market/self-employment.

The work permit is valid for the period of the work contract and the asylum application certificate. Renewal of the work permit may be requested during the second month prior to its expiry.³⁸

Asylum seekers who have obtained the right to work before the OFPRA's refusal decision retain this right to work if they appeal before the National Court for Right of Asylum (*Cour nationale du droit d'asile* - CNDA). During the appeal procedure before the CNDA, the asylum application certificate is renewed, until the CNDA's decision is notified.

³⁸ Article R.5221-32 of the Labour Code.

If the applicants for international protection has not requested or not obtained a work permit during the procedure before the OFPRA, if the asylum application is rejected, the person can no longer request a work permit during the procedure before the CNDA.

Q16. Is the authorisation limited to certain employment sectors or occupations? In other words, are applicants for international protection excluded from some labour market sectors or from certain occupations? Yes/No.

If yes, from which ones?

No, all professional sectors and occupations are accessible, with the exception of the regulated occupations subject to conditions of citizenship or diploma. Seasonal contracts are authorised.

Access to occupations under tension is subject to the same conditions as foreign workers with the waiver of the opposability of the employment situation.

However, applicants for international protection, in the same way as foreign workers (whatever their status) are not authorised to request a first work permit in France for a contract to promote employment (**apprenticeship contract, single integration contract, professionalisation contract**)³⁹.

Applicants for international protection may benefit from vocational training actions, i.e. training actions, skills assessments and actions to validate their professional experience or training actions through apprenticeships⁴⁰. They may only benefit from unemployment benefits if the work contract is terminated for a reason not attributable to them or after the end of a fixed-term or temporary work contract.

However, in practice, few people benefit as the work contracts are often short (within the duration of the authorised period of residence, i.e. a renewable six month period).

Q17. Is employment restricted to a single employer?

No, several work permits are possible up to the maximum authorised working time.

Q18. If applicable, please describe the conditions and procedures of the renewal of the authorisation to access the labour market. Are they the same for all employment sectors and occupations?

Article R.5221-32 of the Labour Code provides that the request for the renewal of the work permit should be filed during the second month prior to its end of validity.

The renewal request must be supported by the asylum application certificate, documents proving the residence of the applicant and compliance with working conditions and compensation under which the previous work permit was issued, along with the new work contract.

The work permit is renewed for the period of the **asylum application and work contract**.

Article R.5221-34 of the CESEDA adds that this renewal may be refused in two cases:

- The foreign national does not understand the terms of the work permit that they benefit from;
- The employer does not understand the conditions defined in 2°, 3° and 4° of the article R.5221-20 of the Labour Code, i.e.:
 - o the opposability of the employment situation;

³⁹ Service public, https://www.service-public.fr/particuliers/vosdroits/F35480/4_19_1?idFicheParent=F22782#4_19_1

⁴⁰ Article L. 6313-1 of the Labour Code.

- the wage proposed must be at least equal to the SMIC;
- the employer must comply with the legislation on work and social protection.

For more details on the conditions, see Q.13.

- Q19. Does your Member State give priority to EU and EEA citizens (Art. 15/2 clause 2 of the Reception Conditions Directive Recast (2013/33/EU)) and to other legally resident third-country nationals in accessing the labour market? Yes/No
- a. if yes, please specify how priority is given in law/policy and in practice (labour market test, minimum share of employment by EU/EEA nationals, occupations lists etc.)?

Priority is given to EU and European Economic Area (EEA) citizens as, in accordance with article R.5221-2, paragraph 1 of the Labour Code, they do not require a work permit in order to access the labour market. They may look for and occupy employment freely, under the same conditions as French citizens.

Similarly, several categories of foreign workers are exempt from work permits, in application of the provisions regulating the reason for their stay in France⁴¹ or exempt from the opposability of the employment situation⁴². Applicants for international protection must, therefore, request a work permit which **may be refused** in view of the **employment situation** in the region, or in the sector concerned (unless the person applies for employment indicated on one of the lists of occupations characterised by established recruitment difficulties). This principle of **opposability of the employment situation** (for the conditions of opposability of the employment situation see Q. 13 a. iii.) applies to all third-country nationals with the exception of certain statuses that are not subject to this principle due to specific profiles (talent passport, interns, etc.).

- Q20. Are there any other limitations in place, either in law or in specific measures relating to applicants of international protection for accessing labour market / self-employment?

⁴¹ Articles R. 5221-2 and D. 5221-2-1 of the Labour Code.

⁴² Article R. 5221-21 of the Labour Code.

SECTION 4: SUPPORT MEASURES TO ENHANCE LABOUR MARKET INTEGRATION AND SELF-EMPLOYMENT

This part of the study looks at examples of labour market integration measures targeting applicants of international protection.

Please indicate (where applicable) in the table below the main policy or legislative measures,⁴³ and their rationale and aims, that make up your policy / strategy (according to answer to Q5 above) to support the labour market integration/self-employment of applicants for international protection, by integration area. Please focus on measures that specifically aim at facilitating labour market access for the international protection applicants.

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
1. Language acquisition		Applicants for international protection supported in a SPADA for which the language level is lower than A1 can benefit from French as a Foreign Language (FLE) lessons.	
2. Vocational education and training (including reskilling schemes)	According to article L. 6313-1 of the Labour Code, vocational training includes four categories of training actions: - training actions ; - skills assessments;		When the applicant for international protection accesses the labour market, they benefit from continuous vocational training actions (article L. 554-1 to L. 554-4 of the CESEDA).

⁴³ Please make sure legislative and policy actions are distinguished from each other.

Area/component	Overview of the main measures	Stakeholders	Target group
	Please describe the rationale, scope and aim under each area. - actions to validate experience or training actions through apprenticeships.	Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
3. Civic integration courses	No		
4. Support for recognition of diplomas, certificates and other evidence of formal qualifications including those formal qualifications that cannot be documented (lost or destroyed in the context of existing procedures for recognition of foreign qualifications) Please note in the overview column if the procedure is a general one or specific to international protection applicants.	YES The ENIC-NARIC France centre is the information centre for the academic recognition of foreign diplomas. Its task is to facilitate international mobility by recognising foreign diplomas. In this respect, one of its main tasks is to assess foreign diplomas and issue comparability certificates and certificates recognising studies and/or training ⁴⁴ .		The procedure is general and also applies to asylum seekers.
5. Skill assessments to validate prior (non-accredited) learning and experience	No		

⁴⁴ France Education Internationale, ENIC-NARIC France Centre, <https://www.france-education-international.fr/expertises/en/enic-naric>

Area/component	Overview of the main measures Please describe the rationale, scope and aim under each area.	Stakeholders Please describe the stakeholders involved, where applicable at state, regional and local level (public authorities, trade unions, employers' associations, NGOs, others?)	Target group Please indicate whether the measures address applicants for international protection in general or particular categories of applicants for international protection (e.g. women or minors of working age)?
6. Information and counselling (labour market orientation, tailored advice, other)	No		
7. Incentive measures for employers (e.g. tax reductions, labour matching services, recruitment support)	No		
8. Support for self-employment (for example preferential taxation and social security contributions, administrative support with establishing a company etc., business plan development, other). Please note in the overview column if the support differs from the regular support to self-employment available to national population, EU citizens or other third-country nationals.	No		
9. Indirect support (e.g. childcare, transport)	No		

SECTION 5: GOOD PRACTICES AND CHALLENGES

What integration support programmes, projects, legislative or other practical initiatives are available that specifically facilitate effective access to the labour market for applicants of international protection and have been identified by experts as a "good practice" in accordance with the definition provided in paragraph 3 "Scope of the study"? Please provide up to three examples (see the templates below and please adjust accordingly).

Measure 1	
Overview	
Name	<i>Please insert name of the measure here.</i>
Type	<i>Choose from drop down menu here</i>
Area	<i>Choose from drop down menu here</i>
Access	Please describe who has access to the measure, i.e. all applicants for international protection or particular categories
Target group	<input type="checkbox"/> Tailor-made labour market integration measure (only applicants for international protection) <input type="checkbox"/> Mainstream labour market integration measure (for all) If the measure is for all, please describe how applicants for international protection benefit
Coverage	<i>Choose an item.</i> <i>If "other", please add further information here</i>
Link	<i>Please provide hyperlink to source/project here, if available</i>
Source and justification	Please indicate the source/who proposed the practice as good and explain why the measure is considered a "good practice" (see Section Methodology).
Description	
<p>M1.Q1. Please describe how third-country nationals can access the measure, notably:</p> <p>a) <i>Elaborate in brief on the conditions and process of accessing the measure for applicants for international protection</i></p> <p>b) <i>Is the measure voluntary or compulsory? Is it provided free of charge?</i></p> <p>c) <i>If applicable, indicate if the measure is different from the regular support available to national population, EU citizens or third country nationals?</i></p>	

d) *Are there any reasons for to be excluded/to lose access to the measure? If so, which ones?*

M1.Q2. Please describe briefly the context in which the measure has started:

- a) *When was the measure introduced and what was/is its duration?*
- b) *What was the need/purpose to start/implement such measure (e.g. labour market needs in the Member State, need for integration, changes in integration policies)?*
- c) *When is the measure provided (e.g. upon arrival, upon arrival until (please add till when), no determined time limitation)?*
- d) *Key activities*

M1.Q3. Please briefly describe the implementation modalities, notably:

- a) *By whom is it implemented (agency, government institution, NGOs, private sector etc.), and what are the coordination structures?*
- b) *If applicable, are there any reimbursement (totally or partially)/cost sharing possibilities?*
- c) *How and by whom is it promoted?*

M1.Q4. Please briefly describe the impact of the measure and notably:

- a) *Did it meet the anticipated objectives? YES/NO/Partly*
- b) *What are the main outcomes*
- c) *Monitoring and evaluation of impact (please describe the evaluation tools and methodology, if possible specify what indicators have been adopted and how those were measured)*
- d) *Challenges during implementation and remedies applied*
- e) *Likelihood of continuation of the measure. If discontinued, please explain why*

Measure 2	
Overview	
Name	<i>Please insert name of the measure here.</i>
Type	<i>Choose from drop down menu here</i>
Area	<i>Choose from drop down menu here</i>
Access	<i>Please describe who has access to the measure, i.e. all applicants for international protection or particular categories</i>

Target group	<input type="checkbox"/> Tailor-made labour market integration measure (only applicants for international protection) <input type="checkbox"/> Mainstream labour market integration measure (for all) If the measures is for all, please describe how applicants for international protection benefit
Coverage	Choose an item. If "other", please add further information here
Link	Please provide hyperlink to source/project here, if available
Source and justification	Please indicate the source/who proposed the practice as good and explain why the measure is considered a "good practice" (see Section Methodology).

Description

M2.Q1. Please describe how third-country nationals can access the measure, notably:

- a) Elaborate in brief on the conditions and process of accessing the measure for applicants for international protection
- b) Is the measure voluntary or compulsory? Is it provided free of charge?
- c) If applicable, indicate if the measure is different from the regular support available to national population, EU citizens or third country nationals?
- d) Are there any reasons for to be excluded/to lose access to the measure? If so, which ones?

M2.Q2. Please describe briefly the context in which the measure has started:

- a) When was the measure introduced and what was/is its duration?
- b) What was the need/purpose to start/implement such measure (e.g. labour market needs in the Member State, need for integration, changes in integration policies)?
- c) When is the measure provided (e.g. upon arrival, upon arrival until (please add till when), no determined time limitation)?
- d) Key activities

M2.Q3. Please briefly describe the implementation modalities, notably:

- a) By whom is it implemented (agency, government institution, NGOs, private sector etc.), and what are the coordination structures?
- b) If applicable, are there any reimbursement (totally or partially)/cost sharing possibilities?
- c) How and by whom is it promoted?

M2.Q4. Please briefly describe the impact of the measure and notably:

- a) Did it meet the anticipated objectives? YES/NO/Partly
- b) What are the main outcomes

<p>c) <i>Monitoring and evaluation of impact (please describe the evaluation tools and methodology, if possible specify what indicators have been adopted and how those were measured)</i></p> <p>d) <i>Challenges during implementation and remedies applied</i></p> <p>e) <i>Likelihood of continuation of the measure. If discontinued, please explain why</i></p>

Measure 3	
Overview	
Name	<i>Please insert name of the measure here.</i>
Type	<i>Choose from drop down menu here</i>
Area	<i>Choose from drop down menu here</i>
Access	Please describe who has access to the measure, i.e. all applicants for international protection or particular categories
Target group	<input type="checkbox"/> Tailor-made labour market integration measure (only applicants for international protection) <input type="checkbox"/> Mainstream labour market integration measure (for all) If the measure is for all, please describe how applicants for international protection benefit
Coverage	<i>Choose an item.</i> <i>If "other", please add further information here</i>
Link	<i>Please provide hyperlink to source/project here, if available</i>
Source and justification	Please indicate the source/who proposed the practice as good and explain why the measure is considered a "good practice" (see Section Methodology).
Description	
<p>M3.Q1. Please describe how third-country nationals can access the measure, notably:</p> <p>a) <i>Elaborate in brief on the conditions and process of accessing the measure for applicants for international protection</i></p> <p>b) <i>Is the measure voluntary or compulsory? Is it provided free of charge?</i></p> <p>c) <i>If applicable, indicate if the measure is different from the regular support available to national population, EU citizens or third country nationals?</i></p> <p>d) <i>Are there any reasons for to be excluded/to lose access to the measure? If so, which ones?</i></p>	

M3.Q2. Please describe briefly the context in which the measure has started:

- a) *When was the measure introduced and what was/is its duration?*
- b) *What was the need/purpose to start/implement such measure (e.g. labour market needs in the Member State, need for integration, changes in integration policies)?*
- c) *When is the measure provided (e.g. upon arrival, upon arrival until (please add till when), no determined time limitation)?*
- d) *Key activities*

M3.Q3. Please briefly describe the implementation modalities, notably:

- a) *By whom is it implemented (agency, government institution, NGOs, private sector etc.), and what are the coordination structures?*
- b) *If applicable, are there any reimbursement (totally or partially)/cost sharing possibilities?*
- c) *How and by whom is it promoted?*

M3.Q4. Please briefly describe the impact of the measure and notably:

- a) *Did it meet the anticipated objectives? YES/NO/Partly*
- b) *What are the main outcomes*
- c) *Monitoring and evaluation of impact (please describe the evaluation tools and methodology, if possible specify what indicators have been adopted and how those were measured)*
- d) *Challenges during implementation and remedies applied*
- e) *Likelihood of continuation of the measure. If discontinued, please explain why*

Q21. Are there any specific protocols, synergies between agencies/institutions to support labour market integration of international protection applicants that have been identified as good practices?

The competent services have not identified any practices that specifically facilitate the effective access to the labour market for international protection applicants.

Q22. What kind of challenges have been identified in your country when it comes to access to the labour market by applicants for international protection? Please provide a distinction⁴⁵ between legislative challenges and challenges in practice and specify how those challenges have been identified.

France has encountered practical challenges due to the fact that the validity of the work permit is limited to the period of the asylum application certificate, which, due to its short duration (six months) provides a problem of visibility for employers.

Moreover, few work permits are issued in France compared to the total number of asylum applications. This may be due to the lack of attractiveness and encouragement for international protection applicants to look for employment, and also the complexity and administrative red tape for the procedure, which may discourage employers.

⁴⁵ Where applicable.

SECTION 6: CONCLUSIONS

This part of the study compiles the main findings from sections 1-5.

Q23. Please synthesise the findings of your national report by drawing conclusions from your responses:

- a) What are the main trends with regard to the situation of international protection applicants in the context of labour market integration and what are the main debates regarding their labour market integration identified in your country (Section 1)?

Please describe.

Applicants for international protection have very little access to the labour market in France, and only for salaried work.

The statistical data on work permit applications available since April 2021, for all reasons for applications, show an acceptance rate of 39% and a refusal rate of 10% in 2021 (out of 3 728 applications) and an acceptance rate of 34% and a refusal rate of 18% in 2022 (between 1 January and 14 September, out of a total of 2 798 applications), with the remainder being files closed without action. Data on the employment rate of international protection applicants is not available.

The labour market integration of international protection applicants has been subject to **several debates over the last few years**. Despite a reduction in 2018 of the time frame for access to the labour market to six months (compared to nine months previously), numerous barriers to the labour market integration of international protection applicants remain, and certain defenders of the rights of international protection applicants recommend making the professional integration of this group more flexible in order to promote their integration into society over the long term. Others, on the other hand, are not in favour of this as they consider that the person should not begin their integration path while their application is being processed.

- b) If at all and to what extent are international protection applicants specifically addressed in national integration policies with regard labour market integration (Section 2)? What are the key characteristics of the national integration policies for promoting labour market participation for the applicants of international protection (Section 2) and how is the access to employment and self-employment for applicants of international protection regulated/supported (Section 3)

Please describe.

Unlike the public policies in terms of access to the labour market for third-country nationals residing legally in France, access to the labour market for asylum seekers is not a priority for the public authorities and represents a complex path.

Nevertheless, more flexibility has been provided over the last few years to facilitate access to the labour market for this group. The law of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration reduced the time period before being able to file a request for a work permit from nine to six months (from the initial filing of the application, for reasons that are not attributable to the applicant). Since 2018, the conditions for access to initial training have also been made more flexible. Moreover, international protection applicants supported by a SPADA for whom the language level is lower than A1 can benefit from French as a Foreign Language (FLE) lessons.

For the **issue of a temporary work permit, common law rules apply** with an assessment of the employment situation in the region or sector concerned except for occupations under tension, and subject to compliance with the regulatory employment and compensation conditions.

- c) To what extent are targeted measures to support labour market participation available in your country, specifically addressing applicants for international protection (Section 4) and what has been identified as challenges as well as good practice in this area (Section 5)?

Please describe.

International protection applicants that access the labour market can benefit from continuous vocational training actions and the procedure for the recognition of diplomas, certificates and other proof of formal qualifications. However, the conditions for access to language training are more restrictive, and the person cannot benefit from the other measures to promote the integration of foreign nationals such as civic integration, employment benefits, employer benefits, labour market support measures, etc.

ANNEXES

ANNEXE 1: EUROSTAT STATISTICS

The Statistical Annex consists of the following:

Annex 1.1: Eurostat data asylum and first time asylum applicants
[https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZA/default/table]

ANNEXE 2: DEFINITIONS

The following key terms are used in the common template. The definitions are taken from the EMN Asylum and Migration Glossary,⁴⁶ unless specified otherwise in footnotes.

- **Access to procedures for recognition of qualifications:** In the EU migration context, conditions and requirements governing the admission to procedures for recognition of professional diplomas, certificates and other evidence of formal qualifications for third-country nationals (legally resident third-country nationals, beneficiaries of international protection) in EU Member States in accordance with the relevant national procedures.
- **Access to employment (also referred to in the study as labour market):** In the EU migration context, authorization of third-country nationals (legally resident migrants, beneficiaries and applicants for international protection to engage in employed or self-employed activities in EU Member States subject to the rules generally applicable to the profession and public service, as well as employment and working conditions.
- **Applicant for international protection:** A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.
- **Integration:** In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU Member States.
- **Integration indicators:** Benchmarks used to measure the integration of migrants in specific policy areas, such as employment, education, social inclusion and active citizenship.

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ANNEXE 4: LIST OF DEPARTMENTS THAT CONTRIBUTED TO THE STUDY

Ministry of the Interior and Overseas

General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France - DGEF*)

Directorate for Asylum (*Direction de l'asile - DA*), Sub-directorate for the right of asylum and international protection (*sous-direction du droit d'asile et de la protection internationale - SDDAPI*)

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- Thierry ABLARD, Head of Department
- Bernard ANTONIN, Head of the European Asylum Policy section
- Marine LABET, Assistant Head of the European Asylum Policy section

Directorate for immigration (*Direction de l'immigration - DIMM*), Sub-directorate for residence and work (*sous-direction du séjour et du travail - SDST*)

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- Nicolas CHAMOULAUD, Office Head

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**Department for Statistics, Studies and Documentation
(*Département des statistiques, des études et de la documentation - DSED*)**

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- Eliza GHIORGHITA, Head of Division