

FRANCE

1 Arrivals

1 Total number of applications for asylum lodged, with monthly breakdown and percentage variation between years

Table 1:

Month	2003	2004	Variation +/- (%)
January	3,702	3,848	+3.9%
February	4,408	4,696	+6.5%
March	4,422	5,262	+19.0%
April	4,612	4,419	-4.2%
May	3,101	3,667	+18.2%
June	4,213	4,237	+0.6%
July	4,432	4,240	-4.3%
August	4,085	3,785	-7.3%
Sept.	4,281	4,041	-5.6%
October	5,224	4,006	-23.3%
November	4,748	3,790	-20.2%
December	4,976	4,556	-8.4%
Total	52,204	50,547	-3.2%

Source: OFPRA (French Office for Refugees and Stateless persons)

Comments

The above figures represent the total number of first requests for asylum; they do not include 7,998 minors accompanying parents (2004). This means that a total of 58,545 asylum seekers (minors and adults) lodged an asylum application in France in 2004 (-2% compared to 2003). In addition, 7,069 requests for re-examination were presented in 2004, following final negative decisions at appeal (+217.7% compared to 2003).

In total, requests for conventional asylum (first requests + re-examinations) increased by 5.8% between 2003 and 2004 (from 61,993 in 2003 to 65,614 applications in 2004) but the increase is mainly due to the increasing number of requests for re-examination in 2004 (first requests for conventional asylum and the number of minors accompanying parents are decreasing). Furthermore, we must take into account the fact that this total number of 65,614 asylum requests in 2004 includes the new subsidiary form of protection (in the framework of the new single asylum system) whereas in 2003 (under the previous system) we needed to add a figure of 27,741 applications for "territorial asylum" status (now replaced by the concept of the "subsidiary form of protection") to the total number of 61,993.

At the beginning of 2004, changes took place in the single procedure at OFPRA (Office Français de protection des réfugiés et apatrides). There were 65,614 requests for asylum in 2004. In 2003, the number of conventional applications was 61,993, but there were 27,741 applications for a subsidiary form of protection known in French law as "territorial asylum".

2 Breakdown according to the country of origin/nationality of applicant, with percentage variation

Table 2:

Country	2003	2004	Variation +/- (%)
Turkey	6,761	4,409	-34.8%
China	5,294	4,188	-20.9%
Algeria	2,431	3,702	+52.3%
DR Congo	4,407	3,353	-23.9%
Haiti	1,403	3,067	+118.6%
Serbia and Montenegro	1,755	2,378	+35.5%
Russia	2,147	2,165	+0.8%
Sri Lanka	1,967	2,090	+6.3%
Others	26,039	25,195	+3.3%

Source: OFPRA (French Office for Refugee and Stateless persons)

Comments

For the first time in many years, applications from Turkey decreased although they remained top of the list of requests for asylum in France in 2004. This unexpected evolution can be explained by the desire to get closer to the European Union, the improving economic situation and by improving relations with the Kurds.

The increase in Algerian applications is due to the transfer of requests for "territorial asylum" to a single procedure in OFPRA (French Office for the Protection of Refugees and Stateless Persons).

Applications from Democratic Republic of Congo have been decreasing since 2003; this tendency was confirmed again in 2004.

The increase of Haitian applications in 2004 could be explained by the situation of trouble and generalised violence due to political chaos in the country (the withdrawal of President Aristide on 29th February 2004).

3 Persons arriving under family reunification procedure

564 in 2004 (2003: 410).

Assistance has been provided to refugees as part of the family reunification procedure since 1993, following a programme on family reunification set up by UNHCR, in collaboration with IOM and SSAE (Social service for assistance to foreigners), including the organization of travel and social and legal assistance before and after arrival in France. Only refugees residing in France can benefit from the family reunification procedure.

From 01/01/2004 to 31/12/2004, SSAE examined 238 files of refugees requesting family reunification. 564 people (including 437 children) arrived in France under the family reunification procedure. Most of the beneficiaries were originally from the Democratic Republic of Congo, Congo, Haiti, Sri Lanka, Rwanda, Mauritania, and Guinea.

In 2004, the number of people who requested assistance for the payment of travel expenses increased by 28% on the figure from 2003.

Although this programme is run by SSAE, it should be noted that the Ministry of Foreign Affairs is responsible for issuing the necessary visas for family reunification.

Refugee families can also be reunified through another procedure run by IOM, within the Ministry of Employment and Solidarity. This procedure applies to the refugee's spouse when the marriage has been contracted after status has been granted or when it has been contracted less than one year before.

In this case, as for other non-nationals, family reunification for refugees is subject to conditions concerning housing and resources.

Main nationalities of beneficiaries of family reunification in 2004:

Table 3:

Nationality	Number of families	Number of persons arriving
Haiti	41	144
DR Congo	29	89
Congo	15	45
Sri Lanka	9	26
Rwanda	9	14
Mauritania	7	24
Guinea	6	19

Source: SSAE (Service Social d'Aide aux Etrangers – Social service for assistance to foreigners)

4 Refugees arriving as part of a resettlement programme

France does not operate any resettlement programmes.

5 Unaccompanied minors

The percentage of unaccompanied minors' asylum applications of total asylum claims has been continuously increasing for several years. In 2004, 1,221 applications from unaccompanied minors were registered, as compared to 949 applications in 2003, and 845 in 2002.

The recognition rate for unaccompanied minors' applications is two times higher than that of adults. In 2004, the recognition rate for unaccompanied minors, including decisions at appeal, reached 26.7%.

The majority of them came from the African continent (61%), and less than 4% were below 16.

Table 4:

Nationalities	Number
DR Congo	288
Angola	152
Turkey	67
Sri Lanka	47
Congo Brazzaville	45
Albania	41

As far as statistics on the arrival of non-national minors are concerned, there are no countrywide figures concerning arrivals by land. The only statistics available are those provided by ASE (Social Assistance for Children). In 2004, ASE took charge of 3,100 unaccompanied minors. Furthermore, according to the OFPRA annual report, 231 unaccompanied minors applied for asylum from the 'holding areas' at the borders in 2004. Fifty-nine per cent of them came from the African continent, and 12.5% claimed to be Palestinian. The rate of positive decisions allowing them to enter the country remains low, only 3.4% (the total rate of admission is 7.8%).

2 Recognition Rates

6 The statuses accorded at first instance and appeal stages as an absolute number and percentage of overall decisions

Table 5:

Statuses	2003		Appeal		2004		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	59,818	90.2	26,035	88.2	61,760	90.7	34,193	87.3
Convention status	5,729	8.6	3,467	11.7	5,528	8.1	4,967	12.7
Subsidiary status	0	0			84	0.1		
Other	797	1.2			746	1.1		
Total	66,344	100	29,502	100	68,118	100	39,160	100

Source: OFPRA and CRR

The number of statuses granted on appeal is all-inclusive. No specific statistics are available concerning Convention Status and subsidiary protection.

The number of decisions made by OFPRA and by CRR increased in 2004 (by approximately +12%). The total recognition rate is 16.6% (14.8% in 2003) including 4,967 statuses granted by CRR (43.7% of total positive decisions).

Regarding ‘territorial asylum’, 2003 was the last year of its implementation. It was replaced in 2004 by ‘subsidiary protection’ (see section 17). In 2003, according to the Interior Ministry, there were 27,741 requests made for ‘territorial asylum’; 111 received a positive decision (recognition rate: 0.3%). In 2004, through the single procedure system, OFPRA only granted 84 subsidiary protection statuses. This represents 0.1% of its decisions and only 0.7% of the recognition rate in 2004.

As far as ‘constitutional asylum’, introduced in May 1998, is concerned, it is rarely claimed by asylum seekers in their applications. Asylum seekers cannot choose the legal basis for submitting their application; only OFPRA and CRR can select this. In cases of constitutional asylum, OFPRA or CRR generally ask for the application of sub-section 4 of the Preamble of the 1946 French Constitution (“protection of persons persecuted because of their action in favour of liberty”). In 2004, only three statuses were granted on this ground.

The aggregate figure concerning recognized refugees in France at the end of 2004 amounted to 109,852 persons (except accompanied minors). This figure increased by 8.9% compared to 2003; 48.2% were originally from Asia, 25.4% from Europe and 23.1% from Africa.

7 Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 6:

Country of origin	2003		2004		2004		2004	
	First instance Numb er	%	Appeal Numb er	%	First instance Numb er	% (Recognitions by OFPRA)	Appeal Numb er	% (Total recogniti on rate)
DRC	845	10.4	296	14.0	388	7.3	600	18.6
Russian Federation	828	36.4	230	46.5	1,136	39.8	262	49.0
Mauritania	506	11.1	277	17.1	184	6.8	474	24.4
Turkey	489	5.1	368	9.0	424	5.7	563	13.3
Serbia	396	20.1	138	27.0	563	21.4	157	27.3
Republic of Congo	382	11.3	127	15.1	200	10.3	229	22.1
Bosnia- Herzegovina	354	46.2	23	49.2	981	64.2	50	67.4
Sri Lanka	303	14.0	342	29.8	320	9.9	391	22.1

Source: OFPRA

Please note that data concerning nationalities with less than five persons are kept confidential for security reasons.

8 Subsidiary and other status granted (as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 7:

Continent of origin	2004		2004	
	First instance Number	%	Appeal Number	%
Africa	49	58 %		
Including: Algeria	32	38 %		
Europe	14	17 %		
Asia	12	14 %		
America	9	11 %		
Total	84	100%		

Source: OFPRA

No figures are available for subsidiary and other statuses granted on appeal for countries of origin. We only know that the "Commission des recours des réfugiés" (the Commission for appeals) granted 4967 protection statuses in 2004, including all types of protection status (subsidiary, conventional and other).

3 Returns, Removals, Detention and Dismissed Claims

9 Persons returned on safe third country grounds

The concept of "safe third country" does not exist in French legislation.

10 Persons returned on safe country of origin grounds

The concept of "safe country of origin" was introduced in French legislation in December 2003, for a provisional period until EU legislation on the notion of "safe country of origin" was adopted. France therefore had to apply the European common list of safe countries of origin. OFPRA is about to publish a national list of "safe countries of origin". This concept is not considered as a ground to return a person. It is only seen as a way to examine asylum applications in a so-called "accelerated procedure" ("procédure prioritaire") according to the new Asylum Law (2004).

Since 1998 (Law no.98-349), OFPRA has been using a broad interpretation of the 'cessation clause' provided by article 1 C 5 of the 1951 Geneva Convention; it is not only applied to refugees, but to asylum seekers as well. This concept allows the use of an accelerated procedure to make decisions concerning persons from countries considered to be "sufficiently democratised".

The 'accelerated procedure' applies to applications falling under the terms of Article 1(C) of the 1951 Geneva Convention (the so-called 'cessation clause'). In these cases, applications are processed by OFPRA under a faster procedure; asylum seekers are given no residence permit and no financial assistance, and the appeal before the Appeals Board for Refugees (CRR) has no suspensive effect.

In 2004, 9,212 asylum requests were processed under the accelerated procedure. This represents 16% of the total, compared with 9.6% in 2003. This increase could be a direct consequence of the French asylum reform of 2003. The recognition rate under the accelerated procedure is very low: 1.8% (2.7% in first instance and 0.8% in appeal).

The breakdown by nationality was as follows:

For the first instance: Algeria (1,072), Romania (684), Turkey (560), Serbia (217), and Haiti (192).

On appeal: Turkey (1,283), Democratic Republic of Congo (492), Sri Lanka (351), Mauritania (235), and Georgia (215).

11 Number of applications determined inadmissible

The notion of applications determined inadmissible does not exist in French legislation.

According to French law, asylum seekers can be denied the right to enter the territory (see section 12), when the application for asylum is considered to be manifestly unfounded. In all other cases, applications are examined.

12 Number of asylum seekers denied entry to the territory

So far the figures for 2004 from the Interior Ministry regarding the number of asylum seekers denied entry to the territory are not available.

Asylum applications at the border in 2004

Following a decree from 21st July 2004, BAF (the Office for Asylum at the Frontiers) was transferred from the Ministry of Foreign Affairs to OFPRA.

The "asylum at the frontiers" procedure, aims to authorise or stop asylum seekers, who do not have the required documents, from entering French territory. When they arrive, those claiming asylum are held in "holding areas" at the borders until the Interior Ministry decides, following an OFPRA consultation, whether their application for asylum is founded or manifestly unfounded (if it is manifestly unfounded, then they are not admitted into French territory).

In 2004, 2,548 asylum applications were lodged at the borders (adults and unaccompanied minors), which represents a decrease of 57% (5,912 in 2003). 94% of asylum applications at the borders were lodged at Roissy airport, 4.5% at Orly airport, and only 2.5% in other regions of France. The rate of admission into French territory (on the grounds that the applications made are not considered to be "manifestly unfounded") was 7.7% (197 applications) compared to 3.8% in 2003 (224 applications).

Main nationalities

The majority of applicants still come from the African continent: 1,264 persons which represents 49.6% of the total number of applications (65.4% in 2003).

Applications from Democratic Republic of Congo are the most numerous, with 209 persons (171 in 2003); followed by applications from Nigeria (156 persons in 2004/223 in 2003), and Congo Brazzaville (136 persons in 2004/309 in 2003).

The number of applications from several countries has decreased significantly: Burkina Faso (-98%), Senegal (-96%), Mali (-87%), and Liberia (-77.5%).

The number of asylum applications from Asia decreased by 40% (603 persons in 2004 compared to 1,050 in 2003). This can be explained by a reduced number of applications being received from nationals of China (113 in 2004, 586 in 2003).

Countries of the Maghreb and of the Middle East, mainly Palestine, represented 423 applications in 2004 (784 in 2003).

13 Number of asylum seekers detained, the maximum length of and grounds for detention

There is no legislation in France on the detention of asylum seekers on French territory. They can only be detained in holding areas before being authorized to enter the territory (see section 12), or placed in detention centres before their expulsion from the territory (see section 14).

14 Deportations of rejected asylum seekers

There are no statistics available on the deportation of rejected asylum seekers, since the Interior Ministry does not supply official figures that distinguish between rejected asylum seekers and other non-nationals. According to the figures of the Interior Ministry, the total number of effective deportations of non-nationals was 15,660 in 2004 (11,692 in 2003). We have noticed a large increase in the number of effectively executed deportations since 2003, especially in 2004 (more than 33.9% of effective deportations). These 15,660 deported non-nationals represent 22.5% of the total number of deportations announced by the French authorities (69,602 in 2004, and 55,938 in 2003).

15 Details of assisted return programmes, and numbers of those returned

There is no specific return programme for asylum seekers and refugees in France and therefore the law on non-nationals is applied. Statistics on the number of people who have benefited from return programmes in 2004 are not available yet. In 2003, 650 people benefited from return programmes.

It is necessary to distinguish between returns of refugees and of people whose asylum applications have been refused. Those who have had their asylum applications rejected must leave the territory within a period of one month. During this period, people can request assistance in voluntary return from the French Office for International Migration (OMI). After a decree from 1998, they can obtain assistance for transport costs, organisation of departure and a certain amount of money per adult and per child (adult: 152€ child: 45€).

16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation

So far, specific information from the Interior Ministry on the application of the Dublin II Regulation in France in 2004 is not available. Asylum seekers under the Dublin II Regulation cannot make a request for asylum to OFPRA. They do not have access to the national accommodation system nor to any social rights (except access to healthcare).

4 Specific Refugee Groups

17 Developments regarding refugee groups of particular concern

As has been the case for many years, there were no legal developments regarding refugee groups of particular concern in 2004. Refugee-assisting NGOs were particularly concerned about Chechens in 2004. The number of Chechen asylum applications is getting higher and higher in France. Although the recognition rate is quite high for Chechens, returns are impossible in the majority of cases because these are often people who fear persecution due to the well-known alarming situation in Chechnya. There is therefore no effective return policy towards rejected Chechen asylum seekers in France and no political will or practice to return them.

5 Legal and Procedural Developments

18 New legislation passed

In 2003, two new pieces of legislation were adopted; they reformed the Immigration and Asylum Laws. The first, adopted on 26 November 2003 (hereafter: Immigration Law), modifies Ordinance n. 45 of 2nd November 1945 on Conditions for Entry and Residence of Foreigners in France. The second legal instrument adopted on December 10th 2003 and, which came into force on January 1st 2004, modifies the 1952 Asylum Law. It contains several new important provisions related to asylum procedures.

The government then adopted two decrees to enforce these two laws on August 14th 2004. One modifies a decree dated 30th June 1946, that governs the entry and residence of foreigners on French territory; the second one concerns OFPRA and the Commission for appeals (CRR).

From now on, when an NGO agrees to accommodate asylum applicants, an agreement from the Prefecture (County) is necessary.

Additional Information:

- Decree from July 29th 2004 concerning the technical and logistical aspects of escorts back to the border (to facilitate the execution of return decisions).
- Decree from November 17th 2004 concerning the admission of non-nationals to French territory (modalities to appeal against expulsion measures). This decree implements the Ordinance dated 2/11/1945 giving technical elements on procedure in court for the waiting zones at the borders and retention centres.
- Decree from November 25th 2004 on creating a data file for non-nationals who need a visa and concerns the external frontiers of Schengen territory. Control through the data file is made up of two parts: one when applying for a visa to come to France and the other when entering French territory.

19 Changes in refugee determination procedure, appeal or deportation procedures

Below are some of the most relevant provisions included in the new Asylum Law (2003) that entered into force on January 1st 2004.

Under the new law an applicant has 21 days instead of 1 month to refer to OFPRA to lodge his/her asylum application after obtaining a temporary residence permit from the Prefecture. Beyond this period the application is normally no longer admissible.

In the case of an accelerated procedure, OFPRA has 15 days to reach a decision (or 96 hours when the applicant is detained).

For a re-examination, OFPRA has 96 hours to examine whether the request is admissible or not. Moreover, this law has introduced the possibility for one judge alone to reject a request without any trial of the applicant at appeal.

“Territorial asylum” replaced by “subsidiary protection” (Article 1)

The definition of subsidiary protection provided by the new law is the same as the one given by the EU Qualification Directive. Article 1(c) lists among the ‘serious threats’ the individual would face if returned to the country of origin: ‘serious and individual threat to a civilian’s life because of indiscriminate violence resulting from a situation of national or international armed conflict’. Under the new legislation, beneficiaries of subsidiary protection find themselves in a very precarious situation. They are granted a temporary residence permit valid for one year, which can be renewed only if the conditions on the basis of which it was granted continue to exist.

A unified procedure for both Convention status and subsidiary form of protection

Under the new law, OFPRA is responsible not only for conventional and constitutional asylum applications, but also for subsidiary protection cases. Each application is examined first under the 1951 Geneva Convention, and then considered for subsidiary protection only if Convention Status cannot be granted.

So far, Convention cases and ‘territorial asylum’ cases have been treated separately. With the new law, ‘territorial asylum’, which previously came under the responsibility of the Interior Ministry, has been replaced by ‘subsidiary protection’ and is now part of a unified procedure carried out by OFPRA.

Introduction of new concepts

Although the concept of ‘safe country of origin’ formally appears for the first time in the new French Asylum Law, it does not bring anything new in practical terms since other pre-existing laws already include similar measures by means of a broad interpretation of “cessation clauses”.

The concept of ‘manifestly unfounded’ applications has been extended to the asylum procedure. So far, it has only been used for applications lodged at the French borders (if an application is considered as ‘manifestly unfounded’, the applicant is not allowed to enter the territory). In case of manifestly unfounded applications, there is no obligation for OFPRA to interview the applicant during the examination of the claim: the application may be rejected without a hearing.

The concept of “non-state agents” has been finally introduced into French legislation (Article 1, Asylum Law 2003).

The “internal flight alternative” concept has been introduced by the new law (Article 2 § 3, Asylum Law). The concept of “protection agents” has also been introduced: it includes states, as well as regional and international organisations.

20 Important case-law relating to the qualification for refugee status and other forms of protection

There was an evolution in the case law in 2004, due to the application of the new Asylum Law.

Concept of lack of protection (that replaces the concept of agent of persecution)

The appeal Commission examines the authorities' refusal or incapacity to protect nationals against persecution.

CRR 13/04/2004, 415160: the Commission recognized that Kosovan authorities are not able to protect a member of the Albanian community with Kosovan nationality, accused of collaborating with Serbs.

Concept of internal flight alternative

The Commission examines the possibility for applicants to have a "normal life" in another part of the country, taking into account social and economic criteria, as well as the possibilities of finding a job.

CRR, SR, 25/06/2004, 446177: the applicant was considered to be in need of protection, because he continually feared local police and was not able to find a job if he stayed in Algiers.

Concept of subsidiary protection

CRR, SR, 25/06/2004, 403498: the Commission stated the main principles required for the application of subsidiary protection. It is a complementary protection and refers to article 3 of the European Convention of Human Rights.

CRR, 21/12/2004, 483691: the notion of inhuman or degrading treatment allows the application of subsidiary protection. A person from Moldova obtained subsidiary protection because he denounced the participation of his superior in trafficking in cigarettes.

CRR, 08/03/2004, 459657, and CRR, 20/02/2004, 442902: subsidiary protection cannot be granted in the case of non-political crime.

Concept of "social group"

CRR, SR, 15/10/2004, 444000, and CRR, SR, 04/03/2005, 489014: recognition of persecution based on sexual grounds.

Female Pakistanis and Kurds who refused forced marriages could obtain subsidiary protection.

CRR, 22/12/2004, 492349, and CRR, 23/07/2004, 473647: recognition of homosexuals as a social group.

Two Ukrainians threatened and attacked because of their homosexuality obtained subsidiary protection.

21 Development s in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate

Article 1F of the 1951 Geneva Convention was used many times by the French authorities in 2004. Changes were brought about after the introduction of subsidiary protection into French legislation. Grounds for the use of exclusion clauses are the same for subsidiary protection as for Convention Status, except for the concept of "non-political crime" which is wider for subsidiary protection than for Geneva Convention Status because it includes host countries.

22 Developments regarding readmission and cooperation agreements

France signed no readmission or cooperation agreements in 2004.

6 The Social Dimension

23 Changes in the reception system

The accommodation system for asylum seekers represented about 15,300 places in reception centres at the end of December 2004. About 3,000 new places were created in 2004, and it was noticed that there was a real effort to share national accommodation capacities in 2004. Nevertheless, the accommodation capacity for asylum applicants is still far from sufficient. Only 15,300 places are available to accommodate over 60, 000 asylum seekers. There is still an unequal situation with regards to accommodation capacity between the French regions. Big urban areas (such as Paris and Lyon) remain totally saturated. The region "Ile de France" (region of Paris) is the first region in the reception of asylum applicants (43% of national figure).

To face this problem, alternative solutions are often used, such as emergency accommodation, hostels etc. Difficulties in obtaining decent accommodation can create problems for asylum seekers in accessing the asylum system.

24 Changes in the social welfare policy relevant to refugees

Asylum applicants have access to one form of the French Social Security system (the “Sécurité Sociale”) called the “Couverture Maladie Universelle” (CMU). The CMU or Universal Health System was especially created for people with no or insufficient resources so that they would be covered by Social Security for their basic medical expenses.

In France in addition to the standard health cover provided by the “sécurité sociale”, many French people contribute to complementary insurance schemes known as “mutuelles” which reimburse some or all of the medical expenses that cannot be met by the “sécurité sociale”. For people without resources, there is the “CMU complémentaire” (CMUC), the “complementary” part of the CMU. The new law of finance from 2003, which came into force on January 1st 2004 modified access to the CMUC, which had serious consequences for asylum seekers’ health cover. Previously, admission to the CMUC was immediate and automatic. From now on, access to the CMUC is immediate only if “the health of the applicant requires it”. For applicants who do not benefit from immediate access to the CMUC, they will have to wait one month after the initial examination of their request. This means that the majority of asylum seekers do not have total social security cover during this month. Paradoxically, it is also during this period that the majority of them do not have access to stable accommodation. In case of emergency, it is possible to see a doctor, but they would have to pay for the consultation.

25 Changes in policy relating to refugee integration

The reforms adopted in 2004, that is the new Asylum Law and the creation of a contract for the reception and integration of newcomers (Contrat d’Accueil et d’Intégration) have had serious consequences for refugee integration.

First, local authorities (and not the national authorities) are now in charge of refugees. On the 2nd of July 2004, a national office was created in order to provide statistics on immigration and integration and to collect data on migration and make proposals to improve the integration policy.

The new integration contract (Contrat d’Accueil et d’Intégration) entered into force in January 2004 in some pilot departments. The integration contract applies to all non-nationals who have the right to remain legally in France, therefore to statutory refugees but not to asylum seekers.

Newcomers are requested to sign this contract by the OMI (French Office for International Migration). It is valid for a period of one year, renewable once, if necessary, depending on the needs identified.

Under this contract, the State provides the following services: a welcome meeting; a medical examination, social and language diagnosis, a civic training day on the fundamental rights and principles of the Republic and its institutions, minimal language training depending on individual needs, information on access to the public employment service and to professional training and an information day on life in France focussing on health, housing, schooling, training and employment.

Beneficiaries have the following duties: to attend a language training programme of 200 to 600 hours (the new contract meant the disappearance of language training in accommodation centres for refugees) within a maximum of 2 years after signing the contract; to attend the civic training day and to attend interviews that may be arranged to monitor the implementation of the contract.

This contract must be used across the whole of French territory as of 1st January 2006 at the latest. From January to December 2004, 37,613 contracts were signed; the acceptance rate is 90.4%. The persons concerned are rather young (the average age is 32 years old) and they represent about 140 different nationalities.

A new law on social cohesion adopted on January 18th 2005 allowed a series of measures on refugee integration to be taken, particularly concerning work, accommodation and equality for refugees. This law adds to integration contracts with the objective of improving refugee integration into French society. It has meant the creation of a Public Service for the Reception of newcomers, a future National Agency for the Reception of Foreigners and Migrants (“ANAEM” in French), harmonisation of integration contracts and the creation of regional programmes for refugee integration. All these

measures will aim at better management of newcomers. Nevertheless, the main difficulty remains access to work. The state focuses more on newcomers, than on refugees and integration.

26 Changes in family reunion policy

There were no changes in the family reunion policy towards refugees. People entering the country through a family reunion procedure receive the same residence permit as the sponsor (i.e. 10-year residence permit).

7 Other Policy Developments

27 Developments in resettlement policy

France does not operate any resettlement programmes.

28 Developments in return policy

Concerning the return policy, one of the priorities of the French Government is the fight against illegal immigration, and return of illegal immigrants.

France is particularly active at a European level in relation to the possibility of organising 'joint flights' for the expulsion of illegal migrants. Furthermore, some proposals made by the Minister of the Interior foresee a big increase in the capacity of detention centres, the budget for the return of illegal immigrants will be trebled and will focus on the problem of visa delivery by consulates.

29 Developments in border control measures

Several provisions of the new Immigration Law (2003) refer to the 'holding areas' at the French borders with a clear objective to reducing migratory flow.

Several measures were adopted aimed at reducing the admission of non-nationals into French territory. For example, the number of nationalities subject to visa requirements increased; a network of French immigration liaison officers working at the airports in other countries has been established; the number of police staff at the border will be increased; border controls at French airports increased and will continue to increase; and carriers' sanctions are now more severe.

30 Other developments in refugee policy

No developments.

8 Political Context

31 Government in power during 2004

Right-wing parties still had the majority in French Government and Parliament in 2004.

32 Governmental policy vis-à-vis EU developments

The French Government was highly involved in the European debate in the area of asylum and immigration. The introduction of some concepts, such as "safe country of origin" and "internal asylum" into French legislation through the new Asylum Law, even if some of them have not yet been formally adopted at European level, has already occurred. Moreover, some of the provisions of the EU Directive on Temporary Protection were introduced in the new Immigration Law.

Nevertheless, the EU Directive on reception conditions has not yet been transposed into French Law.

33 Asylum in the national political agenda

The Government will soon adopt proposals on immigration announced by the Minister of the Interior. Concerning asylum law, the reform will increase the staff capacities of OFPRA and CRR (the appeal board). By the end of 2005, asylum applications will be examined within 6 months at the latest. Accommodation for asylum applicants will be subject to more control. Furthermore, if the European Union has not adopted a list of safe third countries by June 15th 2005 at the latest, the Government will adopt a national list of safe third countries.

Biography

Raisson Nadia
Christelle Bonville

FORUM RÉFUGIÉS

Forum réfugiés is a non-profit-making association created in 1982 in Lyons (France) specialised in the reception of asylum seekers and refugees and in the promotion of a fair and humane asylum policy. Forum réfugiés is today acknowledged as a recognized spokesperson by many public authorities (Ministries, European Commission, Council of Europe, Prefecture, UNHCR, local authorities...) and other associations and individuals. In 2004, the staff consisted of around 90 persons. Its activities range from legal and administrative advice to the management of several reception centres for hundreds of asylum seekers and statutory refugees.

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