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ANNUAL REPORT 2021 ON MIGRATION AND ASYLUM POLICIES IN FRANCE

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EMN France

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- Site of the EMN at European level: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/index_en.htm (in English)
- Site of EMN France: <https://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM3/Le-reseau-europeen-des-migrations-REM2> (in French)

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LIST OF ACRONYMS

- **AGIR** : Global and individualised support programme for the integration of refugees
- **ANEF**: Digital Administration for Foreign Nationals in France. (*Administration Numérique pour les Étrangers en France*)
- **ASE** : Child welfare services (*Aide sociale à l'enfance*)
- **BIP** : Beneficiaries of international protection
- **CESEDA**: Code on Entry and Residence of Foreign Nationals and Right of Asylum (*Code de l'entrée et du séjour des étrangers et du droit d'asile*)
- **CNDA**: National Court of Asylum (*Cour nationale du droit d'asile*)
- **DCPAF**: Central Directorate of the French Border Police (*Direction Centrale de la Police aux Frontières*) within the Ministry of the Interior
- **DGEF**: General Directorate for Foreign Nationals in France (*Direction générale des étrangers en France*) within the Ministry of the Interior
- **Diair** : Inter-Ministerial Delegation for the Reception and Integration of Refugees (*Délégation interministérielle à l'accueil et à l'intégration des réfugiés*) within the Ministry of the Interior
- **ERRIN** : European Return and Reintegration Network (*Réseau européen pour le retour et la réinsertion*)
- **MEAE**: Ministry for Europe and Foreign Affairs (*Ministère de l'Europe et des Affaires étrangères*)
- **MIPROF**: Inter-ministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (*Mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains*)
- **OFII**: French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration*)
- **OFPRA**: French Office for the Protection of Refugees and Stateless Persons (*Office français de protection de réfugiés et des apatrides*)
- **JOP** : Joint Operational Partnerships
- **THB**: Trafficking in Human Beings
- **UAM**: Unaccompanied minor
- **VIS**: Visa Information System (*Système d'Information des Visas*)

EXECUTIVE SUMMARY

Following an introduction (section 1) presenting the methodology and contributions to this report, a **summary** and an **overview of main asylum and migration policy developments in France in 2021 (section 2)**, the **section 3** of this report **is dedicated to developments in legal migration** and more specifically the measures related to simplified and digitalized process in order to favour the attraction of international talents and students, the measures implemented in the context of the COVID-19 pandemic and the on-line service for UK citizens' residence permit applications.

Section 4 presents important changes in the area of **international protection and asylum**, including issues relating to the distribution, reception and integration of beneficiaries of international protection, as well as the action plan to strengthen the care of vulnerable persons.

Section 5 is dedicated to **unaccompanied minors and other vulnerable groups** and looks in particular at protection measures to strengthen the identification, registration and reception of unaccompanied minors (UAMs), as well as the Vulnerabilities Plan and training and awareness-raising initiatives for professionals. Section 6 details the measures that have had an impact on integration policy, in particular the introduction of integration territories in the form of territorial reception and integration project contracts, the global and individualised support programme for the integration of refugees (AGIR) and the digital platform for citizen sponsorship of refugees.

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While Section 7 deals with nationality and **statelessness issues**, Section 8 deals with border, **Schengen and visa issues**.

Section 9 focuses on the measures related to the **fight against irregular migration** and presents, in particular, the joint operational partnership projects with various African countries, while section 10 presents the policy to combat **trafficking in human beings** by detailing the Vulnerabilities Plan, which reinforces the policy of identifying, protecting and guiding vulnerable persons, as well as France's action to eradicate child and forced labour.

Finally, section 11 focuses on the policy in favour of the **return and readmission** of migrants, presenting in particular the medicalised return scheme to Georgia, the creation of additional places in assisted return schemes and the partnership agreements with India and Northern Macedonia, while the last section (section 12) focuses on **the links between migration and development** with the continuation of France's commitment to the Rabat Process and its support for the solidarity potential of migrants.

1 INTRODUCTION

Objectives and methodology of this political report

The 2021 Annual Report on migration and asylum aims to cover changes to immigration and asylum policy and legislation which have taken place throughout the year.

EMN France, the French EMN National contact point, contacted the relevant departments and services in order to provide information relating to legislative and regulatory provisions as well as statistics about events which had marked 2020.

Contributions to this report

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

The General Directorate for Labour within the Ministry for Labour provided information related to **social dumping** and **labour exploitation**.

Contributions on **integration** were made by the Directorate for Integration and Access to Citizenship (DIAN) in the DGEF.

The Sub-Directorate for Combatting Irregular Migration, –(SDLII)within the DGEF addressed the issue of **Borders and Schengen area** as well as **irregular migration and return of migrants** in collaboration with the Directorate of International cooperation (DCI) and the Central Directorate of the French Border Police (DCPAF). The French Office for Immigration and Integration (OFII) also contributed to the issue of voluntary return.

The section on **international protection and asylum policy** was prepared by the Asylum Directorate of the DGEF within the Ministry of the Interior as well as the French Office for the Protection of Refugees and Stateless Persons (OFPRA).

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

Several ministries and bodies participated in drafting the section on **trafficking in human beings**: the Interministerial Mission for the Protection of Women Victims of Violence and the Fight against Trafficking in Human Beings (MIPROF), the French Office for the Suppression of Trafficking in Human Beings (OCRTEH), the Central Office for Combatting Illegal Employment (OCLTI), the Delegation for Victims within the General Directorate of the National Police (DGPN) and the National Consultative Committee on Human Rights (CNCDH).

The mission for Democratic Governance of the General Directorate for Globalisation, Development and Partnerships (DGM) and the Sub-Directorate for Higher Education and Research within the Ministry for Europe and Foreign Affairs were also asked for information on the sections relating **to legal migration routes and diasporas as well as migration and development**. The department of international and European affairs in the General Directorate for Foreign Nationals in France (DGEF) within the Ministry of the Interior also contributed to sections related to **international agreements and circular migration**.

2 MAIN DEVELOPMENTS IN THE MIGRATION AND ASYLUM SYSTEM IN 2021 IN THE EU MEMBER STATES, NORWAY, GEORGIA AND MOLDOVA

Summary of changes to the national migration

1. The vulnerability plan presented by the French government aims to strengthen the management of vulnerabilities of asylum seekers and refugees and includes a variety of measures such as improved access to mental health care, extended facilities for vulnerable persons in the accommodation park and better access to the asylum procedure for UAMs.
2. France is pursuing its strategy of simplifying, modernising and reforming the employment of foreign workers, including the introduction of new criteria for examining applications and the publication of an up-to-date list of occupations and jobs open to third-country nationals without opposing the employment situation
3. The integration of newcomers and refugees is a priority for France, which has put in place new measures: the creation of contracts and territorial projects for reception and integration, the establishment of the AGIR programme for comprehensive and individualised support for the integration of refugees, or the platform for civic mentoring of refugees.

Overarching legal or policy changes in legal migration

- France is pursuing its strategy of simplifying, modernising and reforming the employment of foreign workers, with a simplification of the application for work permits, which is now made only online, the introduction of new criteria for examining applications and the publication of an up-to-date list of occupations and jobs open to third-country nationals without opposing the employment situation.
- Creation of a new "research stay" scheme to facilitate the reception of foreign fellowship researchers and doctoral candidates and increase the attractiveness of scientific professions
- Several measures were put in place to promote the mobility of international students in 2021 despite the health context
- Presentation of a new impact roadmap to promote talent attractiveness and support for higher education and research institutions in a context of strong international competition and health crisis: development of a new plan for the reception of foreign students in the context of a health crisis; development of Franco-foreign campuses in Africa and Indo-Pacific; development of academic cooperation around the world.
- Further dematerialisation of applications for visas and residence permits
- Postponement of the protection of residence, occupational and social rights for UK nationals from 1 October to 31 December 2021
- Adoption of Law n°2011-1109 of 24 August 2021, which reinforces the respect of the principles of the French Republic and introduces a specific provision on polygamy, allowing the refusal to issue or withdraw a residence permit to a foreign national in a situation of polygamy in France (article 25). In addition, article 28 of this law foresees a protection against the withdrawal of a residence permit in the event of the marital breakdown.

International protection

- An action plan to strengthen early identification and management of vulnerabilities of asylum seekers and refugees was published on 28 May 2021.
- The national scheme for the reception of asylum seekers and the integration of refugees 2021-2023, which entered into force on 1 January 2021, aims to improve the reception of asylum seekers and the integration of refugees and to rebalance their care in the territory between metropolitan regions.
- An instruction of 24 February 2021 sets out the guidelines for the policy on the reception of resettled refugees with a target of 3,800 refugees resettled in 2021 according to a regional distribution key. The target is to reach 5,000 resettlements, which was the 2020 target but was extended in 2021 due to the health crisis.
- France organised reception operations for Afghan nationals from spring 2021 for Afghan local officials working for French interests, followed by an evacuation operation for Afghans at risk from 15 August 2021. France established dedicated reception arrangements with local and regional authorities and specific conditions for examining asylum applications to meet protection needs on the ground in the countries of first asylum.

Minors and other vulnerable groups

- France is expected to adopt in 2022 two laws (under discussion since the second half of 2021) aimed at (i) introducing measures for the identification and referral of unaccompanied minors and (ii) combating difficulties in identifying persons without identity documents.
- The Vulnerability Plan plans to reflect on speeding up the appointment of a legal representative for UAMs and to clarify the use of legal guardianship to ensure quality support for this public; but also to improve the accessibility of the asylum procedure to UAMs.
- The Vulnerability Plan foresees (i) the creation of dedicated accommodation places for victims of trafficking and women victims of violence, LGBT+ people as well as asylum seekers and refugees and persons with reduced mobility; (ii) a pilot experiment in 3 large cities for 6 months of a medical pre-emptive consultation offered to any new asylum seeker who first arrived in order to identify early vulnerabilities related to the mental and physical health of asylum seekers.
- The instruction of 23 December 2021 on the issuance of residence permits for victims of domestic and family violence recalls the comprehensive system for the protection of such persons and includes a booklet for examining applications for entry into residence of that public.

Integration and inclusion of adults

- The 2021 priorities of the integration policy for newly arrived foreign nationals focus on 4 main axes: governance of integration policy, enhanced monitoring of beneficiaries of international protection, integration through employment of newly arrived foreign nationals and their access to rights.
- Integration territories were set up in 2021, broken down into territorial host and integration contracts and projects, in order to build partnerships between States and local and regional authorities wishing to implement measures aimed at integrating refugees and, more broadly, newly arrived foreign nationals.
- France implemented the comprehensive and individualised support programme for the integration of refugees (AGIR), the aim of which is to systematise the possibility for all beneficiaries of international protection to benefit from comprehensive support for rights, employment and housing, with a view to ensuring a seamless integration path, coordinating the use of common law and complementary specialised measures.
- France implemented an inclusive approach as part of the republican integration pathway by organising language integration tests for people with disabilities or health problems.
- Various measures are intended to (i) facilitate recognition of the experience acquired by newly arrived foreign nationals with the introduction of a support scheme tailored to the specific needs of this public, which marks an important step in the massive mobilisation of recognition of the experience for the vocational integration of newly arrived foreign nationals and (ii) improve access to work for those furthest away from employment according to their characteristics.
- The Vulnerability Plan includes measures for better access to mental health care and an extension of facilities for vulnerable people in the accommodation scheme.
- End of November 2021, deployment of a digital platform for citizen sponsorship of refugees to collect and organise citizens' engagement in the reception and integration of refugees, including the Afghan populations hosted in summer 2021.
-

Citizenship and statelessness :

- Pilot project to dematerialise the request for access to French nationality by decree with 7 regional platforms

Borders, visas and Schengen :

- Creation of a strategic border committee (under the aegis of the General Directorate for Foreign Nationals in France - DGEF) and an operational committee for border guard (under the aegis of the Central Directorate for Border police - DCPAF) to better coordinate the different administrations involved in border control or surveillance at strategic level and to align practices.

Irregular migration including migrant smuggling

- Launch of a Joint Operational Partnership (JOP) in Guinea as a network (NETCOP, which intends to bring together 5 JOPs already established — or in the process of being set up — in the region: JOP Senegal, JOP Guinea, JOP Côte d'Ivoire, JOP Mali and JOP Gambia and the joint investment teams set up in Niger, The Gambia and Mauritania) to combat the smuggling of migrants and trafficking in human beings and in Mali (JOP migration) in order to combat criminal networks involved in irregular immigration, migrant smuggling and trafficking in human beings in partnership with Spanish cooperation.

Trafficking and adult human beings

- The Vulnerability Plan is intended to improve the detection and care of persons with vulnerabilities (people suffering from psycho trauma, people with disabilities, victims of human trafficking or violence, or foreign isolated minors, etc.) by extending dedicated accommodation facilities and integrating health problems into the pathways as effectively as possible.
- On 18 November 2021, France became a 'pioneer country' of the 8.7 Alliance, a global partnership against child labour, forced labour, trafficking in human beings and modern slavery.
- Launch of a posting campaign in Ile de France and on social media to increase awareness and protection of child victims of trafficking and sexual exploitation
- In the context of the second National Action Plan against Trafficking in Human Beings, improving knowledge of the phenomenon of THB with the publication of the 5th Victims Profile Survey and the publication of administrative data since 2016 on trafficking and exploitation of human beings.

Return and readmission

- Provision of return specialist to OFII tour operator service at the Paris Charles de Gaulle airport since September 2021 and use of Frontex commercial flight reservation application (FAR)
- Implementation of Penal sanctions for people who refuse to comply with the health requirements necessary for the automatic enforcement of an expulsion measure
- Creation of 1,300 places in the framework of the schemes to prepare for assisted voluntary return as alternative to retention for irregular staying foreign nationals who are candidates for voluntary return
- Partnership Agreement with India entered into force on 1 October 2021 to strengthen bilateral cooperation on migration, including in the fight against irregular migration
- Signing on 5 July 2021 of a bilateral protocol implementing the Europe Agreement on readmission with North Macedonia

Migration and development cooperation

- Integration of local authorities in the Rabat process discussions, to improve migration governance through a deeper understanding of the coordination challenges faced by national and local authorities
- Reaffirming France's support for migrants' potential for solidarity, in particular through support for the creation of businesses and productive investment by diasporas, with their inclusion in the programming law of 4 August 2021.

3 LEGAL MIGRATION TO THE EU MEMBER STATES, NORWAY, GEORGIA AND MOLDOVA

3.1 OVERARCHING STRATEGIC LEGAL OR POLICY CHANGES IN LEGAL MIGRATION

Law No 2021-1109 of 24 August 2021 consolidating respect for the principles of the Republic was promulgated to complete the pre-existing legislative provisions that only partially covered the permits issued. Aimed at combating the constitution of polygamous households on French territory, it makes it possible to refuse, issue or withdraw a residence permit from a foreigner in a polygamous situation in France (Article 25), and provides for the creation of protection against the withdrawal of a residence permit in the event of the breakdown of the marital relationship (Article 28).

3.2 ECONOMIC MIGRATION

3.2.1 WORK-RELATED MIGRATION: CATEGORIES OF WORKERS

i. Overarching developments affecting all migrant workers

The modalities for the employment of third-country foreign nationals were clarified and reformed with the publication of decree no. 2021-360 of 31 March 2021 on the employment of foreign employees.

The provisions of this decree were supplemented on 1 April 2021 by a decision setting the list of documents to be provided to support a work permit request. This decision simplifies the list of documents to be provided by third-country nationals to request a work permit.

This decree of 31 March 2021, along with the two decisions of 1 April 2021 (see table 3) reformed the regulations on the employment of foreign nationals which had been expected since the announcement of the Interministerial Committee on Immigration and Integration of 6 November 2019.

This decree continues the strategy of governmental simplification and reform with regard to the employment of foreign workers. The rules on requests for work permits were simplified and new criteria for assessing applications were set. The government thus:

- Modified the conditions under which work permits are issued.
- Redefined the assessment criteria for the issue of a work permit by refocusing them on: opposability of the work situation, the level of compensation, respect by the company of legal obligations in the matter.
- Included an obligation of three weeks posting with the public service of all proposed recruitment subject to the opposability of the employment situation.
- Clarified the procedures on: the work permit request, the prior name-based declaration, the renewal of the work permit, residence permits authorising the registration on the list of job seekers.

Furthermore, the reform also clarifies the difference between workers concerned by the work permit and those that are exempt: the new article R. 5221-2 of the Labour Code lists 20 categories of foreign nationals exempt from work permits.

In addition, since 6 April 2021, **work permit requests to recruit foreign nationals are only carried out online**. An online service was rolled out to enable employers to carry out their requests for work permits: <https://administration-etrangers-en-france.interieur.gouv.fr>.

The deployment of this online work permit system is a new stage in the modernisation for the benefit of foreign nationals. It is part of the French government's modernisation and simplification policy for procedures with regard to foreign nationals.

The online request is made by the employer (company, individual employer) which recruited the person to a permanent "CDI" contract (employee residence permit), a fixed-term "CDD" contract (temporary worker residence permit), a seasonal job (seasonal residence permit), a student who wishes to work within the time authorised by their permit, or an asylum seeker with a certificate attesting to an asylum application over 6 months.

Indeed, requests are processed by six interregional platforms created when this mission was transferred to the Ministry of the Interior as part of the reform to the State's regional organisation. A seventh national platform is dedicated to processing the applications for seasonal workers.

ii. *Entrepreneurs, start-ups and investors*

As part of the transfer of the management of foreign workforce from the the Labour Ministry to the Ministry of the Interior, the decree no.2021-1222 of 23 September 2021 on requests for residence permits for foreign nationals with a business creation plan or innovative economic project has been published.

It **modifies the authority that is competent to give an opinion on the "economic viability" of business creation plans or the innovative nature of an economic project** carried by a foreign national that requests the issue of a temporary "entrepreneur/liberal profession" residence permit or a "talent passport".

Previously, this request for an opinion was requested from the Regional Directorate for Companies, Competition, Consumption, Labour and Employment (Direccte). It is now requested from the interregional platform responsible for the foreign workforce, that is competent for the département in which the third country national wishes to carry out this project and file a request for a residence permit.

3.2.2 SATISFYING LABOUR MARKET NEEDS

As part of the reform, clarification and simplification of the modalities for the employment of foreign workers, as announced during the Interministerial Committee on immigration and integration of 6 November 2019, a Decision of 1 April 2021 on the issue, without opposition from the employment situation, of work authorisations to third-country foreign nationals, has been published. It establishes the operational list of jobs and employment open to foreigners who are third-country nationals, which had not been updated since 2008.

This decision supplements decree no. 2021-360 indicated above. It **lists the jobs facing recruitment difficulties by region in its appendix**. The decision also provides that the situation of employment or the absence of prior job search by candidates already present in the employment market is not opposable to a request for a work permit presented for a third-country foreign national that wishes to carry out a professional activity in an occupation on the occupation list in the appendix.

3.2.3 SOCIAL DUMPING¹ AND LABOUR EXPLOITATION

In line with a desire to expressly reaffirm the application of the rules on the posting of workers in the road transport sector, law no. 2021-1308 of 8 October 2021 carrying various adaptation provisions to European Union law in the areas of transport, the environment, the economy and finances has been enacted, in order **to put an end to the differences in interpretation and implementation of these provisions between European Union Member States.**

Consequently, Article 25 of the law aims to transpose the provisions of the Directive (EU) 2020/1057. This directive harmonises the administrative requirements applicable to road transport companies that post workers to other Member States by notably providing for a standard declaration form prior to the posting. It also sets the list of documents that must be kept in the vehicle to facilitate controls as well as the list of documents that may be sent via the interface connected to the Internal Market Information system (IMI) at the request of control officers after the period of posting. Adapting these administrative formalities should enable control measures to be harmonised. These provisions meet both a social challenge to avoid a deterioration in the conditions for the application of rules on the posting of road transport drivers and an economic challenge to defend the conditions for fair competition.

Moreover, the instruction No. DGT/RT1/2021 of 19 January 2021 on the international posting of employees in France has been published in order to update the previous document on the subject. Indeed, the previous circular on posting of workers dated from 2008. The applicable rules have considerably changed since that date, notably within the context of the transposition of Directives 2014/67/EU and 2018/957/EU on posting, and also the continued growth in posting observed over the last ten years, making reinforced controls necessary.

In this context, in order to ensure effective compliance with the regulations, in addition to the publication of dedicated headings on the applicable posting provisions, translated into eight languages on the Labour Ministry website, the publication of a new instruction available to all actors having to deal with situations of international posting of workers in France (employers, employees, labour inspectorate officers, legal advisors) appeared necessary.

Furthermore, as part of the social agenda including the reduction in the use of posting, discussions have taken place since May 2021 with the social partners to roll out regional action plans, targeting the most concerned occupations and labour markets.

The Government is fully mobilised to ensure that posting is carried out in a way that complies with European and national law. This ensures both fair competition between European companies and the guarantee of dignified working conditions for all workers in the national territory.

The instruction setting the modalities for the regional deployment of the posting action plan was sent to the Regional and Departmental Directorates for the Economy, Employment, Labour and Solidarity (DREETS/DDEETS) and the Prefects on 12 October 2021. After a rapid inventory and consultations, the services are currently formalising their regional action plans with regard to control and employment/training by mobilising all of the concerned stakeholders and sectors.

In this context, the priority "posting" reform in collaboration with the social partners (see communication in the Council of Ministers of 5 May 2021) has been implemented in order to **better regulate the use of posting by, on the one hand, intensifying the fight against fraud and, on the other hand, promoting sustainable, responsible alternatives that meet users' human resources needs.**

Finally, the European Labour Authority (ELA) has been established as part of the implementation of Regulation (EU) 2019/1149. Indeed, the aim is to ensure the application of the posting directives and verify the working and living conditions of the posted workers, facilitate controls, more rapidly advance investigations and promote the exchange of practices thanks to joint inspections.

¹ Bien qu'il n'y ait pas de définition du concept de « dumping social » en droit européen, le terme est généralement utilisé pour désigner une compétition déloyale liée à l'existence de différences de salaires et de règles de protection sociale pour différentes catégories de travailleurs (Questions parlementaires, 27 mai 2015, E-008441-15). Le Glossaire du REM (Version 7.0) définit le « dumping social » comme une « pratique selon laquelle les migrants reçoivent une rémunération / des conditions de vie ou de travail inférieures à celles prévues par la loi ou les accords collectifs encadrant le domaine professionnel concerné, ou qui y prévalent ». Voir : https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/social-dumping_en

The first tangible actions carried out by the ELA in 2021 in collaboration with Member States were as follows:

- 1- **An information and awareness-raising campaign for posted agricultural workers**, in which France was involved;
- 2- **Joint or coordinated inspections**, for which France proposed several initiatives.

These joint inspections should enable a more effective fight against fraudulent situations. Several files have already been instituted. The ELA is, today, an additional facilitator, through its logistical support.

3.2.4 BILATERAL LABOUR MIGRATION AGREEMENTS²

Law No. 2021/889 of 5 July 2021 approved the Partnership Agreement between France and India for migration and mobility between the two countries. This agreement entered into force on 1 October 2021 (Decree no. 2021-1321 of 11 October 2021).

The partnership agreement on migrations and mobility between France and India aims to develop cooperation in the areas of movement of persons and the fight against illegal immigration. This agreement aims to **establish and develop cooperation between France and India on the movement of persons**, in order to facilitate the mobility of students, university academics and researchers, and also immigration for professional and economic reasons.

The agreement also provides for a list of categories of persons concerned by measures to facilitate visa procedures. The agreement also states that the two parties commit to facilitating the welcome of students and promote the mobility of researchers and doctoral students in both countries, along with young professionals.

The signature of this agreement testifies to France and India's desire to facilitate the mobility of students, academics and researchers, as well as professional immigration, whilst reinforcing the fight against illegal immigration.

Moreover, as part of France's policy of signing agreements to allow young nationals from both countries to experience the culture and way of life in the other country, through activities, including work, during their stay and thus promote better mutual understanding, a decree on the bilateral agreement between France and Peru for the implementation of the "working holiday" programme has been published.

This agreement entered into force on 1 February 2021 (see Decree no. 2021-116 of 3 February 2021 publishing the agreement between the Government of the French Republic and the Government of the Peruvian Republic on the implementation of the "working holiday" programme (in the appendix), signed in Lima on 22 October 2018) and is the 15th "working holiday" agreement in force in France to enable young people aged 18 to 30 to come to France for a maximum period of 12 months to spend time on holiday with the additional possibility of carrying out a salaried professional activity. Thus, **French or Peruvian citizens holding a "working holiday" visa issued under the programme are, from their entry into French/Peruvian territory, authorised to look for and occupy employment**, in accordance with the agreement's provisions.

In addition, France and Kenya have concluded a new bilateral agreement concerning the promotion of mobility and the exchange of skills and talents. Approved by law no. 2021-1676 of 17 December 2021, this agreement is part of France's policy of signing agreements with emigration countries to carry out coherent management of migratory flows suited to the needs of both signatory countries and the migratory profile of the partner country. It will enter into force once the internal procedures and notifications between the parties have been accomplished.

In substance, this agreement aims to **promote the exchange of young active workers, teachers and researchers from both countries**. The agreement also includes provisions on the mobility of students, interns and academics and provides for professional exchanges and skills mobility.

To finish, a "working holiday" agreement was signed between France and Ecuador on 18 June 2021. This agreement still needs to be approved before entering into force.

² According to the International Organization for Migration (IOM), bilateral labour migration agreements are "formal mechanisms concluded between States, which agreements are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc.". (Source: https://publications.iom.int/system/files/pdf/iml25_1.pdf), last accessed on 15 November 2021

3.2.5 OTHER DEVELOPMENTS IN WORK-RELATED MIGRATION

The dematerialisation of procedures for filing residence permit requests continued in 2021. **“Talent passport” residence permits are now concerned by the remote teleservice** (Decree no. 2021-313 of 24 March 2021 setting up a teleservice for filing residence permit requests). **“Visitor” residence permits have also been concerned by the teleservice** since 13 September 2021.

This change is part of the ANEF deployment schedule (available online) and the dematerialisation, modernisation and simplification policy for procedures concerning the residence of foreign nationals in France. Indeed, the ANEF portal allows for an “end to end” paperless process which places the foreign national at the heart of their procedure and provides officers with tools adapted to their job by eliminating tasks related to the handling and processing of physical documents. These processes are designed to be highly efficient thanks to the use of new technologies and artificial intelligence.

Thus, the main aims of the ANEF are as follows:

- Modernise the user relationship
- Experiment before general roll out
- Use new technologies available
- Improve the reception conditions for foreign users
- Provide processing officers and partner users with modern, ergonomic, robust and intuitive tools.

3.3 STUDENTS AND RESEARCHERS

3.3.1 STUDENTS

As part of the policy of dematerialisation and reduction of processing times for the issuance of residence permits, it should be noted that, since 7 April 2021, the "France-Visas" portal, steered by the Ministry of the Interior in partnership with the Ministry for Europe and Foreign Affairs, provides foreign students with the possibility of sending digital copies of their documents when they enter their online visa request.

This change is part of the objective of **simplifying and safeguarding the visa issue process for students**. This digital transmission, which remains optional, is accessible to long-stay student visa applicants residing in a country where the visa application is outsourced. This new feature also enables time savings for users and the administration.

3.3.2 RESEARCHERS

International students represent 41.2% of doctoral students. It should be noted that 92% of international doctoral students in France do not have a French bachelor's degree, and come specifically to France to learn about research. Internationally, France is the 6th largest host country for international PhD students. The presence of international doctoral students contributes to the quality of higher education and research. The number of foreign doctoral students who do not have a French baccalaureate is certainly falling, but at the same time the total number of doctoral students in French universities has fallen by 10% since 2010-2011 (and by 13% over ten years).

Even though the reception of international researchers, including doctoral students, was simplified in 2016 with the creation of the multi-annual "talent passport" residence permit, for several years, French higher education and research establishments had been encountering difficulties in receiving young researchers who were beneficiaries of a grant awarded on scientific criteria. Consequently, the creation of a legal framework to secure the legal status of this public was necessary.

Thus, the multi-annual research programming law (LPR) voted on 24 December 2020, **created a new system for facilitating the reception of foreign researchers and doctoral scholarship students**: the “research stay” as defined in article L. 434-1 of the French Research Code. This law is part of the French government’s national strategy to reinforce the attractiveness of scientific occupations, consolidate the research assessment, organisation and financing mechanisms, diffuse research in the French economy and society and simplify the public service for higher education and research. This law aims to facilitate the

reception of foreign researchers and doctoral scholarship students and increases the attractiveness of this status.

To benefit from this system, foreign doctoral students and researchers must receive a grant according to scientific criteria from a foreign government, foreign institution or the French Foreign Affairs Ministry. The person welcomed must sign a research stay convention with the receiving institution which governs the modalities for the stay and fill out the Cerfa reception convention form which enables the visa to be obtained.

The research stay aims to allow the person to take part in education through and by research or carry out a research or technological development activity, within a receiving institution. This activity may be supplemented by a teaching activity.

3.4 INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

On 14 December, during the Cooperation and Cultural Action Advisors Network Days (COCAC), the Minister for Europe and Foreign Affairs presented the strategic priorities as part of the policy of talent attractiveness and support for higher education and research institutions, within a context of strong international competition and health crisis.

Among the objectives, we can note:

- **An improvement in the reception conditions of foreign students**, in the continuity of the Welcome to France plan launched in November 2018, with the preparation of a new welcome plan in light of the health crisis.
- The **development of French-foreign campuses**, in Africa, the Mediterranean and Indo-Pacific regions, and the multiplication of dual diploma processes between French universities and “grandes écoles” (higher education schools) and foreign universities.
- **The involvement in European university** alliances to develop university cooperation worldwide.

This new influence strategy for the Higher Education and Research (ESR) section comes under the attractiveness policy for international students, “Welcome to France”, announced on 19 November 2018 by the French Prime Minister to meet the challenges of the globalisation of higher education and research. This policy notably pursues the objective of welcoming 500 000 international undergraduate and graduate students by 2027 and improving their reception and success.

Moreover, through the decree of 31 March 2021 on the employment of foreign workers, article R5221-7 of the French Labour Code on apprenticeship and professionalisation contracts broadened the access to apprenticeship contracts for newly-arrived students that are registered for a training cursus leading to a diploma of at least the masters level or on the list provided in 1° of article D. 421-6 (1° Level I diplomas labelled by the Conférence des grandes écoles) and in 1° of article D. 422-13 of the Code on Entry and Residence of Foreign nationals and Right of Asylum (CESEDA).

This opening comes under **the university attractiveness strategy, Welcome to France**. Opening up apprenticeship contracts to newly-arrived students should attract new talents with the financial resources for their stay in France. This measure also promotes the professional integration in the company after the contract.

Because of the new border control measures that were laid down on 29 January 2021, the issue was entering mobility for research studies into the “imperious” grounds, in order to maintain the flow of students from all world regions, in a difficult health situation and with fierce competition between countries welcoming mobility.

Thus, **several actions were carried out by the MEAE and the Campus France operator to facilitate the mobility of international students** in 2021, despite the health conditions:

1) Firstly, work was carried out with the ministries concerned to keep students within the ‘imperious’ grounds for travel, whatever their country of origin. In February 2021, a new form for entry into France was put online, allowing students within a programme of higher education and researchers coming to France on the invitation of a research laboratory for research activities that required their physical presence, to come to France on ‘imperious’ grounds.

Mobility for French as a Foreign Language (FLE) learning in a Qualité FLE labelled centre eligible for the issue of a long-stay visa (VLS) was authorised.

2) Campus France organised a targeted communication campaign on information and answers to health crisis issues: conditions for arrival in France, tests and vaccination, health pass... Guidelines were also sent to the Campus France Spaces in order to stipulate the support modalities for mobility during the first half of 2021 and the start to the 2021-2022 academic year (welcome to institutions in France, French Government grants, language tests).

3.5 OTHER MEASURES REGARDING LEGAL MIGRATION

In the context of the provisions of the agreement on the withdrawal of the United Kingdom from the EU concerning the right of residence, access to work and social rights of British citizens and other foreign family members living in France, decree n°2021-1236 was adopted and published on 27 September 2021. It amends the decree of 19 November 2020 which introduced into national law the provisions of the agreement on the withdrawal of the United Kingdom from the EU with regard to the right of residence, access to work and social rights of British British citizens and other foreign family members living in France into national law.

The decree postponed the date from which British nationals and family members living legally in France before 1 January 2021 and British nationals carrying out an economic activity in France before the same date as cross-border workers, must hold a residence permit or a movement document from 1 October 2021 to 1 January 2022. As a result, up to 31 December 2021, the rights on residence, professional activity and all social rights for British nationals are maintained.

The decree did not amend the closing date for submitting the residence permit application set at 1 July 2021. However, people who had not been able to file their residence permit application within the time limit were still able to do so up to 4 October 2021, with the site provided for the online registration of the "withdrawal agreement" residence permits remaining open until that date.

1. INTERNATIONAL PROTECTION

4.1 LEGISLATIVE AND POLICY DEVELOPMENTS RELATED TO INTERNATIONAL PROTECTION

4.1.1 OVERARCHING STRATEGIC LEGAL OR POLICY DEVELOPMENTS IN INTERNATIONAL PROTECTION

France has recorded a strong, continuous increase in asylum applications since 2015: in 2019, 178 000 people requested asylum in France (including reassessments). Despite the adaptations to the National Reception System (DNA), including the significant increase in the accommodation stock since 2015 and an already high occupation rate for accommodation (98%), only 51% of asylum seekers were housed in the DNA.

Thus, in order to adapt France's reception policy to the migratory context and regional specificities, the national reception scheme for asylum seekers and the integration of refugees 2021-2023, published on 18 December 2020 by the Ministry of the Interior, entered into force on 1 January 2021. It focuses on two priorities: **Improving the reception of asylum seekers and the integration of people benefiting from international protection, on the one hand, and rebalancing their care throughout France, on the other.**

In order to achieve these objectives, the scheme notably proposes:

- A restructuring of the accommodation stock, notably to reduce the asylum procedure time period ;
- A territorial rebalancing of care for asylum seekers thanks to the deployment of the regional orientation mechanism ;
- National and regional targets for the number of asylum seekers to be housed by the end of 2021.

The Minister of the Interior presented the modalities for the operational implementation of this national reception scheme for 2021 in the NOR information INTV2100948J of 15 January 2021 on the management of the accommodation stock for asylum seekers and refugees in 2021, sent to the region and department prefects.

Moreover, an action plan to reinforce the care of vulnerabilities of asylum seekers and refugees involving, notably, the OFPRA, and the OFII, along with institutional and associative partners, was presented on 26 March 2021 **by the Ministry of the Interior, and published on 28 May 2021. This "Vulnerabilities Plan" proposes 10 tangible actions on detecting people with vulnerabilities and their effective care:**

- Setting up of a "health appointment" from the registration of the asylum application;
- Creating a network of "vulnerabilities" referents among asylum stakeholders;
- Developing training on identifying vulnerabilities;
- Promoting the early detection of vulnerabilities from the start of the asylum procedure;
- Developing targeted information campaigns;
- Developing specialist places within the accommodation stock;
- Developing information for health professionals on psycho-trauma;
- Guaranteeing a medical presence in each accommodation place;
- Guaranteeing access to the asylum procedure for unaccompanied minors;
- Reinforcing the care for relocated refugees.

This "Vulnerabilities Plan" is **in line with the directions of the national reception scheme for asylum seekers and integration of refugees 2021-2023**. With the increase in the number of asylum applicants in France since 2015, an increase and diversity of vulnerable profiles has been noted. Their situation of vulnerability, which have been accentuated by the context of the health crisis, requires adapted care from their arrival, in order to ensure their successful integration after their asylum procedure.

Thus, the "Vulnerabilities Plan" aims to promote the early detection of vulnerable people, and allow adapted care for asylum seekers and refugees in situations of vulnerability.

4.1.2 RECEPTION OF ASYLUM APPLICANTS

The national reception scheme “sets the share of asylum seekers welcomed in each region as well as the breakdown of accommodation places destined for them” for a better national balance.

In this context, NOR decision: INTV2035764A of 7 January 2021 was issued in application of article L. 551-1 of the CESEDA.

It aims to reflect the objectives of the national reception scheme for asylum seekers and integration of refugees 2021-2023 for 2021 and **set the number of accommodation places to be reached by 31 December 2021**, i.e. 111 978 places, and their breakdown by region. The text also **sets the share of asylum seekers that must live in each region (excluding French overseas territories)**.

Furthermore, asylum applicants are focused on certain regions, notably the Ile de France region which concentrates 46% of asylum applications for 19% of accommodation capacities in the national reception scheme. So, in order to respond to the aim to carry out a regional rebalancing of asylum applications between regions in mainland France, one of the main changes provided by the national reception scheme 2021-2023 is the deployment across France, of the regional orientation mechanism for asylum seekers, provided by the Law no. 2018-778 of 10 September 2018 for managed immigration, effective right of asylum and successful integration.

Under the terms of article L. 551-4 of the CESEDA, this mechanism enables asylum seekers to be directed from the regions that have recorded a disproportionate flow of applicants, towards other regions.

A gradual implementation is planned to guarantee the sustainability of the system, with an increase from 1,000 to 1,300 monthly orientations and then 1,600 until the end of the year thanks to the increase in the housing capacity. At the end of the year, an assessment will be made to determine the increase in orientations in 2022 in order to achieve a target of 2 500 orientations per month in the long term.

Also, in order to simplify and smooth the path and accommodation stock, the national rebalancing strategy will be rolled out in the regional reception schemes for asylum seekers. In this context, the government has set up a **new organisation of the accommodation stock** with **the continued restructuring of the accommodation stock** started over the last few years and the deconcentration of the management of the national reception system (NOR information: INTV2100948J of 15 January 2021 on the management of the accommodation stock for asylum seekers and refugees in 2021), and its simplification with the aim of setting up a logical path:

- A single entry point: the reception and processing centres (CAES) which represent the first level of care within the national reception system (decision of 13 January 2021);
- Two dedicated accommodation structures: the emergency accommodation for asylum seekers (HUDA) and the reception centres for asylum seekers (CADA), with discussions under way to improve the monitoring of applicants housed in the HUDA before replacing these two accommodation categories, in the long term, by a single structure;
- Two “exit gates”: the temporary accommodation centres (CPH) for people who have obtained protection, and the return assistance systems (DPAR) for people whose applications are rejected.

This new organisation is one of the pillars of the new action plan guaranteeing access to accommodation for asylum seekers, proposed by the national reception scheme for asylum seekers and integration of refugees 2021-2023. It results from the finding highlighting a confusion between the different categories of places and the different levels of tariffs, which leads to difficulties in differentiating reception paths.

With regard to exit from accommodation structures, the information of 15 January 2021 on the management of the accommodation stock for asylum seekers and refugees in 2021, encourages the region and department prefects **to facilitate the freeing of places inappropriately occupied in the national reception system**. The aim is to ensure that people who should not remain in the accommodation structures of the national reception system, leave, in order to favour the reception of asylum seekers.

This measure is part of the objective of the 2021-2023 national reception scheme for asylum seekers and integration of refugees to improve access to accommodation in a context of near saturation of the accommodation stock for asylum seekers with the occupation rate of places at 98%. In this framework,

the national reception system sets a ceiling for inappropriate presence in the reception system of 3% for refugees and 4% for people whose applications have been rejected.

Finally, NOR information: INTV21212 05J of 27 July 2021 on the guidelines for the reception of asylum seekers in Ile de France, presents the modalities for carrying out the asylum policy in the region, structured around two action focuses:

- Short term actions, such as reinforcing the offer of appointments in the single-desk contact point, accelerating the regional orientation, the systematic assessment of the administrative situation after shelter or the return of Dublin transfers;
- Work to reconfigure the registration and reception system for asylum seekers in the region, which should be studied by the end of 2021.

This information aims to **anticipate the return of the flows and prevent the increase in the number of “camps” and work to reconfigure the registration and reception system for asylum seekers in Ile de France**. Indeed, since 2018, the asylum system in Ile-de-France is saturated as the region concentrates around half of national asylum applications with an over-representation of certain categories of people (Dublin procedures, certain nationalities, single adults).

4.1.3 ASYLUM PROCEDURE – TYPES OF PROCEDURE

i. Standard procedure

The decision of 10 December 2021, in application of the decree no. 2019-1329 of 9 December 2019 adapting certain provisions related to the modalities for processing asylum applications in the Antilles and French Guiana and amending the rules for appeals against the decisions of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) in the local authorities indicated in article 72-3 of the French Constitution, **extended the specific modalities for asylum applications filed in French Guiana**.

Indeed, it is necessary to underline the continuous increase in the number of asylum applications registered in French Guiana (2 646 asylum applications over the first eleven months of 2021, compared to 2 397 for the same period of 2020) and notably the increase noted for the months of June, July and August 2021 (+147% compared to the same period the previous year). Consequently, this continuation of the system for an 18-month period required a regulatory action

ii. Safe country concepts

The **Republics of Benin, Senegal and Ghana were removed from the list of safe countries of origin of the French Office for the Protection of Refugees and Stateless persons** (OFPRA) following a Council of State decision of 2 July 2021. This decision cancelled the deliberation of 5 November 2019 by the OFPRA’s Board of Directors which maintained Senegal and Ghana and suspended Benin from the list of safe countries of origin.

Indeed, the Council of State considered that these three countries should have been removed from the OFPRA’s list of safe countries of origin due to the political crisis in Benin since the legislative elections of April 2019 and the legislative provisions that penalise homosexual relationships and the discrimination to which LGBT+ nationals are subjected in Senegal and Ghana.

iii. Other procedures

The law of 10 September 2018 for managed migration, an effective right of asylum and a successful integration transposed a provision of article 7 of the Procedures directive and introduced into internal law the concept of “family asylum application”. From 1 January 2019, the asylum application made by a foreign national in France accompanied by their children is considered to be presented in their name and on behalf

of their children. The jurisprudence of the Council of State clarified the application of this concept (Decisions CE, 21/01/2021, Kaloti, 439248 and CE, 27/01/2021, Agbonlahor, 445958).

In this context, the jurisprudence of the Council of State clarified the scope of this notion of “family asylum application” (Decisions CE, 21/01/2021, Kaloti, 439248 and CE, 27/01/2021, Agbonlahor, 445958) enshrined in the Code on Entry and Residence of Foreign nationals and Right of Asylum (CESEDA) amended by the above law.

- The family asylum application includes not only accompanying children at the date of the registration in the GUDA of their parents’ application but also children born in France or that join their parents up to the date of the decision taken by the OFPRA or the CNDA on the asylum application of the parents;
- The decision taken on the parents’ asylum application is, therefore, also considered to have been taken towards the children present in France at the date of the final decision, even though their identity does not formally appear on the said decision;
- The asylum application presented on behalf of a minor present in France at the date of the final decision taken on the asylum application of their parents after the said decision is, therefore, a request for reassessment;
- The accompanied minor that is not subject to personal, well-founded, direct or indirect fears of persecution or serious harm is **eligible for the same protection as their parent in respect of the extension to the protection**, whatever their date of birth or arrival in France.

4.1.4 ASYLUM PROCEDURE – OPERATIONAL ASPECTS

i. Timeframes and case management

A set of measures leading to the **reduction in the time periods for the asylum procedure** are provided in the national reception scheme for asylum seekers and integration of refugees 2021-2023, including notably:

- The guarantee of a fast reception for “pre-applicants” in the SPADA in order to make an appointment in the Prefecture as soon as possible;
- The increase in the OFPRA’s staff in 2019 and 2020 (creation of 200 positions including 150 protection officers) and the National Asylum Court (creation of 59 positions);
- Tighter steering of time periods for access to the procedure in the single-desk contact points, set at 3 days;
- The experimentation of paperless invitations and decisions by the OFPRA (see section 2.1.5, 20, d), below).

These measures aim to reduce average procedure times by 2022, with the aim of processing asylum applications within six months. This shortening of the asylum procedure aims to facilitate the integration of persons eligible for international protection, reduce the instrumentation of the asylum application due to the long time periods, and increase the accommodation capacities of the national reception system.

Indeed, the reduction in procedure times with the aim of processing asylum applications within six months constitutes one of the objectives of the Law no. 2018-778 of 10 September 2018 for managed migration, an effective right of asylum and a successful integration, and continues to be a strong priority for the Government.

Moreover, OFPRA’s protection division continued its **internal reform and procedure modernisation work**, by implementing in 2021 a transformation plan prepared in autumn 2020.

This transformation plan aims to enable the OFPRA’s protection division to manage the increase in its activity of legal and administrative protection of refugees, stateless persons and beneficiaries of subsidiary protection.

ii. Digitisation of the procedure/Data management elements

Decree no. 2021-274 of 11 March 2021 on the use of remote procedures before the National Asylum Court amends the provisions of the CESEDA to allow the use of the “Télérecours” (remote appeal) application, as an option, by lawyers pleading before the CNDA (who already benefit from the “CNDém@t” platform to communicate with the jurisdiction remotely). This application **enables the remote communication of petitions, pleadings and procedural documents between the administrative jurisdictions and the parties**. The decree presents the modalities under which petitions and pleadings sent remotely must be presented.

Its provisions entered into force on 1 April 2021, with the exception of article 4 which entered into force on 1 May 2021 (NOR decision: JUSC2108465A of 17 March 2021 taken in application of article 5 of the decree no. 2021-274 of 11 March 2021 on electronic communications before the National Asylum Court).

This application provides the parties and jurisdictions with immediate accessibility to the content of all files and participates in reducing the court’s operating costs.

4.1.5 WITHDRAWAL OF INTERNATIONAL PROTECTION

As part of the Government’s strategy to fight against separatism and violations of nationality, the law no.2021-1109 of 24 August 2021 consolidating respect for the principles of the Republic, introduced the **possibility of withdrawing refugee status from third-country nationals condemned as a last resort for public condoning of a terrorist act** (article L. 511-7, 2° of the CESEDA). This conviction may have been pronounced in France, an EU Member State or a third country in which France recognises the legislation and criminal jurisdictions.

In this way, this law responds to the need to **reinforce the legal arsenal to prevent and respond to destabilising agents in the Republic and reinforce national cohesion**.

Indeed, in its decision of 12 February 2021, the Council of State confirmed the refusal to withdraw the refugee status from a Chechen-origin Russian national convicted for condoning terrorism, considering that the crime of condoning terrorism did not meet the criteria listed in articles L. 511-7 of the CESEDA for withdrawing international protection. The law of 24 August 2021 aims to fill this absence of a legal basis.

4.1.6 OTHER DEVELOPMENTS

As part of the recodification of the CESEDA (order no. 2020-1733 of 16 December 2020 carrying the legislative part of the code on Entry and Residence of Foreign nationals and Right of Asylum applicable from 1 May 2021), the provisions of the 2021 Finance Law no. 2020-1721 of 29 December 2020 which provided that the OFII, in the same way as the OFPRA and the CNDA, should be informed by the legal authorities if there is a suspicion of fraud in the asylum application, were not taken into account.

To correct this omission, the 2021 Finance law no. 021-953 of 19 July 2021, amended, stipulates that the **French Office for Immigration and Integration (OFII) should be informed by the legal authorities, on request or automatically, of cases of suspicion of fraud in the asylum application**. From this time, it receives all elements collected during civil, major or minor criminal proceedings, including when they are dismissed, likely to lead to suspicion of the fraudulent nature of the asylum application (article L. 513-7 of the CESEDA).

This provision aims to allow the OFII, which is responsible for managing the asylum seekers’ allowance (ADA) to cease the payment of this allowance, if necessary. It also aims to ensure the same level of information to asylum bodies (OFPRA, CNDA and OFII) if there is a suspicion of fraud.

Furthermore, between 17 February and 1 June 2021, the financial coverage of “emergency” healthcare costs for adult asylum seekers living in France for less than three months was no longer conditioned by the rejection of a request for State Medical Aid (AME), as provided by the provisions of article L. 254-1 of the Code on Social Action and Families (Interministerial Information Note N° DSS/2A/DB/2021/44 of 17 February 2021 on the financial coverage, for emergency care, of the costs of healthcare provided within

health establishments to persons who are not covered either by universal healthcare protection or by State Medical Aid, during the health state of emergency period up to 1 June 2021).

This amendment to the “emergency care” system aims to facilitate the access to healthcare of all persons who do not have rights to the AME or universal healthcare protection, with the aim of limiting the spread of the Covid-19 pandemic. The information note recalls that “emergency healthcare”, as defined in article L. 254-1 of the Code on Social Action and Families, notably covers “care designed to prevent spread of infection to their family and the community”.

4.2 RELOCATION AND RESETTLEMENT³

4.2.1 LEGAL AND POLICY CHANGES IN RELATION TO RESETTLEMENT AND HUMANITARIAN ADMISSION PROGRAMMES

During the World Forum for Refugees of December 2019, the French President renewed France’s commitment to welcome 10 000 relocated refugees originally from sub-Saharan Africa and the Near East, during 2020 and 2021. The health crisis and security context of certain countries of initial asylum have had a significant impact on the relocation programme for 2020, during which only 1 200 refugees were able to be relocated to France.

In this context, NOR order: INTV2101167J of 24 February 2021 presents **the orientations of the relocated refugee reception policy for 2021**. It sets a relocation objective of 3 800 refugees for 2021, according to a regional distribution key. The instruction provides for the possibility of increasing the relocation ceiling if there is a favourable change in the health or security situation.

While the intervention framework, set in the circular of 12 November 2019, remains unchanged, the need for reinforced mobilisation of asylum stakeholders is underlined. Stakeholders are encouraged to ensure the effective interaction between the different mechanisms, and to update the national indicators steered by the GIP Habitat et Interventions Sociales (GIP HIS) organisation.

The instruction aims to achieve the target of 5 000 relocations set in the NOR circular INTV1929397J of 12 November 2019 for 2020 and extended to 2021 due to the health context. The call for the reinforced mobilisation of stakeholders aims to promote access to housing for these people, in a context where the national refugee rehousing objectives have also been increased (NOR circular: INTV2101619J of 17 February 2021).

Moreover, for the first time, France included Cameroon and Ethiopia in its relocation programmes in 2021.

4.2.2 DEVELOPMENTS IN HUMANITARIAN RESETTLEMENT AND ADMISSION PROGRAMMES FOR AFGHAN NATIONALS

In the spring of 2021, in anticipation of the withdrawal of American forces, a **special reception operation in France was organised for Afghan agents under local law working for French interests in Afghanistan**. A total of 631 people were welcomed between May and July 2021. Then, following the rapid deterioration in the security situation in Kabul and at the request of the French President, **a vast evacuation operation of French, Afghan and third country nationals** was launched by the French army on 15 August 2021. Called “Operation APAGAN”, this mission extended over 15 days and allowed for the evacuation of 2,800 people, including 2,600 Afghans, thanks to a military airlift between Kabul and Paris.

³ Resettlement: In the EU context, the transfer, on a request from the United Nations High Commissioner for Refugees (UNHCR) and based on their need for international protection, of a third-country national or a stateless person, from a third country to an EU Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive), (ii) a status which offers the same rights and benefits under national and EU law as refugee status (see EMN Glossary).

Finally, after the closure of the French embassy in Afghanistan and Kabul airport, evacuations continued via Doha or Abu Dhabi, making it possible to evacuate a total of 3,530 Afghans at risk between 15 August and 31 December 2021.

A system and good reception conditions were set up under the aegis of the Ministry for Europe and Foreign Affairs, the Ministry of the Armed Forces, the Ministry of the Interior and the Ministry for Solidarities and Health. **Medical-psychological support and equipment was immediately offered on arrival to Afghan or third country nationals.** Accelerated procedures were implemented to issue visas, after the necessary checks and with an aim of guaranteeing interior security.

Due to the health crisis, **Covid-19 tests were systematically carried out on arrival**, and a mandatory 10-day quarantine was implemented (Afghanistan is on the "red list" which covers countries in which an active circulation of the virus has been observed with the presence of variants of concern) and the Covid-19 vaccination was also proposed.

The Interministerial Delegation for the Reception and Integration of Refugees (Diair) was responsible for **coordinating with the different associative stakeholders financed by the State, and monitoring the situation**, so that the Afghans who wished to remain in France could be materially and administratively supported in their asylum applications.

Numerous municipalities committed to welcoming people arriving under the **"APAGAN" operation**. To date, over thirty regional authorities, including some as stakeholders in the "Territoire d'Intégration" programme carried by the DIAIR and the DGEF are involved. In each region, the prefects worked with the elected representatives to define the modalities for medium- and long-term partnerships to facilitate the sustainable integration of the people, in terms of housing, training and access to the employment market.

In addition to the evacuation operations under Apagan, France has put in place **specific conditions for examining visa applications from Afghan nationals at risk who have fled their country**, including those for asylum and family reunification purposes, in order to respond rapidly to their protection needs in the countries of first asylum.

In addition, France **has made a commitment to FAMI in 2021 to receive 2,500 Afghan nationals who can prove a period of residence or transit in a country of first asylum within the framework of humanitarian admission**. This commitment concerns Afghans who have reached French territory either as part of the Apagan evacuation operations or as part of a visa application for asylum.

5 MINORS AND OTHER VULNERABLE GROUPS

5.1 MINORS

5.1.1 IDENTIFICATION AND REGISTRATION

The department councils have been confronted with a significant increase in the number of people claiming to be UAMs since 2013, with certain departments concentrating most of the UAM arrivals. Moreover, numerous attempts to use the childhood protection system by adults have been observed in different departments.

In view of this fact, a **draft law on childhood protection** was presented by the Minister for Solidarities and Health and the Secretary of State for children and families, at the Council of Ministers on 16 June 2021.

The text notably proposes **measures specifically dedicated to identifying and guiding unaccompanied minors**:

- The services responsible for assessing minor status and isolation become social establishments subject to the regulatory provisions applicable to these authorised structures (impact notably in terms of user rights);
- The modification to the regional distribution key for unaccompanied minors (taking into account the socio-economic specificities of the departments and highlighting those that support UAMs when they become adults);
- The systematic use of a minority assessment support file (AEM) to check whether the minor has already had their file assessed in another department;
- The ban for the department in which a young person is directed after having been recognised as an unaccompanied minor in another department on reassessing the situation of isolation or minor status.
- UAMs age 17 when they are admitted to the Child Welfare Services (ASE) should benefit as soon as possible from an interview to prepare access for adult status;
- UAMs placed at the latest on the day of their 16 years with a trusted third party are issued a one-year "private and family life" temporary residence permit, in the same way as UAMs entrusted to the ASE.

The draft law also proposes other measures with regard to care for minors by the Child welfare services (ASE), including UAMs, such as the ban on accommodating young people in establishments that are not authorised for this purpose (for example, hotels), or the obligation for the departments to offer accommodation to young people until the age of 21.

These provisions aim **to ensure fairer entitlements for UAMs, improve the effectiveness of minor status assessments**, and **end the practices of reassessment and administrative nomadism** (defined as the multiplication of protection applications in different departments by adults that have already been refused). Lastly, these provisions allow for better integration of young people that reach adulthood.

In addition, a draft law on criminal responsibility and interior security was presented by the Minister of the Interior and the Minister of Justice, in the Council of Ministers on 19 July 2021. The text, developed by the Joint Committee, was voted by the National Assembly on 13 December 2021 and by the Senate on 16 December 2021. The text provides notably for **the possibility of resorting to finger or palm printing and photographs, without the minor's consent**.

A new section dedicated to finger and palm prints, comprising two articles was introduced into the CJPM:

- The new article L. 413-16 provides that:
 - The consent of the person concerned should be sought to carry out finger or palm prints or photographs of a minor as part of the free audition or custody;

- The minor should be informed, in the presence of their lawyer, of the penalties provided in the event of refusal to submit to an identification operation and the possibility of the operation being carried out without their consent.
- The new article L. 413-17 provides that:
 - the operation of finger, palm printing or photographs is carried out without the consent of the minor upon the written authorisation by the prosecutor referred to by a reasoned request, as long as:
 - the operation is the only means to identify the minor who refuses to prove their identity or who provides manifestly inexact identity documents;
 - The minor appears to be aged over 13 (age threshold under which no measures of constraint may be imposed + threshold of presumption of being able to discern);
 - The alleged offence is a crime or misdemeanour punishable by at least 5 years in prison;
 - That the use of constraint is carried out in a strictly necessary and proportionate way given the specific situation of the person:
 - That the lawyer of the minor and, unless impossible, their legal representatives or appropriate adult is informed prior to the operation, which must result in a report indicating the reasons for which it is the only means of identifying the person, along with the date and time on which it took place.

This draft law aims **to limit the use of aliases and establish the identity of the persons**. This provision provides a response to the release following a statement of lack of competency by criminal jurisdictions in the cases of individuals claiming to be minors for which the prosecutors are unable to establish the identity or age.

The Paris prosecutor notably recommended this legislative change in October 2020, in light of the difficulties in identifying people without identity documents and claiming to be unaccompanied minors encountered by the jurisdictions and investigation services, in a context of the increase in security issues related to the presence in France of unaccompanied minors.

5.1.2 HUMAN TRAFFICKING: IDENTIFICATION⁴, DETECTION⁵, HOUSING AND OTHER SUPPORTS FOR THIRD-COUNTRY NATIONAL MINORS WHO ARE (PRESUMED) VICTIMS OF HUMAN TRAFFICKING

The creation of an experimental establishment authorised for a capacity of 12 places for minors and young adults that are victims of THB was subject to a publication in the Official Journal on 5 May 2021. The secure centre, managed by the Koutcha association, opened on 18 October 2021. The first receptions were organised on 20 October 2021.

The centre is designed to welcome 12 minors and young adults up to the age of 21, boys and girls, that are victims or presumed victims of THB, whatever the form of exploitation they have suffered, who have ties with France through their nationality or presence in France. The minors are placed by the legal authorities in respect of educational assistance (articles 375 to 375-8 of the Civil code) and in respect of childhood in conflict with offenders' law (criminal justice code for minors). The establishment is organised into two separate units:

- eight places in collective accommodation for minor girls and boys aged between 13 and 18;
- four places in semi-autonomy enabling the reception of at least 2 minors and/or young adults, girls and boys, aged from 15 to 21 years, with or without children (two children maximum).

Multi-disciplinary care is for six months, renewable once upon the decision by the legal authority.

⁴ EMN Glossary definition of identification of a victim of trafficking in human beings: The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

⁵ EMN Glossary definition of detection of (a situation of) trafficking in human beings: the process of identifying a possible situation of trafficking in human beings.

Objective:

This centre allows for **comprehensive** (legal, educational, school/vocational, psychological, somatic, psycho-motor) **and tailored support for victims of THB**. The opening of this centre meets the objective of unconditional protection for minor victims of THB provided by measure 22.4 of the plan for fight against violence to children and measure 26 of the MIPROF's national action plan against trafficking in Human Beings. It also comes under the national delinquency prevention strategy 2020-2024 (measure 13.2).

Moreover, between April and September 2021, the ECPAT association set up a training cycle, entitled "IP-TEH", on **the identification and protection of minors at risk of being victims of sexual exploitation and THB**. These training sessions were financed by funds from the Agency for the recovery of seized and confiscated assets (AGRASC), after deliberation by its Board of Directors, to meet the objectives of a call for project launched by the DGCS on the "Prevention of prostitution and trafficking in Human Beings for sexual exploitation". The project comes under the framework of the implementation of the second national action plan against THB and was carried out in collaboration with the MIPROF.

Organised in 16 French cities, **these training sessions enabled 283 professionals from childhood protection, and the administrative, legal and socio-educational sectors to be trained**. Two workshops were also carried out in autumn 2021 in the holding areas of Orly and Roissy airports for professionals who work in the holding areas or with minors retained in the holding areas.

5.1.3 RECEPTION FACILITES

A report by the General Inspectorate for Social Affairs on the accommodation of young people entrusted to the Child Welfare Services (ASE) in November 2020 noted the use of hotels for the accommodation of young people, and more specifically, unaccompanied minors. Furthermore, the national strategy for prevention and childhood protection 2020-2022 also set the objective of safeguarding the paths of children and young people entrusted to the ASE notably in terms of fighting against institutional violence. Finally, the report of 10 March 2021 by the National Assembly information mission on security issues related to the presence in France of unaccompanied minors, noted **heterogeneous accommodation conditions across France, and the impossibility of comprehensive and effective care for minors when they are housed in hotels**.

For these reasons, a **draft law on childhood protection** (currently being adopted) stipulates that establishments that shelter persons claiming to be UAMs should be social and medico-social establishments. The draft law provides for:

- the ban on placing minors in hotel structures, including during the period in which their minor status is being assessed for UAMs; The use of hotel structures will remain possible, in exceptional cases, and to meet emergency situations or shelter minors, for a maximum duration of two months. These provisions do not apply to minors with disabilities or suffering from a disabling health disorder.
- the integration into the field of social and medico-social establishments of establishments and services receiving UAMs in an emergency.

The draft law also includes several provisions that benefit unaccompanied minors, notably:

- The reinforcement of the legal framework to check the criminal record of managers, employees and volunteers working in the social and medico-social establishments;
- The obligation to provide for a section on the prevention and fight against mistreatment in the establishment project and to appoint an exterior authority that the person welcomed can call on in the event of a problem;
- The integration of the definition of a strategy to prevent the risks of mistreatment within childhood protection establishments for the departments.

Lastly, work has begun to define managerial levels and standards within child welfare establishments.

The measures above aim to improve the reception conditions of UAMs in the child welfare system, in order to ensure better socio-educational support and monitoring and effective integration.

5.1.4 GUARDIANSHIP

The “Vulnerabilities Plan” highlighted the significant increase in the number of unaccompanied minors cared for in France since 2016 (16 760 in 2019 compared to 8 054 in 2016). In this context, among the measures proposed in the plan is the establishment of an interministerial working group bringing together representatives of the Ministry of Justice and the Ministry for Solidarities and Health, in order to carry out discussion work **on accelerating the appointment of a legal representative for unaccompanied minors**.

The intention is to amend the Civil code, in order **to clarify the use of guardianship for UAMs** whose parents are still alive, but geographically distant. Awaiting a legislative vector.

The early appointment of a legal representative, and more specifically guardianship, aims to guarantee quality support for UAMs. Unlike an ad hoc administrator who can only represent the minor in specific procedures (legal procedures or asylum applications), guardianship is a comprehensive legal representation measure for all civil life actions. It is, therefore, more specifically suited to situations of isolation and minor status of unaccompanied minors, separated from their parents.

5.1.5 PROCEDURAL SAFEGUARDS IN THE ASYLUM PROCEDURE

The “Vulnerabilities Plan” highlighted the significant increase in the number of unaccompanied minors cared for in France since 2016. There are also specific issues in terms of access to the asylum procedure for UAMs. Consequently, the “Vulnerabilities Plan” of 28 May 2021 proposes several measures designed to guarantee access to asylum protection for unaccompanied minors, such as the implementation of a **harmonised registration procedure specific to the asylum applications of unaccompanied minors in the prefectures**. This procedure aims to reinforce the administrative consistency in the processing of asylum applications for UAMs.

5.1.6 AGE ASSESSMENT

Concerning unaccompanied minors, the report of 10 March 2021 by the National Assembly information mission on the security issues related to the presence in France of unaccompanied minors, recalled **the low reliability of bone tests to determine the minor status of the people concerned**. These tests have also raised numerous controversies in France over the last few years, due to their significant margin of error.

5.1.7 VOLUNTARY AND FORCED RETURN

The procedural scheme for care of unaccompanied Moroccan minors present in France was finalised during a French-Moroccan interministerial meeting on 11 October 2019, and is the cornerstone for the cooperation between French and Moroccan authorities on the care of UAMs. Through a declaration signed on 7 December 2021 in Rabat, the French Minister of Justice and the Minister of Justice of the Kingdom of Morocco signalled their intention to promote the diffusion of this scheme.

In this context, NOR circular: JUS/F/21/04189/C of 8 February 2021 on the **procedural scheme for care of unaccompanied Moroccan minors, presented this support tool for the return and care for unaccompanied Moroccan minors** identified in France in their country, prepared as part of an educative assistance cooperation between France and Morocco in October 2019.

The Minister for Justice provides tools to the legal childhood protection stakeholders to implement this procedural scheme (notably social assessment form and international cooperation request models), recalling the modalities and framework for cooperation between the French and Moroccan authorities on this issue.

Thus, according to this procedure, if the higher interest of the minor requires it, the Juvenile Judge may decide to organise the person's care within a child welfare institution in their country of origin or with their family, by declining jurisdiction in favour of the jurisdiction in the country of origin. The minor's consent is sought, but its absence is not an obstacle to the implementation of the procedure, if the modalities for their care are guaranteed and it is in their higher interest. The use of force is assessed on a case-by-case basis and conditional on the consideration of the higher interest of the minor.

This circular aims to provide juvenile magistrates with the essential tools for taking the measures most suited to the higher interest of unaccompanied Moroccan minors, notably their return to Morocco, and sets the legal framework for cooperation between France and Morocco.

5.1.8 ACCESS TO SERVICES/RIGHTS FOR MINOR APPLICANTS FOR INTERNATIONAL PROTECTION

i. Access to healthcare

In line with its objective of strengthening cooperation between stakeholders and institutions for the care of UAMs under the "Vulnerabilities Plan", the "Vulnerabilities Plan" of 28 May 2021 proposes the preparation of a guide for the departments in order to support them in implementing the assessment of the healthcare needs for unaccompanied minors.

This guide aims to **harmonise healthcare assessment practices**, and thus improve the identification and care of the vulnerabilities of these minors. In addition to OFPRA's asylum guide for UAMs, updated in 2020, and sent to all the departments and other stakeholders concerned by UAMs.

ii. Other

Noting the specific issues that unaccompanied minors encounter in terms of access to the asylum procedure, the "Vulnerabilities Plan" of 28 May 2021 presents different **awareness-raising and training programmes for local stakeholders specialising in access to the asylum procedure for unaccompanied minors**.

The training programme on access to the asylum procedure for UAMs implemented by the General Directorate for Foreign Nationals in France (DGEF) and the OFPRA since 2019, a training programme for ad hoc administrators, was initiated in around ten departments in 2021, with the aim of training almost 200 people during the year.

In addition to this training offering, the plan provides for reinforcing the awareness of competent stakeholders in care for UAMs on access to the asylum procedure, notably through the **diffusion and promotion of information supports on UAMs** to the competent institutional and associative stakeholders or the implementation of distance training modules on access to asylum for UAMs.

5.1.9 TRANSITION TO ADULTHOOD

As part of the strategy to fight against poverty, various measures have been taken to prevent sudden exits from child welfare. A study on support for young people between 16 and 21 years entrusted to the Child Welfare Services (ASE) in 2019 highlighted the differences in care depending on the departments.

Thus, the draft law on childhood protection provides for three measures that contribute **to improving the transition to adulthood of UAMs**.

- UAMs aged 17 when they are admitted to the ASE should benefit as soon as possible from an interview to prepare access to adult status;

- UAMs placed at the latest on the day of their 16 years with a trusted third party are issued a one-year “private and family life” temporary residence permit, in the same way as UAMs entrusted to the ASE;
- The departments have the obligation to support the young people entrusted to them up to the age of 21.

These provisions aim **to reinforce access to autonomy and the integration of young unaccompanied minors** entrusted to the child welfare services and trusted third parties.

5.1.10 RESETTLEMENT AND RELOCATION OF UNACCOMPANIED MINORS

France is part of the relocation programme implemented as part of the European Commission’s action plan to adopt immediate measures to support Greece, of 4 March 2020, which provides for the relocation of 1 600 children.

Thus, **relocations of unaccompanied minors that transited by Greece**, that began in August 2020 as part of a European relocation programme of unaccompanied minors, continued in 2021. As at 6 January 2022, 494 UAMs and young adults had been relocated to 46 departments under the General Directorate for Social Cohesion.

As at 31 December 2021, the UAMs represent a total of 425 UAMs and 3 babies relocated to 44 departments including 39 runaways and 2 dismissals from educational assistance due to refusal of care.

5.2 OTHER VULNERABLE GROUPS

Other vulnerable groups include disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, following the specific headings outlined below.

5.2.1 LEGAL OR POLICY DEVELOPMENTS AT NATIONAL LEVEL REGARDING VULNERABLE GROUPS IN THE ASYLUM PROCEDURE

i. Special reception facilities for vulnerable groups

The number of asylum seekers in France has continuously increased since 2015 to reach an unprecedented level in 2019. While the number of asylum applications saw a significant drop in 2020 due to the border closures, it has seen an upswing in 2021. The crisis context may have created / aggravated certain situations of vulnerability among asylum seekers.

Consequently, the “Vulnerabilities Plan” of 28 May 2021 provides for the development of **specialised places within the accommodation stock for asylum seekers**. This increase in the reception capacity includes:

- The assessment of the system of 300 places dedicated to victims of trafficking in human beings and women victims of violence, spread between four regions, in order to assess the possibility of creating additional places and places for other people (for example, men that are victims of trafficking);
- The specialisation of 200, already existing, accommodation places in the national reception system, for LGBT+ asylum seekers and refugees, by 2022;
- The aim of a target of 2% of places accessible to people with reduced mobility within the accommodation stock by 2023.

These measures aim to **ensure the continued shelter of vulnerable asylum seekers and refugees within specialised places**, implemented since 2018.

ii. Identification mechanisms/referrals

On **1 June 2021**, the **OFII medical service launched a pilot experiment in three major French cities for a duration of six months for a prevention consultation** (called "Rendez Vous Santé" - Health appointment) proposed systematically to all newly arrived asylum seekers, by the OFII officer, when they come to the single-desk contact point. This medical appointment may only be carried out with the person's consent, and can include: a clinical check-up, screening for tuberculosis, infectious diseases (Hepatitis B and C) and AIDS, check of vaccinations, as well as screening for mental health disorders.

It is carried out in the presence of a professional interpreter and using information supports translated into the most frequently encountered languages. If health problems or vulnerabilities are noted by the OFII doctor, they are reported to the coordinating doctor for the OFII zone, who gives their opinion to the asylum manager. This experiment **is intended to be extended in 2022**. The implementation of these health appointments is part of the measures proposed by the "Vulnerabilities Plan" of 28 May 2021.

As a complement to the vulnerability interview carried out by the OFII at the single-desk contact point, the implementation of these health appointments aims to detect vulnerabilities related to the physical and mental health of asylum seekers at an early stage, in order to redirect them as fast as possible towards suitable care. Thus, the three territorial divisions of the OFII concerned by the experimental phase benefited in May 2021 from training in the specific issues of violence to women and trafficking in Human Beings presented by the OFPRA Vulnerability referents.

Moreover, the "Vulnerabilities Plan" of 28 May 2021 manages the **networking of asylum stakeholders competent for identifying and caring for vulnerabilities**. This network of "vulnerabilities referents" aims to **allow earlier detection of vulnerabilities and better orientation of people with health-related vulnerabilities**.

This network comprises:

- The network of "vulnerabilities referents" located in each of the OFII's 31 regional divisions launched in 2019;
- Regional asylum coordinators, responsible for carrying out the role of "vulnerabilities referents" at regional level.

Their action is intended to work with that of the migrant health path referents within the regional health agencies, notably in terms of mental health. The DGEF is responsible for steering the networking of these different stakeholders in 2021.

The "Vulnerabilities Plan" of 28 May 2021 also proposes several measures on the **training of professionals that are competent in terms of care for vulnerable people**, notably thanks to the implementation of the network of "vulnerabilities referents" and the organisation of two- or three-day training sessions, steered by the DGEF and the OFPRA on the early detection and good practices in reporting vulnerabilities, for social workers in accommodation structures.

The **deployment of targeted information and awareness-raising campaigns for different categories of vulnerable people** is also provided by the "Vulnerabilities Plan". The target populations are:

- Victims of trafficking in Human Beings, women victims of violence and LGBT+ asylum seekers;
- People with vulnerabilities related to their health.

These training and awareness-raising measures aim to enable the **early detection of vulnerabilities and better identification and care for the needs of the targeted populations**.

iii. Applicable procedural safeguards

The "Vulnerabilities Plan" of 28 May 2021 undertakes to guarantee a **medical presence in each accommodation place**. For this, the plan proposes several measures including:

- Developing health interventions in the accommodation centres;
- Carrying out a diagnosis of the medical resources that support the national reception system before the end of the first half of 2021, and based on this diagnosis, identifying opportunities for pooling of resources in order to make medical staff available in each centre.

These measures aim to improve the detection of health-related vulnerabilities of third-country nationals.

5.2.2 LEGAL OR POLICY DEVELOPMENTS AT NATIONAL LEVEL REGARDING VUMNERABLE GROUPS OUTSIDE OF THE ASYLUM PROCEDURE

In 2020, the number of victims of domestic violence rose to 159,400, including 139,200 women, as well as a significant number of foreign women. In this context, the instruction of 23 December 2021 relating to the issuing of permits for victims of domestic violence recalls the provisions in force introduced by laws n°2016-274 of 7 March 2016, n°2018-778 of 10 September 2018 and n°2020-936 of 30 July 2020, which have made it possible to define a **complete system for the protection of foreign victims of domestic violence**. More specifically, this instruction reiterates two approaches:

- Maintaining the right to residence for victims of violence even if the community of life has been broken up
- Secure access to residence for persons benefiting from a protection order.

6 INTEGRATION AND INCLUSION⁶

6.1 NATIONAL INTEGRATION STRATEGY

6.1.1 DEVELOPMENTS AND CHANGES IN THE NATIONAL INTEGRATION STRATEGY

The integration of first-time legal immigrants is a priority for France and contributes to social cohesion. A close partnership between the State, local authorities, social partnerships and associations is necessary.

With this in mind, the instruction from the Minister Delegate to the Minister of the Interior responsible for Citizenship of 17 February 2021 relating to the 2021 priorities of the integration policy for newly arrived foreign nationals (including beneficiaries of international protection) focuses on four major areas: governance of the integration policy, closer monitoring of beneficiaries of international protection, integration through employment of newly arrived foreign nationals and their access to rights.

The aim of these new guidelines is to **further strengthen the Republican integration process in 2021, in a context made more difficult by the health crisis.**

6.1.2 CHANGES IN THE DISTRIBUTION OF RESPONSIBILITIES FOR INTEGRATION POLICY BETWEEN NATIONAL, REGIONAL, AND LOCAL AUTHORITIES

In 2021, the General Directorate for Foreign Nationals in France (DGEF) at the Ministry of the Interior and the Interministerial Delegation for the Reception and Integration of Refugees (Diari) implemented Territoires d'Intégration (Integration Territories), deployed as regional contracts and projects for reception and integration (CTAI, PTAI) to support regional authorities that wanted to commit further for these populations by mobilising their skills. €9 million are dedicated to the local financing of very diversified actions (languages, health, mobility, culture, sport...) contributing to the successful integration of newly-arrived foreign nationals as a whole. This unified system follows on from actions promoting the partnership between the State and the regional authorities which were relaunched from 2019.

The aim is to **build partnerships between the State and regional authorities looking to implement actions for the integration of refugees and more widely, new arrivals.**

6.2 INVOLVEMENT OF MULTI-STAKEHOLDERS INCLUDING NON-GOVERNMENTAL ORGANISATIONS

In a context of **promotion of initiatives, achievements and the continuous mobilisation of all integration stakeholders and showcasing of successful integration journeys**, for the first time in France, a Semaine de l'intégration des étrangers primo-arrivants (Integration Week for newly-arrived foreign nationals) by the Ministry of the Interior and the Interministerial Delegation for the Reception and Integration of Refugees took place throughout France in October 2021.

Over 170 events took place, showcasing successful integration journeys, including of foreign women. Each day was dedicated to a specific theme: housing, employment, learning of the French language, Republican values and citizenship youth/engagement/culture/sport. A national seminar concluded the week.

The aim is to showcase the initiatives, achievements and continuous mobilisation of all stakeholders, State services, regional authorities, associations, companies committed for the integration of newly-arrived foreign nationals.

⁶ The European Commission against Racism and Intolerance (ECRI considers integration to be a two-way process with society, governments and local authorities facilitating, supporting and promoting the integration efforts of individuals. Inclusion is an approach that values diversity and aims to afford equal rights and opportunities by creating conditions which enable the full and active participation of every member of society.

Furthermore, the significant increase in the number of BIPs since 2015 and the finding that the existing comprehensive programmes are effective but only concern a limited number of BIP, led to the desire to make it possible for **all BIPs to systematically benefit from comprehensive support towards rights, employment, housing** and aiming to ensure **smooth integration paths**, coordinating the use of common law and additional specialist mechanisms.

So, in 2021, the Ministry of the Interior (DGEF), closely associated with the Interministerial Delegation for the Reception and Integration of Refugees (DIAIR), the Ministries for Employment (DGEFP), housing (DIHAL) and the French Office for Immigration and Integration (OFII) designed and launched the comprehensive and tailored support programme for the integration of refugees (AGIR). This programme destined for the beneficiaries of international protection, co-financed by national and European credits, is a department single-desk contact point for the integration of beneficiaries of international protection (BIP). Its aim is to:

- Make support towards the sustainable employment and housing of BIPs systematic;
- Ensure consistency of paths:
- Ensure the synergies of common law and existing specialist mechanisms.

Since March 2021, significant milestones have been achieved:

- Choice of a gradual deployment with selection of priority departments (27 in 2022 and 15 in 2023 to be updated during 2022) and a generalisation in 2024 to all mainland France;
- Preparation since autumn 2021 of pre-operational diagnostics (situation of the BIP and integration stakeholders present in the departments, strengths/weaknesses/needs not covered, organisation/coordination to be developed), provided to all potential managers of the AGIR programme;
- Launch on 29 December 2021 of the public call for tender which should enable the management of the AGIR programme by an operator for each department. The first AGIR contracts between the BIP and the operators should be signed during the first half of 2022.

The success of this new programme is based on the good coordination and management of all local integration stakeholders including institutional stakeholders (deconcentrated State services, common law operators including the Public Employment Service), regional authorities and specialist operators.

6.3 EDUCATION AND TRAINING OF ADULTS: BASIC SKILLS AND LANGUAGE TRAINING

Decree no. 2021-150 of 10 February 2021 and the decision INTV2028833D of 30 April 2021 introduced a change in favor **an inclusive approach as part of the Republican Integration path**.

Thus, foreign nationals that request residence permits subject to the condition of Republican integration **must prove that they master French at level A2**.

People with disabilities or a chronic health condition may now, upon the presentation of a medical certificate according to a model set by a decision, benefit from arrangements for the language test, or if applicable, be exempt from passing the test. Previously, only the possibility of an exemption was provided by the texts.

The aim of this measure is to avoid the systematic exemption from the language integration condition for people with disabilities or health problems who can benefit from arrangements.

6.5 LABOUR MARKET AND SKILLS

6.5.1 MEASURES TO FACILITATE THE VALIDATION OF FORMAL QUALIFICATION

Two legislative experiments aiming to **facilitate the recognition of prior experience** were launched by article 9 of the law no. 2018-771 of 5 September 2018 for the freedom to choose your professional future and the related decision MTRD193364A of 21 November 2019. It aims to:

- implement actions to validate acquired experience (VAE) with the aim of acquiring one or several blocks of skills;
- implement solutions to reconstitute the career and training path of third-country nationals from outside of the European Union, who are candidates for VAE and who are unable to provide the documentary proof required to assess whether their candidacy is admissible.

This exemption from common law legally ended on 31 December 2021. The Ministry for Employment, Labour and Integration **is currently studying the conditions for extended it**. Indeed, a first operation to implement exemptions by the National Agency for Adult Vocational Training (AFPA) was carried out and may be extended.

Moreover, the Ministry for Education, Young People and Sport, with financial support from the Ministry of the Interior, carried out in 2021, the deployment in 11 academies of the VAE SANS FRONTIERE (VAE without Borders) project, which provides for reinforced support for newly-arrived foreign nationals who are candidates for VAE (support during the VAE application procedure, French as a Foreign Language, additional training if required). This operation should be extended during 2022.

The Ministry for Education, Young People and Sport is the leading VAE certification organisation in France. The gradual engagement of its network in a support mechanism adapted to the specific needs of foreign nationals marks an important stage in the massive mobilisation of VAE for the benefit of the professional integration of newly-arrived foreign nationals.

6.5.2 OTHER MEASURES TO FACILITATE LABOUR MARKET INTEGRATION OF THIRD-COUNTRY NATIONALS

The framework agreement was signed on 1 March 2021 between the State, the OFII and stakeholders at the Public Employment Service (SPE) on the professional integration of newly-arrived foreign nationals. The aim is to improving access to employment of the people furthest from employment according to their characteristics.

It provides for three cooperation focuses:

- reinforce the reciprocal knowledge of service offerings from partners and share expertise;
- coordinate the actions of the signatories to this framework agreement at the national and local levels, to promote employment;
- ensure better consideration of the characteristics of beneficiaries and smooth professional orientation and integration paths.

The agreement stipulates that the mobilisation of public employment service stakeholders should enable support for all beneficiaries of the Republican Integration Contract (CIR) that are looking for work or vocational training. It also stipulates that specific attention should be paid to people furthest from employment, i.e. beneficiaries of international protection, and also adapt to the needs that people with disabilities, women, young people aged under 26 and foreign higher education graduates may have.

6.6 BASIC SERVICES

6.6.1 ACCESS TO HOUSING

Various actions have been undertaken to strengthen access to housing, such as the Opening of specialist accommodation places to better support the concerned populations; signature of dedicated partnership conventions between the specialist associations that manage the reception and accommodation and the State services; preparation of a kit for social workers and healthcare and disability professionals on the care for asylum seekers and refugees with disabilities.

In this context, the government launched in May 2021 a “Vulnerabilities Plan” targeting asylum seekers and refugees.

This plan includes two focuses (better detect people in situations of vulnerability and better protect vulnerable asylum seekers and refugees), structured around ten actions. One of the actions concerns the **development of places dedicated to vulnerable asylum seekers and refugees in the accommodation stock.**

The vulnerability plan aims to better protect vulnerable asylum seekers and beneficiaries of international protection, by extending the system of places dedicated to vulnerable people within the accommodation stock. Action six of this plan aims for adapted care for three types of people: victims of trafficking and women victims of violence, the most vulnerable LGBT+ asylum seekers and refugees and people with reduced mobility.

6.6.2 ACCESS TO HEALTHCARE INCLUDING IN RELATION TO MENTAL HEALTH

The Vulnerabilities Plan presented by the Government in May 2021 aims to **reinforce the care of vulnerabilities of asylum seekers and refugees and propose better access to mental health care.** This plan notably proposes to monitor the good coordination of the actions defined by the plan with the other existing generalist mechanisms, notably the regional mental health projects, local mental health councils. The ARS must develop the information to migrants about the health access mechanisms, identify the medical, medico-social and other structures dedicated to care for vulnerable people in order to create a migrant health path and allow for earlier detection and better orientation of the populations concerned.

The measures are as follows:

- Better diffusion of translated resources on access to healthcare (prepared during the health crisis and lockdown)
- Mobilisation of Healthcare access duty offices (PASS) and mobile insecurity and psychiatric teams (EMPP) who carry out orientation missions and psychiatric care for vulnerable people and advise and train professionals in the social field
- Development of partnership conventions between these mechanisms and accommodation and support structures; reinforcement of links between these accommodation and support structures for asylum seekers and the specialist mechanisms for care of psycho-trauma, such as the EMPP.
- Reinforcement of resources for prevention and health structures that act for migrants of an additional €10 million end 2020 for the EMPP and €6 million for the mobile PASS.
- Development of health interpretation for migrants
- Early identification of health problems of people living in the national reception system (DNA)
- Actions for relocated populations: since the start of 2020, OIM doctors carry out in-depth check-ups of people selected before their departure for France, then approaches are carried out by the operators to accelerate their access to healthcare rights and allow for an initial health check-up under common law when they arrive in France.

The measures are part of a context of reinforcement of information for healthcare professionals and social workers on psycho trauma for better upstream identification, guarantee of a medical presence in each accommodation centre and development of health and health mediation interpreting.

6.7 ACTIVE PARTICIPATION OF MIGRANTS AND RECEIVING SOCIETIES IN INTERGRATION: PROVIDING OPPORTUNITIES FOR LOCAL COMMUNITIES TO INTERACT WITH MIGRANTS

On 30 November 2021, **a digital platform - parrainage.refugies.info - was launched to collect and organise citizen engagement in favour of the reception and integration of refugees** and notably Afghan populations welcomed during summer 2021.

The tool was jointly built by the Directorate for Foreign Nationals in France (DGEF), at the Ministry of the Interior and the Interministerial Delegation for the Reception and Integration of Refugees (DIAIR). It maps the existing sponsorship mechanisms in France, listed by theme (encounters and leisure, education, citizen accommodation, professional integration) and offers to put citizens in contact with the mechanism carrying structure.

Thus, the site parrainage.refugies.info **centralises the associative offering of sponsorship for refugees on a single platform**. The citizen can easily look for mechanisms near them offering the type of sponsorship that they are searching for. Moreover, the sponsorship and mentoring mechanisms are supported by the French Government ("1 jeune, 1 mentor" - one young person, one mentor - plan) and by the European Commission as part of its action plan on integration and inclusion 2021-2027. Finally, the welcome of several thousand Afghans by France in summer 2021 following the events that took place in Afghanistan also accelerated this initiative.

Numerous mechanisms specifically dedicated to the integration of refugees have been set up over the last few years. Nevertheless, the Government wanted **to expand these initiatives to foreign nationals who do not benefit from international protection**, less visible, but for whom the needs in terms of support for integration are just as important.

So, the Volont'R programme was launched in 2018 by the Interministerial Delegation for the Reception and Integration of Refugees (DIAIR) in partnership with the civic service agency. Initially reserved for beneficiaries of international protection (BIP), in 2021, this mechanism was opened to young newly-arrived foreign nationals that do not benefit from international protection.

Thus, Volont'R proposes:

- to young citizens to commit for the reception and integration of newly-arrived foreign nationals including beneficiaries of international protection (BIP). This section is implemented by the civic service agency.
- to young newly-arrived foreign nationals, including refugees, to commit within French society. This possibility is implemented by the local authorities and associative carriers selected in each region.

The mechanism contributes **to developing ties of solidarity and citizen engagement between the welcoming society and the migrants**.

7 CITIZENSHIP

This change is part of the ANEF deployment schedule (available online) and the dematerialisation, modernisation and simplification policy for procedures concerning the residence of foreign nationals in France, a pilot project was implemented in 2021 on seven platforms for requesting nationality by decree.

Since 26 July 2021, this **dematerialisation of the request for access to French nationality by decree has been experimented** in 23 mainland France departments (decree no. 2021-992 of 26 July 2021 on requesting access to French nationality from the administration by digital channels).

With the perspective of the gradual extension of the implementation of paperless procedures for the access and loss of nationality, this decree opens the way to digital applications to the administration. A decision limits this possibility to twenty-three departments.

The general guidelines on modalities for acquiring and losing French nationality for procedures under the authority of the Ministry of the Interior has been updated.

Sent to the prefects on 29 January 2021, the updated document on the general guidelines on modalities for acquiring and losing French nationality, aiming to be operational, is a support for processing and decisions on naturalisations/reintegrations concerning French nationality and declarations submitted by spouses, ascendants, brothers and sisters of French citizens. It is a tool to guide the actions of processing services and ensure uniform decision making and respect for the principle of equality.

This update to the general guidelines notably takes into account regulatory (raising of the language level expected of candidates notably), jurisprudence and societal changes as well as feedback from the regional network on the acquisition and loss of French nationality.

The entry into force on 1 April 2020 of new rules implementing the raising of the language level expected of candidates for French nationality (from level B1 oral to level B1 oral and written French), along with the overhaul of the regime of exemptions, made an update to this document necessary. Additional clarifications were expected to provide answers to the questions sent by the naturalisation platforms, to difficulties noted by the processing services of the DGEF at the Ministry of the Interior, to changes in jurisprudence and opinions issued by the Council of State interior section.

8 BORDERS, VISAS AND SCHENGEN

8.1 BORDERS MANAGEMENT

8.1.1 External border control measures/management

A **strategic borders committee** under the aegis of the DGEF has been created in order to better **coordinate the different administrations** that take part in **the control or monitoring of the borders at a strategic level**, notably to respond to Schengen evaluation observations of France, and compliance with the IBM France strategy

An **operational border guard committee** under the aegis of the Border police also has been created in order to reconcile practices (procedures, statistics, risk analyses...) and **improve the training of administration officers authorised to control borders**. Reinforce the analysis and doctrine of difficult points (maritime borders...). Respond to observations of the Schengen evaluation of France.

8.1.2 IMPLEMENTATION OF EU DEVELOPMENTS AT EXTERNAL BORDERS

i. European Travel Information and Autorisation System (ETIAS)

A **national competency service SNEAV** (National investigation service for travel authorisations) has been created.

ii. Other

On 13 July 2021, Regulations 2021/1133 and 2021/1134, which will enter into application at the latest on 31 December 2023, were published in the European Union Official Journal. Several execution decisions or delegated acts in application of this regulation are currently being drafted, as part of the VIS sub-group of the "Intelligent Borders" committee since September 2021 (obligations of transporters, doubt raising manual, integration into the VIS of the table of travel documents, risk indicators, data protection).

These regulations **considerable modify the regulations on the visa information system**. They also **provide amendments to the visa code, the Schengen borders code and interoperability regulations**, and introduce changes that will impact the operations processes and information systems (France Visas, ANEF and VISABIO).

8.2 VISA POLICY

8.2.1 VISA RECIPROCITY MECHANISM

In 2021, Japan maintained the obligation for visas (introduced in 2020 in the context of the Covid-19 pandemic) for EU nationals, who benefited up to then from a visa waiver to enter the Japanese territory. Despite this new obligation, **the European Union continued to exempt Japanese nationals from short stay visas to cross the external borders of the Schengen area**.

Due to the non-urgent nature of the issue of reciprocity in the context of the pandemic, the Commission indicated to the Member States of the "Visas" group on 16 April 2021 that political dialogue continued and that the assessment of the issue was postponed firstly to October 2021 then to April 2022.

Moreover, the **American decision to allow Croatia to enter the short stay American visa waiver programme was formally announced on 27 September 2021 and is effective since 1 December 2021.** This is in line with the necessity to continue tripartite discussions for the Member States that remain outside of the American visa waiver programme (Bulgaria, Cyprus, Romania).

8.2.2 OTHER VISA RELATED DEVELOPMENTS

The Council decision of 29/09/2021 aims to **suspend several visa issue facilities listed in the agreement between the EU and Belarus.** (more documents and proof to be provided for the assessment of the visa application, visa costs reinstated, removal of the automatic multiple entry visa issue), **mainly for official delegations.** The other categories are not concerned by these suspensions, in order to avoid penalising ordinary civil society citizens.

The visa waiver for diplomatic passports has not been called into question, as this would have led to a similar response from Belarus, which would have penalised the diplomatic missions that support the Belarus population.

In addition, because of the manifest lack of cooperation by the Gambian authorities in terms of readmission, Council adopted the execution decision (EU) 2021/1781 of 7 October 2021 on the suspension of certain provisions of regulation (EC) no 810/2009 of the European Parliament and Council concerning Gambia.

This is the first use of the possibility provided by article 25 (a) of the Visa code, known as the "Visa readmission lever". The Council decided to temporarily suspend the application of certain provisions of the visa code for Gambian nationals. This decision was taken due to the manifest lack of cooperation by Gambia in terms of the readmission of its illegally staying nationals in the EU. The temporarily suspended provisions are those in article 25 bis paragraph 5 item a of the visa code: suspension of the possibility of reducing, in certain cases, the list of supporting documents required for a visa application, suspension of the 15-day time period within which a visa must be issued, suspension of the issue of multiple entry visas "one after the other", suspension of the visa cost exemption for diplomatic and service passports.

The aim is to improve cooperation of the Gambian authorities in terms of readmission.

9 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING: PREVENTING FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AND PREVENTING IRREGULAR STAY

COOPERATION WITH THIRD COUNTRIES TO PREVENT IRREGULAR MIGRATION

1. The Western and Southern Mediterranean countries

Projects have been launched with the aim of **promoting the professional integration of local populations and refugees**: Lebanon, second phase of the "Maharat Li Loubnan 2" project €5 million, "Smart desert" project €10 million.

These projects aim to:

- **Promote employability** by paying specific attention to young people, women, and vulnerable populations, including forced displaced people.
- **Integrate the migratory aspect into sector policies** (employment, vocational training, productive investment, financial sector, agriculture, health, social protection, education, housing) in the countries of origin and destination, including to promote the integration of migrant persons and avoid creating the conditions for new forced migrations.

2. Countries in the African Atlantic coast

A **Joint Operational Partnership in Guinea has been launched**. The project, for an amount of €900 000 is implemented by the CIVIPOL operator and aims to **reinforce the operational capabilities of the Research Section of the Guinean police in the fight against migrant trafficking and trafficking in human beings** so that it contributes to dismantling the networks.

The training activities consist as a priority of:

- 1/ ensuring precise understanding of the operations of the networks, financial circuits related to migrant trafficking and trafficking in Human Beings;
- 2/ improving the procedures to take into account the victims during their interview, notably when they are minors.

The network **of Joint Operational Partnerships (NETCOP) project also has been launched**. The aim of this project, of €1.6 million and implemented by CIVIPOL, is to establish **a network between the Joint Operational Partnerships and the Joint Investigation Teams in West Africa**. These on-the-ground teams manage and work with the national investigation units. Their action includes organisational, strategic and operational aspects of the fight against migrant trafficking and trafficking in human beings. NETCOP intends to bring together the 5 JOPs already set up - or in the process of being set up - in the region: JOP Senegal, JOP Guinea, JOP Côte d'Ivoire, JOP Mali and JOP Gambia, and the Joint Investigation Teams set up in Niger, Gambia and Mauritania.

In a geographic environment particularly characterised by the porosity of its borders, regional cooperation is crucial for dismantling the transnational networks of trafficking in human beings and migrant trafficking. Within this aim, the project aims to:

- Reinforce operational cooperation between the national investigation units by organising regional workshops, conferences, training sessions and discussions/twinning between the African investigation units;
- Implement the organised exchange and analysis of operational information between the national investigation units on a volunteer basis in order to increase the dismantling of transnational networks.

- Improve the capabilities of all involved through a shared tool. Thus, beyond the setting up of training leading to sure, proven operational practices, the aim is to sustainably build mutual operational trust between the different regional and international stakeholders.

3. Other countries

Liaison officers common to European countries, within airport “hot spots” have been deployed in Albania, Bosnia Herzegovina, Ethiopia, Comoros, Djibouti, Kenya, Kosovo, North Macedonia and Serbia.

The project for “Common Airport Liaison Officers” (CALO), launched in October 2021 and provided with a budget of €500 000, aims to deploy liaison officers common to the European countries within airport “hot spots” in order to fight against illegal migrations, migrant trafficking and the organised criminal groups that perpetuate them, by reinforcing the boarding controls within source and illegal immigration transit countries.

Steered by France, the project benefits from the support of other Member States: Germany, the Netherlands and Norway. It is co-financed by DG HOME via the European Union (EU) Internal Security Fund. The project also receives support from Europol and Frontex, and CIVIPOL carries out the financial, administrative and logistical management.

Furthermore, **the Joint ‘Migration’ Operational Partnership has been launched in Mali.** Implemented by CIVIPOL, in partnership with the Spanish cooperation (FIIAAP), the project aims to contribute to the **fight against the criminal networks involved in illegal immigration, migrant trafficking and trafficking in human beings in Mali**, notably by reinforcing the human, material and operational capacities of the Brigade for the Repression of Migrant Trafficking and Trafficking in Human Beings (BRTMTEH). Provided with a budget of €2.85 million, the project is funded by the EU Emergency Trust Fund for Africa.

Finally, the **“Media and Migration” FSPI has been launched in Morocco, Tunisia, Guinea, Mauritania, Niger, Côte d’Ivoire, Gambia, Senegal, Mali, Togo, Madagascar, Comoros, Colombia, Lebanon, and Jordan.**

Provided with a budget of €936 000, the project aims to promote the emergence of collective responsibility between different stakeholders around the joint production of content based on fair, verified information, in order to fight against disinformation and feed a citizen, inclusive debate on migrations.

10 TRAFFICKING IN ADULT HUMAN BEINGS

10.1 NATIONAL STRATEGIC POLICY DEVELOPMENTS

On 28 May 2021, the Government published the “Vulnerabilities Plan” which had been the subject of discussions with the institutional and associative stakeholders for around two years. This plan responds to the deployment of the National Strategy for the reception and integration of refugees (2018-2021) and enables the **detection of persons with vulnerabilities** (people suffering from psycho-trauma, people with disabilities, victims of trafficking in human beings or violence or unaccompanied foreign minors, etc) **and for their care to be improved** by reinforcing the reporting and cooperation possibilities between institutional and associative stakeholders and by extending the mechanisms of places dedicated to vulnerable people in the accommodation stock and better integrating health issues into the path.

This plan is broken down into two focuses and ten tangible actions which aim to better identify and protect asylum seekers and refugees with specific vulnerabilities related to physical and mental health, people with disabilities, victims of all types of trafficking, women victims of sexual and sexist violence, people who are vulnerable due to their sexual orientation and/or their gender identity and unaccompanied minors (UAM).

With regard to the victims of trafficking, the aim is

(1) **to develop targeted information campaigns for the people concerned**, in particular, the existence of specialised places in the reception of victims of trafficking, women victims of violence and LGBT+ people, specific provisions on the access to stay for people that are victims of trafficking in human beings and the organisation and functioning of the French healthcare system and

(2) **to develop specialised places within the national reception system:**

- 300 places for victims of trafficking in Human Beings and women victims of violence. These places already exist and are spread over four regions. The system will be assessed in 2021 and “could be developed”. The DGEF also indicated that it wanted to carry out audits on the issue of preventing the risks of gender identity-based violence in order to create a shared reference guideline in the long term. This action is also in the second national action plan against trafficking in human beings (measure 24).

While the first national action plan enabled the significant reinforcement of the legislative arsenal and better harmonisation of practices of institutional stakeholders with regard to the fight against the trafficking in human beings, a number of challenges and shortcomings with regard to its implementation highlighted the need to adopt a second national action plan. So, steered by the MIPROF, France continued to implement the **second national action plan to fight against trafficking in human beings (2019-2021)**. Thus, some of the challenges raised as part of these debates were more specifically covered in the second plan: **the creation of a national identification and orientation mechanism for victims of trafficking in human beings, better consideration of post-traumatic stress, notably for women, reinforcing the penal response to all types of exploitation, the implementation of a plan to fight against violence to children and a better approach to all types of child prostitution.**

Amongst the measures of the second national action plan achieved and ongoing in 2021, we can note:

- The dispatch from the Ministry of Justice on 8 February 2021 recommending the extension of the experimental Parisian mechanism to the national scale for the **care and protection of minor victims of trafficking in human beings;**
- The creation and opening on 18 October 2021 of a **secure and reassuring centre for minors in danger;**
- The training of professionals through the **interministerial guide for use by professionals** “De l’identification à la protection des victimes de la traite des êtres humains” (From the identification to the protection of victims of trafficking in human beings) (the guide is currently being finalised) and the **interprofessional training sessions (see ECPAT training, section 5.1.2);**
- The continuation in 2021 of the work by the working group on the implementation of the national identification and orientation mechanism for victims of trafficking in human beings (MNIO) to improve the identification of victims of trafficking in human beings through the harmonisation of

identification indicators. Four meetings have already taken place since the start of work in 2020. To date, indicators and good practices on the local level have been listed. The finalisation of the work is planned for 2022.

The aim is the fight against trafficking in human beings, which became a public policy for the French State in 2014, remains a priority for France with two national action plans.

Finally, in a programming law on solidarity development and the fight against global inequalities, which was adopted in August 2021, **France undertook to become a pioneer country at the forefront of efforts to achieve the aim of sustainable development with the eradication of forced labour, modern slavery, trafficking in human beings and child labour.**

Consequently, on 9 November 2021, the French government launched **a national strategy to accelerate the elimination of child labour, forced labour, trafficking in human beings and modern slavery** by 2030. It was prepared as part of France's candidacy for the status of "Pioneer Country" in the Alliance 8.7, a global partnership against child labour, forced labour, trafficking in human beings and modern slavery. France achieved this status on 18 November 2021.

This national strategy aims to accelerate and accentuate even further the actions to eradicate forced labour, trafficking in human beings and child labour. It reinforces the interministerial strategies and action plans that already exist, without replacing them. It draws its strength from the joint construction process, which brings together company networks, social partners, international and European organisations, associations and NGOs.

The strategy has three focuses:

- Improve prevention by reinforcing stakeholders' ability to act
- Better protect the victims by progressing in detection, care and compensation
- Give this action an ambitious and demanding European and international impetus.

10.2 IMPROVING IDENTIFICATION OF AND PROVISION OF INFORMATION TO THIRD-COUNTRIES NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

10.2.1 PROVISION OF INFORMATION ON ASSISTANCE AND SUPPORT TO THIRD-COUNTRY NATIONAL VICTIMS

Training⁷ and awareness raising⁸

The protection officers responsible for processing asylum applications are trained in providing victims of trafficking in human beings requesting asylum with information adapted to their specific rights and directing them, if applicable, to specialist associative care. For this purpose, a **mechanism set up in 2017 will be updated during the fourth quarter of 2021.**

Furthermore, since 15 December 2021, **an online reporting platform has been launched by the national Gendarmerie for work exploitation cases.** Accessible via the processing site contact form, or the chat on magendarmerie.fr, the aim is to allow individuals, companies and authorities, to report these cases online. It is an experimental measure for six months.

⁷Training in this context refers to the training of professional and other support staff involved in providing information and assistance to third-country national victims

⁸Awareness raising in this context refers to raising awareness amongst third-country national victims about the provision of assistance and support.

10.2.2 IDENTIFICATION⁹ AND DETECTION¹⁰ OF VICTIMS OF TRAFFICKING IN HUMAN BEING*i. Training and awareness raising*

In December 2021, the ECPAT France association launched the **campaign #adopasàvendre (teenager not for sale), from the "Identifier pour mieux protéger: vers un renforcement de la protection d'enfants victimes de traite et exploitation sexuelle en Ile de France"** (identify to better protect: towards better protection of children victims of trafficking and sexual exploitation in Ile de France) programme. The aim of this campaign, which was carried out by "ambassador" young people, is to **raise awareness of young people to the risks of trafficking and sexual exploitation** through a campaign of posting and podcasts on the social networks, in which the MIPROF participated.

ii. Measures on cooperation between national authorities

In order to improve the understanding of trafficking in human beings to effectively adapt the policy on the fight against trafficking in human beings, the survey "Trafficking in human beings in France, Profile of the victims supported by the associations in France in 2020" has been launched.

The **fifth edition of the survey on the victims of trafficking in human beings supported by the associations in France was carried out for the first time jointly by the MIPROF and the Internal Security Ministerial Statistics department (SSMSI), in partnership with the association members of the "Ensemble contre la traite des êtres humains" (Together against trafficking in human beings) collective and other associations that support victims of trafficking in human beings. It was published on 15 December 2021.**

This survey, which is part of the second national action plan against trafficking, enables detailed information to be collected on the victims, their conditions of exploitation and their efforts. This work is part of the transfer since 1 January 2021 of the activities of the National Observatory for Delinquency and Criminal Response (ONDRP) to the SSMSI, in accordance with the decision of 17 December 2020. Within this framework, the SSMSI notably takes over the steering of measure 8 of the national action plan against trafficking in human beings, in partnership with the MIPROF: "Continuing the survey on victims of trafficking in human beings monitored by the associations over the long term".

Furthermore, since 2014, France has accentuated its efforts to collect and publish data, notably with the creation of an institutional working group bringing together the main ministries concerned. The aim is to determine a shared field for trafficking in human beings and regularly publish the corresponding data.

Consequently, in October 2021, the SSMSI at the Ministry of the Interior **published "Trafficking and exploitation of human beings since 2016: an approach through administrative data"**. This publication describes the visible part of the phenomenon of trafficking and exploitation of human beings since 2016 and notably the impact of the health crisis in 2020.

Indeed, the SSMSI aims **to improve the understanding of this criminal phenomenon as part of the second national action plan against trafficking in human beings**. The data recorded by the institutions only reflects the visible part of trafficking and exploitation of human beings. For this reason, it is essential to supplement it with information collected from civil society. In particular, the results of the survey on victims of trafficking in human beings supported by the associations, implemented since 2016, provides clarifications on the profiles, exploitation conditions and efforts undertaken by the victims. The publication of the administrative data available in France on trafficking and exploitation of human beings is provided in the second national action plan against trafficking.

⁹EMN Glossary definition of identification of a victim of trafficking in human beings: The process of confirming and characterising a situation of trafficking in human beings for further implementation of support.

¹⁰EMN Glossary definition of detection of (a situation of) trafficking in human beings: the process of identifying a possible situation of trafficking in human beings.

10.2.3 COOPERATION WITH THIRD COUNTRIES: TRAINING AND AWARENESS RAISING

As part of the international programme to raise public and political leaders' awareness and mobilisation for the fight against trafficking in human beings, under the aegis of the United Nations Office on Drugs and Crime (Blue Heart campaign), **a call for reinforced international cooperation to fight against trafficking and support the victims of trafficking in human beings, as well as the recognition of the fight against trafficking in human beings as a collective priority was launched by France** during the 14th United Nations Congress on Crime Prevention and Criminal Justice which was held from 7 to 12 March 2021. The opening political statement adopted by all parties includes this priority.

As part of the voluntary return aid offered to the victims of trafficking in human beings holding a "private and family life" residence permit, in May 2021, the OFII signed up to an **initiative launched as part of the ERRIN network** (European Return and Reintegration Network) which targets Nigerian national victims of trafficking or vulnerable to trafficking and/or other forms of exploitation. The aim is to **promote the voluntary return of victims of trafficking to their country of origin.**

Nevertheless, this is important to underline that it is a separate, complementary assistance to the social and/or economic reintegration aid offered by ERRIN and given in cash, of a maximum amount of €1 800, for persons that leave France at the latest on 31 August 2021.

11 RETURN AND READMISSION

11.1 MAIN NATIONAL DEVELOPMENTS IN THE FIELD OF RETURN

11.1.1 ASSISTED VOLUNTARY RETURN

The national reception system was saturated, and this was characterized by a considerable undue presence of Georgian asylum seekers whose applications have been rejected; high proportion of Georgian nationals rejected from the ill foreign nationals' procedure. In this context, the **medically-equipped return mechanism** to Georgia (medical escort and/or medical monitoring once returned) has been launched. It offer a return solution for illegally staying Georgian nationals with medical problems that can be treated in Georgia.

Moreover, because of the low number or absence of commercial flights on AMEX, there were difficulties in reserving via AMEX. The Frontex commercial flight booking application "FAR" was used to address this issue.

The aim is to **facilitate the reservation of tickets on commercial flights** using the Frontex application, which is more flexible than AMEX and fully financially covered by Frontex. Benefit from support from Frontex with regard to the negotiations with airlines to reserve places for the OFII for popular destinations (China, Algeria in particular).

Finally, a "Return specialist" has been made available serving the OFII's travel service at CDG airport since September 2021 in order to reinforce the travel service for the reservation of tickets on the Frontex "FAR" application for the organisation of voluntary return flights from Paris.

11.1.2 REINTEGRATION MEASURES

Due to a very high migratory pressure in Mayotte, notably from the Great Lakes countries of Africa (Burundi, Rwanda and RDC), a **reintegration mechanism was launched from Mayotte to the Great Lakes countries of Africa**.

Moreover, the saturation of the national reception system has led to **a registration in the medically-equipped reintegration mechanism, MedRA, set up by the European consortium of countries, ERRIN**. This allows to offer a return solution to the ESI of the countries covered by ERRIN (Nigeria, Russia, Bangladesh...) for people with health problems that can be treated in the countries of origin.

Finally, it is important to underline that migratory pressure from origins other than the Comoros and Madagascar in Mayotte has been increasing via Tanzania. It leads to the constitution of a small minority of which few are eligible for the right of asylum and particularly vulnerable on the island. Consequently, a **decision of 28 December 2020 on aid for economic reintegration in Mayotte was adopted**. The aim is to open up reintegration aid from Mayotte for nationals from the Great Lakes countries in Africa.

11.1.3 FORCED RETURN AN DETENTION

i. Forced return

The Covid-19 pandemic led States to which illegally staying foreign nationals in France are returned to demand screening tests prior to their readmission. Obstruction to these tests enabled numerous foreign nationals to oppose their effective removal. So article L. 824-9 of the CESEDA was modified in order to

criminalise the refusal to submit to the health obligations required for the automatic execution of removal orders for foreign nationals concerned. These health measures include, for example, Covid-19 screening tests.

ii. Detention

In response to the saturation of the detention stock and removals difficult, partly due to the pandemic, a call for projects to build Administrative Detention Premises (LRA) throughout the France has been launched. It should be noted that in 2021, 7 projects for the creation of LRAs have been validated throughout the country. This makes it possible to detain foreign nationals who are in an irregular situation in France and to limit the number of people placed under house arrest due to a lack of places in administrative detention centres (CRA).

iii. Alternatives to detention

The information of 15 January 2021 on the management of accommodation for asylum seekers and refugees in 2021, provides for the **establishment of assisted return facilities (DPAR) in all regions in 2021, with the creation of 1,300 additional places** (i.e. an increase of 24% compared to 2020), including 400 places from January 2021.

This measure aims to **limit undue presence in the national accommodation system and to promote assisted return.**

This measure is in line with the objective of the national plan for the reception of asylum seekers and the integration of refugees 2021-2023, to improve access to accommodation in a context where the occupancy rate of accommodation places is 98%. In this context, the national reception plan sets a ceiling for undue presence in the reception system of 3% for refugees and 4% for rejected persons.

The aim is to offer an alternative to detention for illegal immigrants wishing to apply for Voluntary Return Assistance (VRA) to a public that does not systematically require a compulsory measure imposing an obligation to leave French territory.

11.2 COOPERATION WITH THIRD-COUNTRIES OF ORIGIN AND TRANSIT AND IMPLEMENTATION OF EU READMISSION AGREEMENTS

11.2.1 COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT ON RETURN MANAGEMENT AND REINTEGRATION

While Franco-Indian migration has been relatively low until now, whether it be scientific and professional migration or academic migration, a Partnership **agreement for migrations and mobility between France and India, was signed in New Delhi** on 10 March 2018, and published on 13 October 2021 in the French Official Journal.

Entered into force on 1 October 2021, this agreement aims to develop cooperation in the areas of movement of people and the mobility of students, researchers and professionals, as well as in the fight against illegal immigration.

11.2.2 IMPLEMENTATION OF EU READMISSION AGREEMENTS

On 5 July 2021, **a bilateral application protocol of the European readmission agreement was signed** between France and North Macedonia.

Moreover, Decree no. 2021-354 of 30 March 2021 publishing the protocol between the Government of the French Republic and the Government of the Republic of Armenia on the application of the agreement signed in Brussels on 19 April 2013 between the European Union and the Republic of Armenia on the readmission of illegally staying persons (together an appendix), was signed in Paris on 27 October 2016 (entry into force on 11 August 2020).

13 MIGRATION AND DEVELOPMENT COOPERATION

France continues its commitment within the Rabat Process, Euro-African Dialogue on migration and development by integrating local authorities in the Rabat Process discussions organised by France.

The aim is to improve the governance of migrations, by finer understanding of the coordination issues to which the national and local authorities are confronted in terms of migration.

It should be noted that the “national authorities, local authorities and migrations” workshop on 14 and 15 September 2021, focused on local authorities, was initially planned to be held during the French presidency of the Rabat Process.

Furthermore, the French presidency of the Rabat Process officially ended on 7 December 2020. However, due to the health crisis, **a certain number of activities planned to be held in 2020 were postponed to 2021:**

- 21 January 2021: technical workshop on voluntary return and reintegration (webinar)
- 19 April 2021: technical workshop on “International migrations and development”: discussion on the integration of the migration dimension in development and cooperation on development policies (webinar)
- 14 and 15 September 2021: thematic meeting “national authorities, local authorities and migrations”, Paris, National Museum of the History of Immigration. This meeting, jointly organised by the Ministry of the Interior (MI/DGEF/SAIE) and the Ministry for Europe and Foreign Affairs (MEAE/DGM/DDD/GOUV) and supported by the International Centre for the development of migratory policies (ICMPD), aimed to allow discussions and sharing of good practices, between speakers and European and African participants, on the issue of multi-level governance and the management of migrations. It brought together a wide panel of guests, comprising African and European focal points of the Rabat Process, directors and general secretaries of European and African central administrations, elected representatives and representatives of local authorities from both continents, members of international organisations, civil society and migration experts.

The French presidency was responsible for work to update the PACV on behalf of the Rabat Process, thus meeting the expectations of the High-Level Civil Servants, that met in Addis Ababa (November 2018). The update to the text was approved during a joint Rabat Process/Khartoum Process steering committee held in January 2021. The amended text is currently under discussion at EU level.

France also took part in the second phase of collection and update of data on the PACV digital monitoring platform. The PACV database contains information on the projects and policies implemented in Africa and Europe in the five areas of the Joint Valletta action plan.

Moreover, in line with Action five of the French action plan “International Migrations and Development” 2018-2022, a **partnership with the National Museum of the History of Immigration in Paris** has been launched in order to identify the synergies between the two institutions (museum and ministry) in order to promote balanced, rational speeches on migrations in our networks.

A partnership programme with the International Centre for the Development of Migratory Policies (ICMPD) was also concluded because the formalisation of the good collaboration between the two institutions (ICMPD performs the tasks of secretariat for the Rabat Process, that France chaired from 2019 to 2020) was desired in order to strengthen and perpetuate it. Thus, the programme aims to reinforce and facilitate effective cooperation and deepen relationships between the signatories (ICMPD and ministry) on transversal issues related to migration and development.

Finally, France reaffirms its **support for the solidarity potential of migrants**, notably by support for the creation of companies and productive investment of diasporas. It has been included in the law no. 2021-1031 of 4 August 2021 of the programme on solidarity development and the fight against global inequalities in order to promote the growth in secure financial circuits and offer safe channels for a growing share of diaspora fund transfers.

