Input by civil society organisations to the Asylum Report 2025

Dear Colleagues,

The production of the *Asylum Report 2025* is currently underway. The annual Asylum Report presents an overview of developments in the field of international protection in Europe.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share your reporting on developments in asylum law, policies or practices in 2024 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2024 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage and contributing organisations will be listed under the Acknowledgements of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites;
- press releases;
- position papers.

Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

NB: This year's edition of the Asylum Report will be significantly revamped to achieve a leaner, more analytical report with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2025 by **Friday, 10 January 2025**.*

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✓ I accept the provisions of the EUAA Legal and Privacy Statements

General Observations

Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

1. **What areas would you highlight where important developments took place in the country/countries you cover?**

In France, after months of discussion and a controversial adoption, the **law "asile et immigration"** (law on asylum and migration) has been promulgated on 26 January 2024. The Constitutional Council censored 35 articles, including four that were only partially censored and the final text that was promulgated was in the end close to the Government's initial proposal. 32 articles were censored by the Constitutional Council for procedural reasons related to their adoption.

The law, which is **largely restrictive**, contains a number of worrying measures regarding the respect of fundamental rights of third-country nationals, both in terms of **deportation** and **detention** and in terms of **residence** and **asylum**, but also regarding unaccompanied minors.

A few weeks after the promulgation of the law, several provisions became immediately applicable and were the subject of government circulars, concerning removal measures as well as the prohibition of the detention of children, applicable only in metropolitan territory. Six months later, a series of measures have entered into force following the publication of several **implementing decrees.** These decrees guide the implementation of certain provisions of the law, in particular concerning litigation relating to the rights of third-country nationals, the withdrawal of material reception conditions for asylum-seekers and return and detention measures. Several other implementation measures decrees, including the list of the short-staffed jobs, that would allow undocumented workers working in these fields to ask for a short-term residency permit, have not yet entered into force.

Our contribution doesn't constitute an exhaustive analysis of the law, but tries to list the measures adopted in three areas of our legal expertise: **asylum, residence and integration, deportation and detention.**

2. **What are the areas, where only few or no developments took place?**

3. **Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?**

So far, we have not been consulted by French authorities about the drafting of the national implementation plan of the Pact on Migration and Asylum. However, together with other organisations, we have regularly solicited the General directorate for Foreign Nationals so that a consultation process may be organised.

We only could participate together with other civil society organisations to one meeting in September with a representative of the European Commission, which did not make it possible to cover all important points and issues.

PART A: Contributions by topic

Please share **your reporting on developments in asylum law, policies or practices in 2024 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2024 and new or remaining challenges;
- ✓ Changes in legislation, policies or practices, or institutional changes during 2024.

1. **Access to territory and access to the asylum procedure** (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Gradual introduction of "France Asile" spaces:
The law makes it possible to create 'France Asile' spaces for registering asylum applications, by modifying the organisation of the tasks currently carried out by the "guichets uniques" for asylum applications (Guda) and by involving the Office français de protection des réfugiés et des apatrides (Ofpra) more closely from the moment the application is submitted. This means that in the 'France Asylum' spaces, the application will be submitted directly to an Ofpra officer, replacing the need to submit a file within 21 days. Applicants will also be asked to indicate the language in which they wish to be heard at the interview, which will take place at a later date.
Applicants will still be able to supplement their application with additional information (writing, documents, etc.). The law states that, for applicants under the normal procedure only, the personal interview to examine the asylum application at the Ofpra may not take

place before 21 days from the moment the application is lodged within the France Asylum space, in order to allow time for preparation.
Certain personal interviews may be conducted from the France Asylum spaces rather that at the Ofpra headquarters: those conducted during Ofpra's mobile missions and those conducted by videoconference (for certain applications).

Decree: At the institutional level, the decree 828 of July 16th sets up the experimentation, provided for in the Immigration law, of 'France Asile' spaces. At these France Asile spaces, the Ofpra will directly collect the information and documents required to submit the application. However, the decree does not specify the means that will be used to ensure the necessary confidentiality of the collection of application information vis-à-vis the other departments of the France Asile space. Nor does it specify the number of France Asile spaces, the launch date or the territories covered by this experiment.

2. **Access to information and legal assistance** (including counselling and representation)

The fact that Ofpra, the authority responsible for asylum determination, initiates the asylum application on the same day as the registration within these 'France Asylum' spaces can present certain challenges in terms of support and information for individuals. While this allows for a rapid initiation of the application and an earlier interview, there may sometimes be insufficient time for the applicant to be properly informed and to fully understand the procedures and the needed elements for the the application, especially for vulnerable applicants.

However, this experimentation is not yet in place, and it is necessary to be attentive to its concrete and exact impacts on individuals in the future.

Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

There has been no changes regarding the provision of interpretation services.

3. **Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Addition of non-negligible risk of absconding to justify detention of asylum seekers under the Dublin procedure
The administrative authority can detain an asylum seeker under the Dublin procedure to prevent a non-negligible risk of absconding. Since 2018, National law already provided for a list of around ten criteria that could be used to establish this risk.
The new law in 2024 adds refusal to submit to fingerprinting or alteration of fingerprints to this list.

4. **Special procedures** (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Concerning the detention of people in waiting zones at the border: The law stipulated that if a foreigner was placed in a waiting zone and did not meet the conditions for entry into France, the liberty and detention judge would rule within 24 hours on a request for extension by the administration. The January 2024 law stipulated that the judge could rule within 48 hours in the event of the simultaneous placement of a large number of foreign nationals.

5. **Reception of applicants for international protection** (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Systematisation of refusal and withdrawal of material reception conditions - Linked competence of the Ofii

The possibility of withdrawal or refusal of material reception conditions by the French Office for Immigration and Integration (Ofii) has been transformed into an obligation in 10 situations: re-examination of the asylum application, application after 90 days, refusal of the first offer of accommodation or referral to another region, departure from the region of referral, departure from the place of accommodation, failure to attend interviews or summons from the administrative authority (people under the Dublin procedure absconding), concealment of financial resources, provision of false information about family situation, filing of multiple asylum applications under different identities.

The 2018 Asylum and Immigration law had similarly provided for such refusal or withdrawal of material reception conditions automatically. This had been challenged by the Conseil d'Etat, which ruled that this was contrary to the European Union's 'Reception Directive' providing that refusal or withdrawal must be exceptional and duly justified and take account of the person's vulnerable situation. For this reason, this new law specifies that the compulsory withdrawal of material reception conditions must comply with this directive.

For the time being, it is difficult to estimate the precise impact of this provision. Before the law was passed, it was already observed that the Ofii withdrew or refused material reception conditions almost systematically in the cases covered by the law. Although the Ofii does not provide statistics on these cases, it is estimated that about 30% of asylum seekers are denied material reception conditions.

Gender approach : Due to the lack of information on asylum applications based on gender-based violence and the taboo surrounding these issues in the community, women and LGBTI+ people are particularly likely to lodge their asylum application more than 90 days after arriving in the country or to refuse unsuitable accommodation. For these reasons, women and LGBTI+ people are at risk of being disproportionately affected by this measure.

We advocate for vulnerabilities linked to gender or sexual orientation to be particularly taken into account when applying for the reinstatement of material reception conditions.

Decree: The decree of July 5th changes the procedures for refusal or withdrawal of material reception conditions by the Office français de l'immigration et de l'intégration (Ofii). These reception conditions provide for the granting of a place in the national reception system and a financial allowance for asylum seekers. They are essential for the reception of asylum seekers. The decree makes it easier to restrict or withdraw these material reception conditions, as provided for in the Immigration law of 24 January, which made it compulsory to refuse or withdraw material reception conditions in certain situations. Thus, refusal of the financial allowance in the event of re-examination, late asylum application (after 90 days) or fraud is no longer an option but an obligation. Similarly, the Ofii will automatically withdraw certain material reception condition services from anyone who has provided 'false information about their place of residence'. On the other hand, the decree states that the decision to terminate the material reception conditions when the asylum seeker leaves the region of orientation or the accommodation in which he or she has been admitted and/or if he or she fails to comply with the requirements of the authorities (attendance at appointments and interviews or the sharing of useful information to facilitate the examination of applications) can only be taken in exceptional cases and will have to take into account the vulnerability of the person and his or her 'particular situation'.
The decree removes the requirement for a prior administrative appeal (RAPO) to be lodged with a judge against a decision to terminate the material reception conditions, as the law provides for an emergency procedure, with a referral to the judge within 7 days and a decision within 15 days.

New integration conditions
Additional contractual commitment for parents who are third country nationals
Parents who undertake to follow the training courses and support of the personalised Republican Integration Contract (contrat d'intégration républicaine, CIR) will also have to commit to provide their children with 'an education that respects the values and principles of the Republic and to support them in their integration process, particularly through the acquisition of the French language'.

Reinforcement of the personalised Republican integration programme
For signatories of the Republican Integration Contract (CIR), a section on the history and culture of French society has been added to the civic training initially prescribed by the State. The vocational guidance and support system designed to promote integration into the labour market, as provided for in the Republican Integration Contract, will henceforth be subject to the person's regular attendance and seriousness in participating in civic and language training. The civic training followed as part of the CIR will also give rise to an examination, for which it will be possible to retake if the result is below the threshold specified by decree.

Compliance with a new commitment contract
Creation of a 'contract of commitment to the principles of the Republic'.
The law introduces an additional commitment contract for people applying for a residence permit. To obtain a residence permit, applicants must now sign a 'contract of commitment to the principles of the Republic', thereby undertaking to respect 'personal freedom, freedom of

expression and conscience, equality between women and men, the dignity of the human person, the motto and symbols of the Republic within the meaning of article 2 of the Constitution, and territorial integrity as defined by national borders, and not to use their beliefs or convictions to disregard the common rules governing relations between the public services and private individuals'.

Granting of residence permits strictly conditional on compliance with this commitment contract

The issue of a residence permit is now subject to the signing of a commitment to respect the principles of the Republic, as it is already the case for the Republican Integration Contract. The law states that the permit cannot be issued to a person whose behaviour shows that he or she does not respect the obligations of this contract. In order to be considered in breach of this contract, the third country national must have 'deliberately acted in a way that seriously undermines one or more principles' of the Republic and constitute a threat to public order. Non-compliance with these principles is presumed to be serious if it constitutes an infringement of the exercise by others of the rights and freedoms referred to in the contract and listed in law.

The interpretation that will be made of the «respect of values and principles of the Republic», and thus the number of decisions refusing to consider the CIR as respected, with consequences on the deliverance of a residence permit, remains to be determined through the practice of the relevant State services (prefecture) and organisation (Ofii). Public services, NGOs as well as administrative courts should pay particular attention to ensuring that the interpretation of these principles complies with guaranteed constitutional principles and does not infringe the fundamental rights of the persons concerned.

Housing of asylum seekers:

The government's Finance Bill project for 2025 proposed to cut 6,500 emergency accommodation places for asylum seekers, and the non-opening of 3,000 others. This finance bill project is now void following government censure. However, concerns remain about the reduction in the number of places.

By the end of 2024, the authorities stated that 64% of the asylum-seekers benefitting from the material reception conditions were housed in the specialised housing system for asylum-seekers. This number does not take into account the number of asylum-seekers to whom the material reception conditions were denied and withdrawn. No official numbers are communicated on the number of asylum-seekers witout material reception conditions, but estimations are that the number is within 40,000 to 70,000.

The temporary accommodation and social housing to which refugees should have access after the asylum reception centres are also completely saturated. To integrate social housing, they also need to have an income. But asylum seekers only have the right to work after 6 months, a period extended by the prefecture, which takes several more months to issue a work permit. These are all shortcomings and constraints that delay integration and independence.

Given the tension in emergency accommodation and throughout the national reception system, as well as in social housing (solutions for exiting emergency accommodation), and the fact that not all asylum seekers are accommodated in specialised housing, we advocate that these closures of places must be avoided at all costs.

6. **Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Detention and house arrest of certain categories of asylum seekers
Asylum seekers who, in the opinion of the authorities, pose a 'threat to public order' may now be placed in detention or placed under house arrest at any point in their procedure. People who submit an asylum application to an authority other than the prefecture at the "guichet unique" (e.g. to the police during a stop for identity checks and verification of their right to stay) may also be subject to the same detention or house arrest decision if they present a 'risk of absconding'. The 'risk of absconding' may be deemed to have been established, for example, if the person has submitted their application more than 90 days after entering France, if they have already had an asylum application rejected in France or in another European Union country, or if they have explicitly declared their intention not to comply with a future removal procedure if their application is rejected.
They will then be subject to the special and accelerated asylum application procedure in detention: the asylum application must be submitted within 5 days, the Ofpra decision is made within 96 hours following a videoconference interview, and an appeal to the national court of the right to asylum (CNDA, Cour nationale du droit d'asile) does not suspend deportation.
If the Ofpra considers that it cannot examine the asylum application under this special procedure, or if it grants the person international protection, the deprivation of liberty measure must end. However, if the application is rejected by the Ofpra, detention may continue for a further 24 hours, allowing the prefecture to examine the person's right to residence and notify them of a deportation order. Detention may then continue for the time required for deportation, up to the usual limit of 90 days.

Detention for threat to public order
Detention for risk of absconding
Previously, only persons presenting a risk of avoiding execution of the deportation order could be detained. This risk is assessed according to the same criteria as those that allow the prefecture to refuse a voluntary departure deadline when it issues an obligation to leave French territory. The January 2024 law expressly added 'threat to public order' as a constitutive element of the risk of absconding, and a circular from the Minister of the Interior instructs prefects to consider such a threat as constituting, on its own, the risk of absconding.

Extension of detention
Previously, the liberty and custody judge (juge des libertés et de la détention) could only extend a person's detention for 30 days if the threat posed to public order on French territory was 'particularly serious'. This criterion has now been replaced by the simple

criterion of 'threat to public order', which makes it easier for prefectures to give reasons for requests to the judge to extend detention. The criterion of 'threat to public order' has also been added to the list of criteria for extending detention beyond 60 days and up to 90 days, without any certainty as to whether there is any prospect of effective removal during detention. Until now, third and fourth extensions have been exceptional. These provisions are likely to lead to an increase in the number of people who remain in detention for more than 60 days and up to 90 days.

Reduction in the period between two placements in an administrative detention centre

As previously drafted, national law provided for a minimum period of seven days between two placements in detention to enforce the same removal order, except in the event of the person evading surveillance measures. For example, failure to comply with a house arrest. From now on, once a detainee has been released from detention, prefectures will be able to consider a new placement, on expiry of a new 48-hour period, compared with 7 days previously, in the event of new factual or legal circumstances. Case law will have to clarify what these new circumstances are.

House arrest

Maximum periods of long-term house arrest extended

The maximum duration of house arrest for people who are subject to a deportation order but who cannot be deported was six months and could be renewed once. From now on, the maximum duration of house arrest will be one year and may be renewed twice, bringing the total duration of house arrest to three years.

Assignment to residence at the expense of persons subject to deportation, ban from French territory or administrative ban from French territory

It will now be possible to charge persons subject to deportation, banning from French territory or administrative banning from France for all or part of the costs incurred as a result of their house arrest. For example, the cost of hotels, accommodation or rent will have to be met in part by those placed under house arrest, depending on their means.

Extension of the possible duration of short-term house arrest

Short-term house arrest for people who are due to be deported 'within a reasonable time' may now be renewed twice instead of once, bringing the maximum duration to 135 days (compared with 90 previously).

Litigation procedure

Reform of time limits for appeals to administrative courts

The law simplifies the appeal procedures and deadlines applicable to certain administrative decisions and deportation measures concerning third country nationals. Only three different appeal deadlines have been established, depending on the urgency of the case:

- One month: for all obligations to leave French territory, regardless of the deadline for voluntary departure or the circumstances in which they are imposed (refusal of residence, rejected asylum seeker, etc.). The administrative court rules within 6 months.

- 7 days: for house arrest and transfer orders under the Dublin Regulation. The administrative court rules within 15 days.
- 48 hours: for deportation measures in detention. The administrative court rules within 96 hours.

Extension of the initial period of detention and referral to the liberty and detention judge

Previously, when the prefecture issued a detention order, the person was placed in an administrative detention centre for 48 hours. Within this period, the prefecture must refer the matter to the liberty and detention judge for a ruling on a 28-day extension of the detention period. The detainee could also refer the matter to the judge within the same timeframe. The law now provides that the prefecture may detain a person for an initial period of 4 days. The time limit for appealing to a judge against the prefecture's detention order will also be extended to 4 days. The judge will still have 48 hours to reach a decision, which could result in an initial period of detention of up to 6 days without any judge ruling on the legality of the detention.

Decree: With regard to detention, the Immigration law has changed the duration of the initial placement, which is now 4 days instead of 48 hours since the publication of the decree on July the 2nd 2024. The liberty and detention judge examining the legality of the confinement has 48 hours after the 4 days to give a ruling.

Gender approach: Administrative detention centres are unsuitable places for dealing with women's specific medical and social needs (sexual and reproductive health, prenatal care, perinatal care or treatment of the after-effects of the violence many of them have suffered). This worsens the mental and physical health of the women detained. We argue that these factors are insufficiently taken into account in the design of facilities, access to rights and decisions on release on grounds of vulnerability.

7. **Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

Extension of videoconferencing for Ofpra interviews

The law adds new cases in which the Ofpra may conduct the personal interview for examining the asylum application by means of 'audiovisual communication'. Until now, this possibility was provided for reasons relating to the geographical remoteness or particular situation of the asylum seeker (applications made in overseas territories, in places where people are deprived of their liberty or situations in which people are unable to travel for health reasons).

The law now provides that the Ofpra may use videoconferencing when the application is subject to certain inadmissibility decisions because the person already has asylum protection within the European Union or refugee status or equivalent protection in a third country.

New case of inadmissibility possible at the Ofpra
Prior to the law, the Ofpra was already able to take an inadmissibility decision in the case of people who had asylum protection in a European Union country or refugee status or effective protection in a third country if they were eligible for readmission in that country. From now on, the Ofpra may also take such a decision of inadmissibility if the person benefits from protection equivalent to refugee status, particularly with regard to compliance with the principle of non-refoulement.
This could theoretically include additional humanitarian protection provided at regional or national level. It will be necessary to pay close attention to the Office's practice and to case law in order to fully identify the criteria for establishing this equivalence.
While it is always possible to appeal to the CNDA against an inadmissibility decision, the right to remain in France ceases as soon as the Ofpra has made its decision, and the person concerned may then be subject to an obligation to leave the French territory.

New case for closing an asylum application
The law now provides that the Ofpra may take a decision to close the examination of an asylum application when a person has abandoned their place of accommodation under the National Reception Scheme without a legitimate reason.
A closure decision (which Ofpra could already take in certain cases, in particular when the person had not lodged their application within 21 days) requires the person to apply for the reopening of their procedure within 9 months. After this period, the closure becomes final and any new application is assessed as a re-examination.
Gender approach: Because women and LGBTI+ people are overexposed to violence in shelters, they are sometimes forced to leave in a hurry. The threat of closure puts additional pressure on people experiencing violence in their accommodation. It is therefore important that risks related to gender and sexual orientation are considered as legitimate reasons for leaving.

8. **Procedures at second instance** (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

Generalisation of the single judge system at the National Court of the Right to Asylum (CNDA) :
While CNDA decisions were initially handed down in principle by three judges (mainly for normal procedures), the January 2024 law generalises single-judge panels for all appeals lodged with the Court. The single-judge panel, which was reserved in particular for persons placed under the accelerated procedure or who have been the subject of a decision of inadmissibility by the Ofpra, will become the principle.
However, the law states that the Court will be able to refer a case to a panel of judges at any time, as soon as a 'question justifies it'. The panel will consist of a president and two assessors appointed by the Conseil d'État, one of whom will be nominated by the Office of the High Commissioner for Refugees (UNHCR).
Case law subsequent to this reform should, over time, to see the criteria used by the Court to consider that a matter 'justifies' a panel. The number of decisions taken by a single judge should increase significantly, bearing in mind that in 2023 they already represented nearly a quarter of the decisions handed down in hearings and that more than 30% of all CNDA decisions were taken by order, without a hearing.

Territorialisation of the Court:
At the same time as the single judge system is being generalised, the new law provides for the territorialisation of the CNDA's judging panel through the deployment of 'territorial chambers'. The seat and jurisdiction of these territorial champers are set by decree in the Conseil d'Etat.

Decree : The Decree 800 of July 8th restructures the National Court of the Right to Asylum (CNDA) by creating five territorial chambers (one in Bordeaux, one in Toulouse, one in Nancy and two in Lyon) from 1 September 2024, each of which will have jurisdiction over a number of more or less nearby departments, the list of which is set out in the decree. The other departments not covered by the decree will remain under the jurisdiction of the Court's head office in Montreuil (the jurisdiction of a chamber being determined by the applicant's place of residence). In accordance with the Immigration Law, single-judge panels will become the principle, unless a case is referred to a panel if 'justified'.

Gender approach: Women are already exposed to legal uncertainty due to fluctuations in case law, particularly with regard to the recognition of social groups (the only gateway to refugee status for gender-based violence). In addition, the social groups recognised sometimes differ between the Ofpra and the CNDA. In this context, the use of a single judge and the possibility of territorial chambers only increase the risk of divergent case law and definitions of social groups.

9. **Issues of statelessness in the context of asylum** (including identification and registration)

10. **Children and applicants with special needs** (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

Prohibition of detention of minors
Until now, minors could be detained if they accompanied an adult who had been placed in detention in certain limited cases provided for by law. From now on, no minor under the age of eighteen may be detained, whether in an administrative detention centre (CRA) or an administrative detention facility (LRA).
The circular of 5 February on ending the detention of minors states that in order to organise the deportation of families, prefectures may use alternative measures to detention, including house arrest. The circular also states that it is possible to place one of the two parents in a CRA or LRA and to place the other parent and children under house arrest.
This provision does not yet apply to Mayotte, where detention of children can continue until 2027 (In 2023, 3 262 children were detained in CRA in Mayotte).

11. **Content of protection** (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Residence permits
Four new grounds for refusal to issue a residence permit
Under French law, third country nationals whose presence in France constitutes a 'threat to public order' may be refused a temporary or multi-annual residence permit. An additional article introduces four new grounds for refusing to issue or renew a temporary or multi-annual residence permit:
- Failure to comply with the obligation to leave the French territory within the prescribed form and timeframe;
- Forgery and use of forgeries;
- The commission of acts constituting other criminal offences such as drug trafficking, trafficking in human beings, procuring, etc. ;
- The commission of acts constituting an offence committed against persons holding public authority or performing private security activities.

Two new grounds for withdrawing residence permits
Commission of forgery offences
National law already provides that a temporary or multi-annual residence permit may be withdrawn from a person whose presence in France constitutes a 'serious threat to public order'. An additional article now stipulates that a residence permit may also be withdrawn from a person who has committed acts that expose them to a conviction for forgery and use of forgeries (in particular when this offence is committed in a document issued by a public authority).

Commission of offences against holders of a public elective mandate and persons entrusted with public authority
While national law provides for the withdrawal of the temporary or multi-annual residence permit of a person who has committed a number of acts constituting certain criminal offences (drug trafficking, human trafficking, etc.), an additional article provides that the commission of acts of violence against holders of a public elective mandate and persons holding public authority (magistrate, constable, national police officer, etc.) now constitutes grounds for the withdrawal of the residence permit.

Residence permit
'Serious threat to public order": ground for withdrawal
The article, which provides for the withdrawal of a temporary or multi-annual residence permit for a person whose presence in France constitutes a threat to public order, adds that the residence permit and the 'long-term resident-EU' residence permit may now also be withdrawn from a person whose presence in France constitutes a 'serious threat to public order'.

The granting of the long-term resident-EU card subject to the new criteria of republican integration and a B1 level of French

The first issuance of a residence permit bearing the mention 'long-term resident-EU' will be subject to the result obtained in the examination resulting from the republican integration contract (CIR) civic and linguistic training course, so that the person can understand 'sufficiently clear conversations, produce simple and coherent discourse on everyday subjects and succinctly present an idea' (level B1).
The parents must also have honoured the commitment they made to provide their child with an 'education that respects the values and principles of the Republic' and to support him or her in the integration process, such as acquiring the French language.
The condition of 'republican integration' is assessed by the prefecture, which refers the matter to the mayor of the person's municipality of residence for an opinion. If the mayor remains silent for two months, this opinion is deemed to be favourable.
Gender approach: Women face specific difficulties in accessing language courses (often linked to their maternity) and in learning quickly, particularly due to limited access to education in certain countries of origin. However, the law does not provide for easier access to these courses, which could further undermine migrant women's right to residency through the more systematic issuing of short-term residency permits.

New grounds for refusing to renew a residence permit
Renewal of the resident card (and the 'long-term resident-EU' resident card) may now be refused to a person who represents a 'serious threat to public order'.

Digital administration for third country nationals in France, ANEF :
As part of a wider move to dematerialise public services, the procedure for applying for a residence permit on the ANEF teleservice has been introduced on a trial basis in 2020 and extended to refugees and beneficiaries of subsidiary protection in 2022. It takes around a year for a residence permit to be issued for beneficiaries of international protection, and in the meantime they are issued with a document certifying that they are legally resident and entitling them to social security benefits. With the introduction of the ANEF, the 'récépissé de demande de titre de séjour', a provisional document well known to the various public services, has been replaced by an 'attestation de prolongation d'instruction' (API).
In practice, these new APIs issued via the ANEF website quickly gave rise to problems: they are often not recognised as equivalent to the "récépissés" for applications for residence permits previously issued by the prefecture. Public services such as the CAF, CPAM and France Travail, as well as employers, social landlords and banks, refuse to grant rights, withdraw promises of employment, training or social housing, or refuse to open a bank account, convinced that the document presented is a forgery or does not constitute proof of legal residence. The lists of official documents accepted for administrative procedures have not been updated, and the State has not made up for this shortcoming with a nationwide communication campaign. Renewing the API, which digitisation has not made possible, is also particularly difficult. This option does not always appear on the site, and the API is sometimes renewed for three months instead of six, or published with incorrect information. Other obstacles noted by France terre d'asile social workers include error messages preventing the account from being created, the API from being edited or renewed, or messages announcing that the application has been closed without justification from the administration.
Although the intention of this system was to reduce waiting times at the prefecture and simplify procedures, the malfunctions of the platform, their very slow correction, and the

insufficient recognition of the API as an institutional document that are authentic for procedures have undermined the simplification project, leading to refusals and breaks in rights for thousands of people.
The « Défenseur des Droits » (Ombudsman) in France produced a report on this issue.

Language training
Measures to help allophone employees learn French
Access to French language training offered by the employer
While employers could already offer their employees training to develop their skills or combat illiteracy, the law now allows employers to offer allophone employees training aimed at achieving a knowledge of the French language at least equal to the level A2.

French lessons count as working time for employees who have signed the CIR (Contract for Republican Integration)
For employees who have signed the Republican Integration Contract , the activities that enable them to continue their language training constitute actual working time, up to a limit of a maximum duration set at 80 hours. The third country national retains his/her remuneration.

Authorisation of absence as of right for employees who have signed the CIR taking French courses financed by the CPF (Personal Training Account)
Employees who take courses financed by the Personal Training Account (CPF) in whole or in part during their working hours must request leave of absence from their employer.
From now on, this leave of absence will be granted automatically to allophone employees who are signatories to the CIR and who take French as a foreign language courses financed by the personal training account, in whole or in part, during their working hours. The authorized absence time is generally set at 28 hours (10 hours for employees hired by private individuals to work in their homes and childcare assistants).

Changes in the AGIR programme's eligibility criteria and objectives: The AGIR programme (Accompagnement global et individualisé des réfugiés) is a comprehensive, individualized support program for refugees on the way to employment and housing.
The authorities have decided to once again modify the public eligible for AGIR programmes, to introduce a ceiling on the number of people supported each year, and to call into question its objective of overall support towards positive exits into employment and housing through the introduction of "simple exits". These changes in eligibility criteria and support objectives challenge AGIR's initial mission and the organisation of the platforms. The ceiling of 25,000 beneficiaries of international protection who could be supported by AGIR throughout the country falls far short of the number initially eligible, as initially, no cap was introduced. In addition, access to employment and vocational training was supposed to be one of the priorities of the Agir programme. In the end, given the drop in funding, the directives are to massively orientate people towards the public employment service, which is not equipped to properly support refugees (because of lack of knowledge of the specific administrative situation of refugees, difficulties in providing support to allophone job seekers, and generally difficulties in taking into account the specific needs refugees may present in their job search process).

12. Return of former applicants for international protection

Systematic obligation to leave the French territory (OQTF) for rejected asylum seekers

The law provides that the prefect will systematically issue an OQTF to a person whose asylum application has been definitively refused or whose right to remain in France has ceased (at the time of the decision or its notification by the Ofpra or the CNDA), unless the prefecture is 'considering admitting the foreign national for residence on another ground'. Prior to this reform, the 'systematic' nature of OQTFs for people refused asylum was already fairly well established in the law, as the article already stated that people who had been definitively refused asylum had to leave the country or face an OQTF.

Decree : The relevant decree states that this OQTF will be issued within 15 days of the date on which the prefecture becomes aware that the asylum seeker is no longer entitled to remain in France.

Deportation or expulsion orders

Disappearance of protection against deportation in the context of obligations to leave the French territory (OQTF)

Until now, under national law, people who arrived in France before the age of 13, or who have been resident in France for more than 20 years, or who have been resident for more than 10 years and are the parents of a French child, or who require health care that is not available in their own country, could not be subject to an OQTF, even if they were considered to pose a threat to public order. To remove third country nationals in these categories, the authorities had to resort to expulsion measures. In the end, the law abolishes all existing protections against OQTFs, except for minors. These provisions give prefectures much greater room in issuing OQTFs and allow the administrative judge, in the event of an appeal, to assess the intensity of the third country national's links with France and whether the deportation is consistent with the right to private and family life.

Increasing number of exceptions to protection against deportation (APE/AME) based on penalties incurred

Until now, certain categories of people set out in national law (parents of a French child; people who have been married to a French national for at least 3 years; people who have been resident in France for more than 10 years; people receiving a pension following an accident at work) had almost complete protection against expulsion: it was necessary to establish an overriding threat to the security of France or public safety and not just a serious threat to public order. This protection lapsed, and a mere threat to public order was sufficient if the protected third country national had been convicted and sentenced to five years' imprisonment or more. The law now states that protection ceases to apply if the person has been convicted of a felony or misdemeanour punishable by 3 years' imprisonment or more. This means that deportation is possible, regardless of the sentence actually imposed, as long as the maximum sentence in the Criminal Code exceeds 3 years' imprisonment (for example: theft with violence resulting in total incapacity to work for less than 8 days is punishable by a maximum of 7 years' imprisonment.The expulsion of a French parent sentenced to a 2-year suspended sentence for such acts would then be possible).

Protection is also withdrawn if the acts were committed against a public official or any person entrusted with a public service mission. Lastly, protection ceases to apply to any person whose situation is irregular at the time the expulsion order is issued (unless the irregularity is the result of a decision to withdraw or refuse to renew a residence permit). For third country nationals with even stronger ties to France (persons who arrived before the age of 13; who have been resident for 20 years; who are married to a French national or are the parents of a French national and have been resident for 10 years, etc.), this protection will be withdrawn if the person has been convicted of a felony or misdemeanour for which the maximum sentence under the Criminal Code is 5 years' imprisonment or more, or 3 years in the event of a repeat offence, regardless of the sentence actually passed. In both cases, the fact of being in an irregular situation at the time the measure is taken effectively removes any protection against expulsion.

Alignment of exceptions to protection against Prohibitions of French territory (ITF) with the system of Obligations to leave French territory (OQTF) and expulsion orders

Until now, national law provided that for five categories of people (parents of French children, resident in France for more than 15 years, etc.), an ITF sentence for a criminal offence could only be handed down with special grounds based on the seriousness of the offence, taking into account the offender's personal and family situation. The law provides for the repeal of this article and adds to the article dealing with the issuing of ITFs a generic statement to the effect that 'the court shall take into account the length of time the third country national has been present on French territory, as well as the nature, seniority and intensity of his or her links with France when deciding to issue the ITF'. In a similar vein to deportation orders, the virtually absolute protections provided (resident for more than 20 years, arrived in France before the age of 13, etc.) cease to apply if the person has been convicted of a felony or misdemeanour for which the maximum sentence under the Criminal Code is 5 years' imprisonment or more, or 3 years in the event of a repeat offence, regardless of the sentence actually handed down.

Extension of the possible duration of a ban on return to French territory (IRTF)

A ban on return to French territory is an administrative police measure that prohibits a person from returning to France for a specified period, in conjunction with an alert for non-admission to the Schengen area via the Schengen Information System (SIS). The new provisions extend the existing time limits: up to five years, compared with three years for an initial decision, and up to a maximum of ten years for an extension, compared with five years previously.

Temporary residence permit for non-deportable persons whose residence permit has been withdrawn or refused

Previously, third country nationals whose residence permit had been withdrawn because of a final conviction for offences committed against persons holding public authority but who could not, in view of their situation, be deported under national law (parent of a French child, for example, or a person who has been habitually resident in France since reaching the age of 13), were issued with a temporary residence permit bearing the mention 'private and family life' as of right. From now on, anyone whose residence permit has been refused or withdrawn because of a 'serious threat to public order', but whose situation does not allow

them to be deported under the provisions in question, will be issued with a provisional residence permit as of right.

Visas

Issue of visa subject to proof of compliance with the OQTF

Issuance of a short- or long-stay visa will now be refused if an obligation to leave French territory (OQTF) less than five years ago has not been executed within the time limit or in the manner prescribed by the administrative authority. This provision does not apply to persons whose humanitarian circumstances are of the same nature as those that justified the refusal to issue a ban on return to French territory.

13. **Resettlement and humanitarian admission programmes** (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

14. **National jurisprudence on international protection in 2024** (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

15. **Other important developments in 2024**

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2024:

https://www.france-terre-asile.org/component/fabrik/details/1/291-decryptage-loi-asile-et-immigration-fevrier-2024?Itemid=495

https://www.france-terre-asile.org/component/fabrik/details/1/290-decryptage-janvier-2024-loi-asile-et-immigration?Itemid=495

https://www.france-terre-asile.org/actualites/actualites-choisies/loi-asile-et-immigration-que-disent-les-decrets

https://www.france-terre-asile.org/actualites/actualites-choisies/l-administration-numeriq[…]eau-parcours-du-combattant-pour-les-personnes-refugiees

2. If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

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