



SHARE

Building a resettlement network for European municipalities, cities and regions www.resettlement.eu

THE SHARE PROJECT

The SHARE network will facilitate structured dialogue and exchange of expertise between experienced resettlement countries planning or considering resettlement.

With a worldwide membership, staff and operations working with migrants and refugees in more than 40 countries, ICMC Serves and protects uprooted people - refugees, internally displaced persons and migrants - regardless of faith, race, ethnicity or nationality.

Since its creation in 1951, ICMC has identified and accompanied one million refugees for resettlement. Additionally, ICMC provides expert resettlement personnel through the ICMC-UNHCR Resettlement Deployment Scheme to support UNHCR resettlement activities in field offices around the world.



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SHARE Country Profile: France

1. Asylum & migration in France

France has a very long history of immigration and refugee protection. As a result of historical migratory flows from other European countries, Asia and former French colonies, the French population is one of the most diverse in Europe.

At 1 January 2010, 3.8 millions foreign nationals were living in France, and the top three countries of origin were Portugal, Algeria and Morocco. During 2007-12, 170,000-195,000 third-country nationals migrated to France every year - on average half of these were coming to reunite with a member of their family, a further third to study and the remainder for professional, humanitarian or other reasons. In 2012, 96,088 foreigners acquired French citizenship, a dramatic decrease from previous years.

France signed the Geneva Convention in 1951, and by 1952 had established a national refugee determination procedure. During the past 10 years, France has received an average of 50,000 asylum claims each year. In 2012, the most recent year for which full data is available, 61,468 asylum claims were lodged with the French authorities. The largest countries of origin for asylum seekers in France are Russia, the Democratic Republic of the Congo, Kosovo and Sri Lanka. In 2012, 9,976 asylum seekers were recognised as refugees or beneficiaries of subsidiary protection.

Immigration and asylum are at the heart of many heated public and political debates in France. Since 2002, 5 Parliamentary Acts have dealt with these issues, and immigration and asylum will again be on the Parliamentary agenda for 2014, in the first major reform of immigration and asylum under the François Hollande presidency additional to the adoption of a few regulations and instructions since May 2012.

The national refugee reception system was established in the 1970s thanks to French participation in the resettlement of both Chilean refugees and 'boat people' from South East Asia.



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2. The constitutional and administrative organisation of France

France is a Presidential Republic with legislation enacted via a Parliamentary system, and Parliamentary sovereignty sits within 2 chambers (the *Assemblée nationale* and the *Sénat*). The President of the Republic is directly elected by French nationals every five years, and he or she has slightly more constitutional powers than most other heads of state or political leaders in Europe.

France is a centralised country with a complex geographical organisation. The 'metropolitan territory' (ie - the French territory in Europe) is divided into 22 regions, 96 *départements* and more than 36,000 municipalities. Since the early 1980s, France has undergone a decentralisation process, and today there are elected local governments at each administrative level. They have wide and overlapping competences on matters related to education, transportation, culture, sports and other areas.

Regions have a strong role in economic development and vocational training, whereas *départements* lead on social policies including subsistence allowances, housing policy and systems for child protection. Municipalities are in charge of various tasks including kindergarten, primary schools and housing. The representation of central government at the local level is undertaken by the 101 *préfectures*, which have competences related to public order, including immigration (see below). They also increasingly have a leading role on social matters via the provision of dedicated services.

France has overseas territories all around the world, including 5 overseas *départements* and regions (Guadeloupe, Martinique, Guyana, Mayotte and Reunion) that have similar competences to metropolitan authorities. Immigration rules can nonetheless be implemented in different way according to local circumstances. 6 overseas collectivities (French Polynesia, Saint Barth, Saint Martin, Saint Pierre et Miquelon, Wallis et Futuna and Nouvelle Calédonie) have more specific legal statuses and organisation.

3. Asylum policy

Asylum policy is the sole responsibility of the central government. Until 2007, 3 ministries were involved in its implementation: the Ministry of Foreign Affairs was responsible for asylum determination, the Ministry of Social Affairs for the reception of asylum seekers and the integration of refugees, and the Ministry of Interior Affairs for residence and citizenship.

Currently, the Ministry of Interior Affairs leads on all aspects of French asylum policy, including refugee resettlement through its Asylum Service in the General Directorate for Foreigners in France (*Direction générale des étrangers en France*).



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The implementation of asylum policy relies on the *préfectures*, 2 national agencies and a Court of Justice. The *préfectures* are in charge of the temporary residence of asylum seekers and the implementation of the Dublin regulation. The French Office for Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et des apatrides* – OFPRA) is an independent national agency responsible for refugee status determination. Decisions to reject asylum claims can be appealed before the National Court for Asylum Law (*Cour nationale du droit d'asile* – CNDA).

The French Office for Immigration and Integration (*Office français de l'immigration et de l'intégration* – OFII) is in charge of the national reception system, including for the dispersal of asylum seekers to available places in reception centres (*Centres d'accueil pour demandeurs d'asile* - CADA) and the disbursement of social benefits and legal assistance. From 1 January 2014, there were 23,410 places in 270 reception centres, most run by NGOs including Coallia, France Terre d'Asile and Forum Réfugiés-Cosi. Additional to NGO provision, the public-private organisation Adoma is the largest asylum reception service provider in France. Asylum seekers that cannot access dedicated reception centres because of the limited available places can be accommodated in emergency centres, mostly in hotel rooms, and are entitled to receive a subsistence financial allowance.

Municipalities do not play role in the French asylum policy as such - all reception measures and welfare/legal assistance for asylum seekers is provided by NGOs and funded by the central government. However, municipalities are indirectly involved in asylum programmes through the provision of assistance at mainstream emergency centres or via social services for those asylum seekers that approach them.

4. The French resettlement programme

The French resettlement programme is based on a framework agreement between the French government and UNHCR, signed in 2008. Under this agreement, the French government committed to considering 100 cases¹ for resettlement every year.

Although there is no legislative basis for resettlement and no public debate about the categories or background of refugees to be considered for resettlement to France, France only resettles refugees recognised as such by UNHCR under Articles 6 and 7 of its mandate (not on a *prima facie* basis). France only selects refugees for resettlement on a dossier basis and does not carry out resettlement selection missions.

UNHCR forwards dossier resettlement submissions to the Asylum Service of the Ministry of Interior Affairs, which is responsible for

¹ A 'case' refers to a single household and can consist of one or more persons



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considering cases and making final decisions on who will be selected for resettlement. There is no pre-departure Cultural Orientation for refugees resettled to France. An information booklet was developed in 2009 by IOM and Forum Réfugiés-Cosi, but in practice has rarely been delivered to refugees ahead of their departure for France. The Asylum Service has been working on a revised version of the booklet since spring 2013. The International Organisation for Migration (IOM) is in charge of the pre-departure medical examinations and travel arrangements.

On arrival into France, resettled refugees are granted temporary leave to remain for 6 months, which gives them the right to work and receive social benefits. Resettled refugees are required to formally lodge an asylum claim with OFPRA after their arrival. On arrival, OFII distributes refugees to one of the 5 local resettlement programmes operating in France. These programmes are run by NGOs, namely France Terre d'Asile, Forum Réfugiés-Cosi, Isard Cos, Entraide Pierre Valdo and Adoma. There is no national governance or organisation of these programmes. However, all of them share some common approaches, and provide medium-term accommodation and individual social support aimed at empowering refugees to live independently. All 5 programmes receive financial support from the European Refugee Fund.

Municipalities are not involved in any aspect of the 5 resettlement reception system although resettled refugees, as beneficiaries of the mainstream welfare system, can access municipality social and housing services should they wish to.

In addition to the resettlement programme based on the agreement with UNHCR, France has implemented ad-hoc resettlement/relocation programmes including the Iraqi resettlement programme of 2008-9 (received 1200 Iraqi refugees) and an intra-EU relocation scheme to receive beneficiaries of international protection from Malta. In early 2014, France received the first 30 of 500 Syrian refugees to be received partly within the existing resettlement quota and partly under a new humanitarian admission programme, and municipalities will likely have an increased involvement in the reception and integration of this group.²

5. Integration Policy

Recognised refugees in France are entitled to a long-term residence permit that is automatically renewed every 10 years, and beneficiaries of subsidiary protection are entitled to a renewable one-year residence permit. Recognised refugees have access to the same rights as French nationals, excluding political rights, and can apply for family reunification without needing to prove financial resources or access to accommodation sufficient to meet the needs of incoming family members.

² See article by Matthieu Tardis of France Terre d'Asile for the European Resettlement Network at www.resettlement.eu/news/admission-syrian-refugees-france.



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Refugees can apply for French citizenship as soon as refugee status is granted. Applicants must demonstrate their 'assimilation' into French society through an interview with an officer from the *préfecture*, including a basic knowledge of French history, culture and society, and provide proof of a command of French equivalent to at least B1 level³ oral French.

There is no specific, dedicated integration policy for refugees and/or beneficiaries of subsidiary protection, who are instead eligible to access the mainstream national integration programme for all newcomers to France. Integration policy is implemented by the French Office for Immigration and Integration (OFII).

Refugees, as other newcomers, can access up to 400 hours of French language tuition, with the level of tuition set based on the outcome of an initial French language assessment. All refugees must attend 'Living in France', a single civic orientation class of 6-7 hours focusing on the values of the French Republic and the organisation and functioning of the French state and institutions. Newcomers who benefit from the integration programme, including refugees, must sign a reception and integration contract stating their willingness to attend the course and to integrate into France.

Specific services such as accommodation, social assistance and employment counselling, are offered to refugees by NGOs. Municipalities do not have integration competences as such, although some such as Paris and Nantes have established specific measures for refugees and migrants including support to NGOs, language classes and Migrant Advisory Councils.

³ B1 level of the Common European Framework of Reference for Languages (CEFR)