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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN FRANCE OVERVIEW

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INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in **France**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on the information provided by EMN France in **February 2023**.

nationals and access to citizenship; for the fight against illegal employment and illegal migration and for asylum policies.

By decree n°2022-1066 of 29 July 2022, the **Minister of the Interior and Overseas delegates to the Secretary of State** several responsibilities related to citizenship, respect for the principle of secularism, monitoring compliance with the right of asylum and implementation of the integration policy for foreign nationals in France.

The **General Directorate for Foreign Nationals in France** (DGEF) is responsible within the Ministry of the Interior and Overseas for the migration, asylum, integration and access to French citizenship policies. It implements the guidelines set by the Minister of the Interior and Overseas, draws up statutory texts and manages the budget of the ministerial mission 'Immigration, Asylum and Integration'. It acts as a managing authority in France for the European funds 'Asylum, Migration and Integration' (AMIF) and 'Internal Security' (ISF).

In these different fields, the DGEF acts at international and European level. It acts in



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The Ministry of the Interior and Overseas implements migration and asylum policies under the Decree N° 2013-728 of 12 August 2013 modified by the Decree N° 2022-1019 of 20 July 2022.

The Ministry is responsible for regulations related to visas, foreign nationals' entry, residence and employment in France; for the reception and integration of third-country

cooperation with other ministries (Justice, Europe and Foreign Affairs, Solidarities and Health, Labour and Social Inclusion, Territory Cohesion) and **interministerial structures** (Interministerial Delegation for the Reception and Integration of Refugees (DIAIR) and Interministerial Delegation for Accommodation and Access to Housing (DIHAL)).

Asylum centres and reception/integration schemes are managed locally by associations and NGOs.

The Ministry of the Interior and Overseas also relies on two public operators:

- The **French Office for Immigration and Integration** (OFII) is the state operator responsible for the reception and integration of newly-arrived migrants, including refugees. It also manages family reunification and economic migration procedures, as well as assisted voluntary return and reintegration.
- The **French Office for the Protection of Refugees and Stateless Persons** (OFPRA) handles asylum and statelessness procedures, as well as the legal and administrative protection of beneficiaries of international protection and stateless persons.

THE LEGAL SYSTEM

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

The **government** takes legal decisions and guidelines while the **prefectures** are responsible to implement them at the regional and local level.

Decisions related to entry, stay and labour can be appealed to the **administrative courts** and to the **Council of State** in a second stage.

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

MAIN LEGAL DEVELOPMENTS

International protection / asylum

The law of 29 July 2015 on the reform to the right to asylum and the law of 10 September 2018 for a managed migration, an effective right of asylum and a successful integration converged the procedures with the European law and practices (acceleration of the processing of asylum applications, improved distribution of asylum seekers on the territory, additional asylum seekers' rights and guarantees, improved housing conditions and better financial assistance with allowances linked to family composition). In May 2021, the Ministry of the Interior and Overseas presented a 'Vulnerabilities Plan' to reinforce the care of vulnerable asylum seekers and refugees. More recently, the accommodation capacity of the national reception system has been increased as part of the national plan for the reception of asylum seekers and refugees 2021-2023 to facilitate the process and the fluidity of the accommodation system. Access to the labour market may be authorised for applicants for international protection when the OFPRA, for reasons not attributable to the applicant, has not ruled on the asylum application within six months after the request has been filed. Main actors for asylum issues are the OFPRA (processing applications), the OFII (national reception scheme) and a number of associations and NGOs in charge of reception and support of asylum seekers.

Entry and residence

The laws of 7 March 2016 and 10 September 2018 implemented important changes in the reception and integration policy for third-country

nationals, and generalised multi-year residence permits. They also strengthened the attractiveness and the reception of 'talents and skills'.

While visas are issued by French consulates, the prefectures on the French territory are competent for the issuance of residence permits (first applications and renewals).

The Ministry of the Interior and Overseas is jointly with the Ministry of Europe and Foreign Affairs responsible **for the visa policy**.

International students

Late 2018, France launched a new strategy named 'Welcome to France' in order to increase the attractiveness of French universities and attract international students. It comprises visa facilitations, simplification and harmonisation of the requested documents and improvement of reception conditions for students. Multi-year residence permits are issued to international students in relation with the duration of the studies. In 2021, within a context of strong international competition and the Covid-19 pandemic, France defined the new strategic priorities, as part of the policy of talent attractiveness and support for higher education and research institutions. These priorities include an improvement in the reception conditions for foreign students and the preparation of a new welcome plan.

Employment in France

In order to **exercise a salaried activity**, a work permit is required: it can take the form of a visa, a residence permit or a dedicated authorisation. Some categories of third-country nationals do not need to apply for a work permit, for example those who can qualify as 'talents', intra corporate transferees, etc.. Moreover, in order to respond to the recruitment needs of certain economic sectors, a list of shortage occupations, open to third-country nationals, has been updated in April 2021.

The Ministry of the Interior and Overseas is competent for the work permit processing through dedicated online platforms.

On **labour issues and the fight against illegal employment**, the Ministry of the Interior and Overseas cooperates with the Ministry of Labour, Employment and Economic Inclusion.

Integration policy

The law of 7 March 2016 reformed the integration system for third-country nationals arriving for their first stay in France and wishing to settle there on a long-term basis. It created an individual personalised Republican integration pathway for a duration of five years starting with the signature of a Republican Integration Contract.

More recently, the integration policy was reworked to include new measures such as a language-training pathway with increased language requirements, the development of IT tools to favour French language knowledge, as well as new improved professional trainings and a civic training pathway.

An instruction of 25 January 2022 reaffirms that the integration through employment of eligible foreign nationals is an absolute priority, and that beneficiaries of international protection and foreign women should be given special attention. The OFII is responsible for the integration pathway and the signature of the Republican Integration Contract.

Citizenship

Citizenship can be acquired **automatically** (by birth or by reaching the age of majority for children born in France), **by declaration** (for children born in France, who at the age of 16 may acquire the French citizenship, and spouses of French nationals) and **by naturalisation decree**. Naturalisation by decree may be granted to foreign nationals in the case of minimum of five years of residence, which can be reduced to two years in certain cases, the integration into French society and adherence to its values, sufficient knowledge of the French language, a good moral conduct and absence of criminal convictions. **For declarations of citizenship and the issuance of citizenship certificates** the Ministry of the Interior and

Overseas works closely with the Ministry of Justice.

Irregular migration and return

The **fight against irregular migration** has been one of the main issues of migration policies in France since 2015 and is conducted by means of several measures related to enhanced border management at the external borders and better tackling of misuse of legal migration channels, as well as the fight against smuggling and the monitoring of migration routes. In this context, France has cooperated with third countries to prevent irregular migration.

Moreover, French regulations aim at launching more efficient tools to combat irregular migration, in particular secured house arrest conditions and alternatives to detention, reinforced fight against fraud, and a **strengthened process for assisted voluntary return and reintegration**.

A draft law on immigration will be discussed in the French Parliament in early 2023 and will probably lead to major changes in the French migration and asylum policy.



INSTITUTIONAL CHART

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