



# COUNTRY FACTSHEET: FRANCE 2016

## EUROPEAN MIGRATION NETWORK

### 1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in France during 2016, including latest statistics.

### 2. International Protection including Asylum

In 2016, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) continued its **information sessions in Calais** to provide information on the asylum procedure to third-country nationals – in particular to those originating from countries such as Afghanistan, Eritrea, Iraq, Sudan and Syria and hence potentially in need of international protection. The OFPRA also took measures to shelter over 7,000 men, women and children when the Calais camp was dismantled in October 2016. Following an Instruction of 29<sup>th</sup> June 2016, **'Reception and guidance centres' (CAO)** were established to house migrants from Calais and the Dunkirk area. Specific centres for unaccompanied minors from the Calais camp were also created.

Faced with increasing migratory pressure, France has increased its accommodation capacity both for asylum and emergencies and taken measures to improve accommodation needs.

Throughout 2016, France continued to participate in **EASO activities** by seconding staff for deployment within Asylum Support Teams and deploying experts for training-related activities.

Regarding **resettlement activities**, to fulfil its commitments under the EU-Turkey statement of 18<sup>th</sup> March 2016, France established a **reinforced resettlement mechanism** in April 2016. Among other measures, this entailed an increase in the frequency of OFPRA's missions to the countries of first asylum; the mobilisation of the relevant French consular posts; the acceleration of procedures for resettled refugees to leave third countries, in cooperation with the International Organisation for

Migration (IOM); and improving the reception of beneficiaries once in French territory.

In this regard, a call for projects resulted in the selection of 11 specialised national operators which were tasked with finding suitable accommodation and providing social support to resettled refugees, in particular to those most vulnerable. Since 2016, the work of such operators is coordinated by the Inter-ministerial Delegation for accommodation and access to housing (DIHAL). Thanks to this concerted set of measures 1,275 Syrian refugees were resettled in France in 2016, twice as much as in 2015 (643 persons).

Concerning **relocation**, in 2016 France relocated 2,696 asylum seekers from Greece and Italy.

### 3. Unaccompanied Minors and other Vulnerable Groups

Important developments took place in 2016 in relation to the treatment of unaccompanied minors (UAMs) and other vulnerable groups. Law n°2016-274 of 7<sup>th</sup> March 2016 governing the situation of foreign nationals in France extended the **validity of the temporary residence permit (APS)** for parents of sick children and enhanced the protection of victims of violence (conjugal or family violence, threat of a forced marriage) by similarly facilitating their access to temporary residence rights.

On 25<sup>th</sup> January 2016 an inter-ministerial circular was published to facilitate the **cooperation between the State services and the county councils** in assessing the situation of UAMs and taking charge of them. Law n° 2016-297 of 14<sup>th</sup> March 2016 on the protection of children, provided a legal basis for this national coordination mechanism and enshrined the competence of the Ministry of Justice to establish quotas for the **distribution of UAMs** amongst the counties. An implementing decree was adopted on 24<sup>th</sup> June 2016 to further regulate the procedures to provide assistance and support to unaccompanied minors.

In addition, the National Fund for the Protection of Childhood (FNFPE) assigned **16.49 million EUR** in 2016 to the counties to compensate them for the expenses incurred in the reception of children separated from their families.

Finally a mechanism was put in place, in cooperation with non-governmental organisations and the county services, to **facilitate access to the asylum procedure** for UAMs staying in Calais.

## 4. Legal Migration and Mobility

### 4.1 ECONOMIC MIGRATION

Law n° 2016-274 of 7<sup>th</sup> March 2016 (referred to in Section 3 above) had important implications in relation to economic migration. The Law introduced the following **key changes** in the French legislative framework:

- ★ Following a legal stay of one year in France, as a rule third-country nationals now have access to a **multi-annual residence permit** lasting from two to four years;
- ★ A new residence permit, the **'talent passport'** (*passport talent*) has been established. The talent passport has a duration of up to four years from the moment it is first issued and is targeted to those third-country nationals who have the potential to contribute to the international competitiveness and standing of France;
- ★ The residence permit given to **seasonal workers** has now explicitly become a multi-annual one, lasting up to three years.

This Law also **transposed the Intra-Corporate Transfers Directive (2014/66/EU)** into internal law for employees temporarily transferred to France as part of intra-group mobility. New residence permits for the three categories of people targeted by the Directive were created and measures for the intra-EU mobility of transferred employees were implemented.

Further developments took place regarding the situation of seasonal workers. Law n° 2016-274 of 8<sup>th</sup> August 2016 - relating to work the modernisation of social dialogue and professional security- established that the issuance of a first multi-annual residence permit to a seasonal worker was conditional on the applicant having a long-term visa. It also included a definition of seasonal work as per the [Seasonal Workers Directive \(2014/36/EC\)](#).

In addition, France implemented residence permits to attract young foreign entrepreneurs who carry out projects for new start-ups or companies already created in their country of origin to incubators in France.

France also launched the process to implement the **Students and researchers Directive** (2016/801/EU) and Law n° 2016-274 improved the conditions for students to access the labour market. The scope of the temporary residence permit was enlarged to allow additional categories of students – besides those holding a master- to look for employment. The latter can now also be issued to students seeking to set up a company, and not only to those undertaking salaried work.

### 4.2 FAMILY REUNIFICATION

Law n° 2016-274 of 7<sup>th</sup> March 2016 (referred to in Section 3 above) provided for two additional **exceptions from the condition of presenting evidence of sufficiency of resources** within the context of the family reunification procedure. The following categories of applicants are now exempted:

- ★ Applicants receiving an allowance for disabled adults and whose disability was evaluated at 50%-79%;
- ★ Applicants older than 65 who have been living in France for at least 25 years, and applying for family reunification with their – for at least 10 years- married partner.

### 4.3 MANAGING MIGRATION AND MOBILITY<sup>1</sup>

Measures on the **reintroduction of controls at the internal borders** were regularly adopted and extended in France during 2016 due to the state of emergency established in the aftermath of the terrorist attacks of November 2015, the organisation of large sport events such as the Tour de France and the Euro 2016 and again following the Nice terrorist attacks of 14<sup>th</sup> July 2016. Law n° 2016-1767 of 19<sup>th</sup> December 2016 extended the state of emergency until 15<sup>th</sup> July 2017 and the French Government again reintroduced the controls at the internal borders until the same date.

## 5. Integration

Law n° 2016-274 of 7<sup>th</sup> March 2016 established five-year **'personalised republican integration pathway'** ('parcours personnalisé d'intégration républicaine').

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<sup>1</sup> "Managing migration and mobility" refers to the following themes: visa policy, Schengen governance and border monitoring.

Among other measures, the integration pathway is supported by the organisation of a personal interview with newly-arrived migrants and by the provision of enhanced language and civic training. Third-country nationals must demonstrate their commitment to participate in integration measures in order to be issued with a multi-annual residence permit. The measures established by Law n° 2016-274 were further specified in two legislative decrees adopted respectively in July and November 2016.

## 6. External Dimension of EU Migration Policy

In 2016 France signed and ratified **several cooperation agreements with third countries in the domain of legal migration**. These included a migration partnership with Armenia; bilateral agreements for the admission of trainees and for the purposes of holiday work with China, Australia, Japan, Mexico, Argentina, Uruguay and Taiwan; and an agreement under the framework of the EU Common Agenda on Migration and Mobility with India.

## 7. Irregular Migration and Return

### 7.1 THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

With regard to legal changes, Law no. 2016-274 of 7<sup>th</sup> March 2016 on the rights of foreign nationals introduced **a right to communication on a list of public authorities and private individuals for the benefit of prefects**. This waiver of professional secrecy allows immigration authorities to verify the documents and declarations provided by residence permit applicants. This is particularly useful in fighting complex fraud and identity theft.

The law of 7 March 2016 also provides for a **new criminal sanction on the use or supply of identity documents** belonging to a third party in order to respond to imitation. This new violation is provided for in article 441-8 of the Penal Code.

The **reintroduction of internal border controls** gave rise to 3,734 non-admission decisions to the national territory between 13<sup>th</sup> November and 13<sup>th</sup> December 2015 out of an annual total of 15,753. From 1<sup>st</sup> January to 31<sup>st</sup> December 2016, the number of non-admissions reached 60,392. The reintroduction of internal border controls has shown its **effectiveness in preventing illegal immigration and detecting threats to internal security**.

An **agreement was also signed with the United Kingdom** during a summit held in Amiens on 3<sup>rd</sup> March 2016 to **strengthen the infrastructure in Calais** and enhance bilateral cooperation in the fight against criminal activities and trafficking in human beings.

### 7.2 RETURN OF IRREGULAR MIGRANTS

Law n° 2016-274 of 7<sup>th</sup> March 2016 enshrined the prioritisation of **alternatives to detention** in accordance with the [Return Directive \(2008/115/EC\)](#).

Throughout 2016 France further developed the **mechanism of preparation for return** ('dispositif de préparation au retour') first launched as a pilot in Moselle in April 2015, increasing its capacity from 40 to 80 places. It was planned to extend the project to additional locations in 2017.

In addition, a provision to **temporarily increase flat-rate amounts** was also implemented by the ruling of 9<sup>th</sup> November 2016 **for return assistance applications** presented up to 31<sup>st</sup> December 2016. Designed as part of the Calais camp dismantling, this system temporarily improved the attractiveness of the return assistance.

## 8. Actions against Trafficking in Human Beings

Several important legislative developments took place in this area:

- ★ The Law of 30<sup>th</sup> March 2016 authorised the ratification of the 2014 Additional Protocol to the International Labour Organization **Convention n° 29 on Forced Labour**. On 7<sup>th</sup> June 2016 France became the sixth country to ratify the Additional Protocol;
- ★ The Law of 13<sup>th</sup> April 2016 aimed at ending prostitution and **fighting human trafficking for the purposes of sexual exploitation**;
- ★ The Law of 3<sup>rd</sup> June 2016 reinforcing the **fight against organised crime, terrorism and their financing** also contained provisions dealing with the fight against trafficking in human beings.

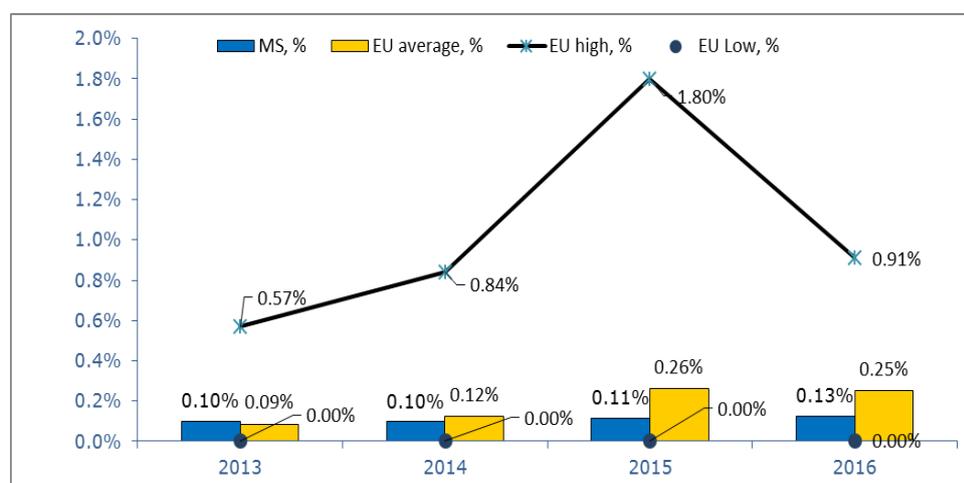
### STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for France on aspects of migration and asylum (2012-2016), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A".

## Statistical Annex: Migration and Asylum in France (2013-2016)

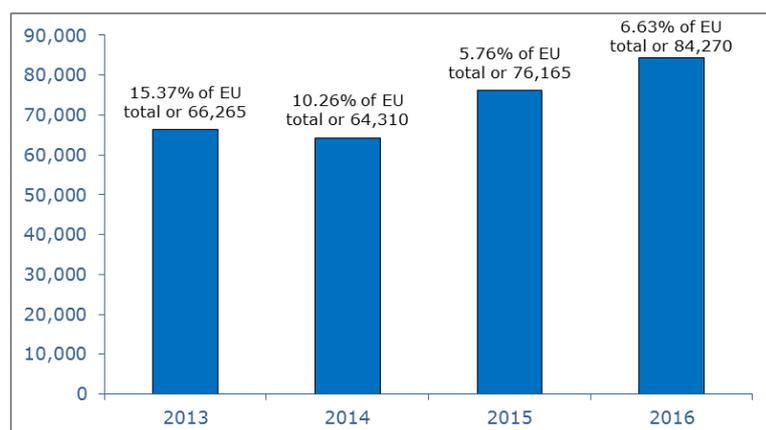
### 1. INTERNATIONAL PROTECTION AND ASYLUM

**Figure 1: Asylum applications as a share of the total population in France, EU average and EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 28/07/2017

**Figure 2: Number of asylum applications in France and as a share of the total number of applications in the EU (2013-2016)**



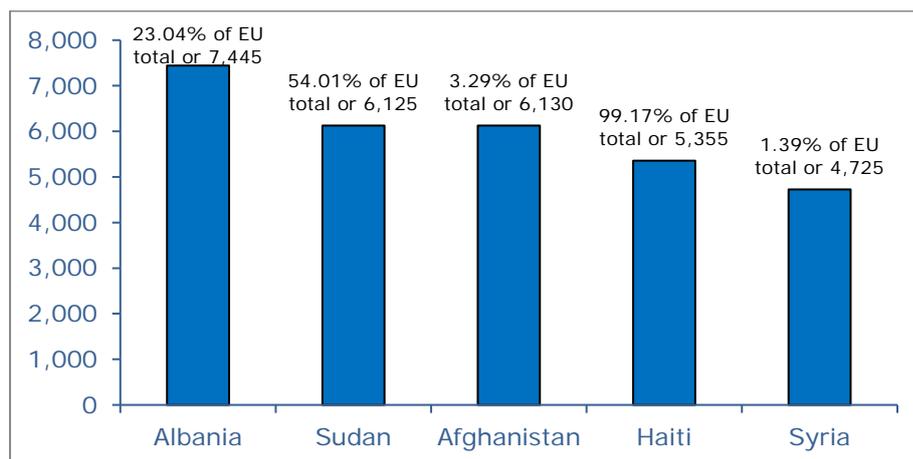
Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 28/07/2017

**Table 1: Asylum applications: Top five third-country nationalities (2013–2016)**

2013			2014			2015			2016		
Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total	Nationality	No.	% of total
Congo	5,580	8%	Congo	5,470	9%	Sudan	5,350	7%	Albania	7,445	9%
Kosovo	5,550	8%	Russia	4,205	7%	Syria	4,640	6%	Sudan	6,125	7%
Russia	5,145	8%	Bangladesh	3,800	6%	Kosovo	4,285	6%	Afghanistan	6,130	7%
Albania	5,065	8%	Albania	3,000	5%	Democratic Republic of the Congo	4,040	5%	Haiti	5,310	6%
Bangladesh	4,505	7%	Syria	2,845	4%	Bangladesh	4,010	5%	Syria	4,680	6%

Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 28/07/2017

**Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2016)**



Source: Eurostat migration statistics ([migr\\_asyappctza](#)), data extracted 28/07/2017

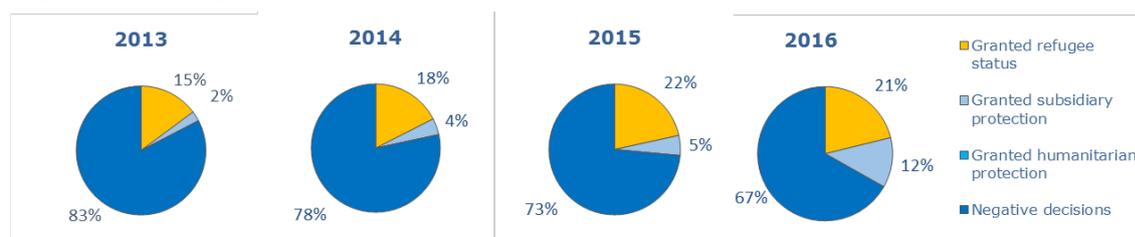
Note: the figure reads as: France received 7,445 asylum applications from Albania or 23.04% of all asylum applications lodged by Albania in EU in 2016.

**Table 2: Asylum applications - First instance decisions by outcome (2013-2016)**

Year	Total decisions	Positive decisions	Of which:		Humanitarian reasons	Negative decisions
			Refugee status	Subsidiary protection		
2013	61,715	10,705	9,140	1,565	N/A	51,010
2014	68,500	14,815	11,980	2,835	N/A	53,685
2015	77,910	20,630	16,790	3,845	N/A	57,280
2016	87,775	29,140	18,555	10,585	N/A	58,635

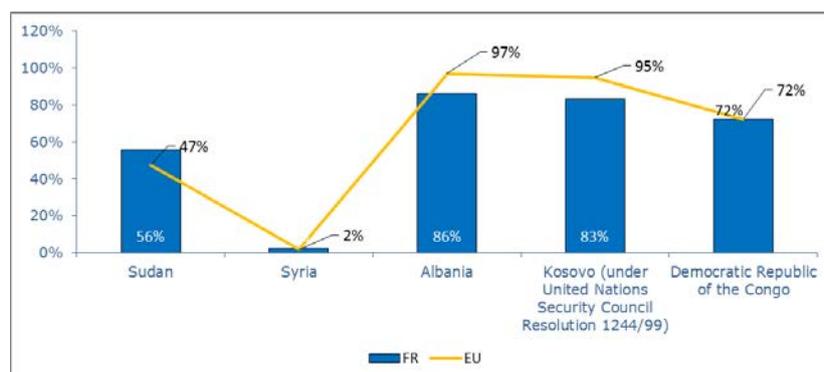
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 28/07/2017

**Figures 4-7: Asylum applications - First instance decisions by outcome (2013-2016)**



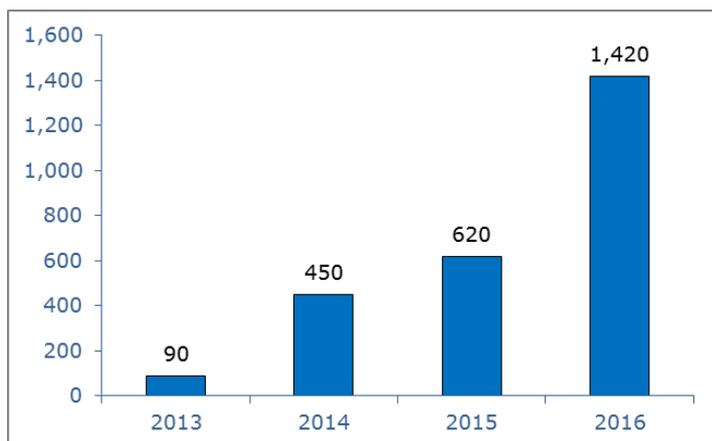
Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 28/07/2017

**Figure 8: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2016)**



Source: Eurostat migration statistics ([migr\\_asydcfsta](#)), data extracted 28/07/2017

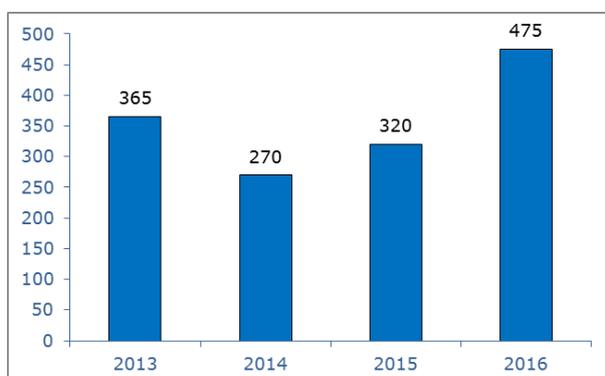
**Figure 9: Third-country nationals resettled in France (2013-2016)**



Source: Eurostat migration statistics ([migr\\_asyresa](#)), data extracted 09/05/2017

## 2. UNACCOMPANIED MINORS

**Figure 10: Unaccompanied minors applying for asylum in France (2013-2016)**



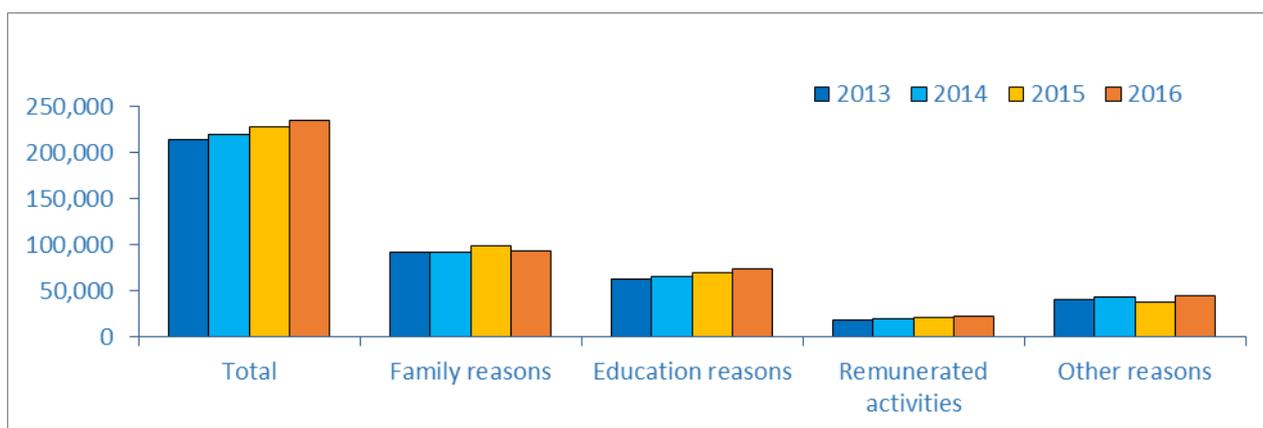
**Table 3: Unaccompanied minors in France (2013-2016)**

	2013	2014	2015	2016
Unaccompanied minors (total)	N/A	N/A	6,311	N/A
Unaccompanied minor asylum applicants	365	270	320	475

Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) ([migr\\_asyunaa](#)), data extracted 17/04/2017; EMN NCPs

## 3. LEGAL MIGRATION AND MOBILITY

**Figure 11: First residence permits, by reason (2013-2016)**



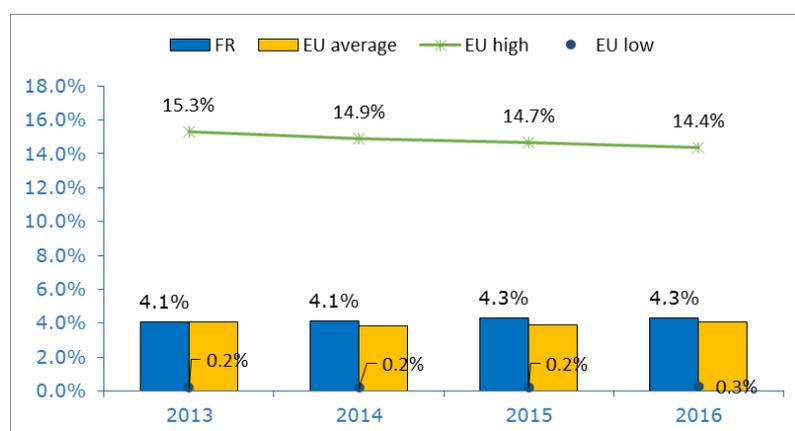
Source: Eurostat ([migr\\_resfirst](#)), data extracted 28/07/2017; 2016 data is provisional and provided by the EMN NCP.

**Table 4: First residence permits: Top five third-country nationalities (2013–2016)**

2013		2014		2015		2016	
Nationality	Number	Nationality	Number	Nationality	Number	Nationality	Number
Algeria	25,014	Morocco	25,844	Algeria	26,507	Algeria	28,709
Morocco	24,854	Algeria	25,442	Morocco	26,122	Morocco	27,184
China (incl. Hong Kong)	16,466	China (incl. Hong Kong)	15,589	China (incl. Hong Kong)	14,459	China (incl. Hong Kong)	16,126
Tunisia	13,449	Tunisia	14,131	Tunisia	13,789	Tunisia	15,224
United States	7,616	United States	7,202	Comoros	7,615	United States	6,867

Source: Eurostat migration statistics ([migr\\_resfirst](#)), data extracted 28/07/2017

**Figure 12: Resident population of third-country nationals as a share of total population in France, EU average, EU high and low (2013-2016)**



Source: Eurostat migration statistics ([migr\\_pop1ctz](#)), data extracted 17/04/2017

#### 4. IRREGULAR MIGRATION AND RETURN

**Table 5: Number of third-country nationals refused entry at external borders (2013–2016)**

Third country nationals:	2013	2014	2015	2016
Refused entry at external borders	11,745	11,365	15,745	63,390
Found to be illegally present	48,965	96,375	109,720	91,985
Ordered to leave	84,890	86,955	79,950	81,000
Returned following an order to leave	20,140	19,525	18,245	14,065

Source: Eurostat migration statistics ([migr\\_eirfs](#)), ([migr\\_eipre](#)), ([migr\\_eiord](#)), ([migr\\_eirtn](#)) data extracted 17/04/2017

**Table 6: Third-country nationals returned (2013-2016)**

Year	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2013	4,656	10,088	4,711
2014	6,515	8,235	4,175
2015	7,039	6,820	4,029
2016	6,539	5,463	3,313

Source: EMN NCPs

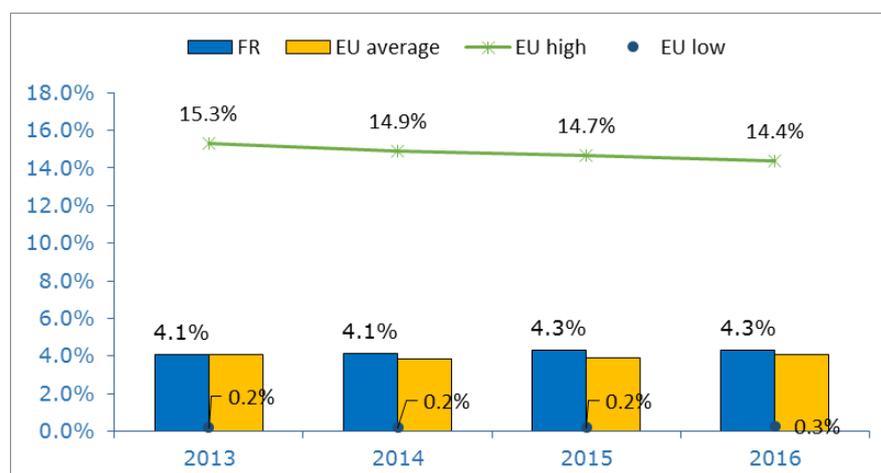
## 5. SECURING EUROPE'S EXTERNAL BORDERS

**Table 7: Number of Schengen visas applications (2013–2016)**

	2013	2014	2015	2016
Uniform visas (short-stay visas)	2,551,196	2,894,996	3,356,165	3,265,865

Source: DG Migration and Home – Complete statistics on short-stay visas issued by the Schengen States

**Figure 13: Uniform visa applications received in MS as a share of the total number of uniform visa applications in all Schengen states consulates (2013-2016)**



Source: DG Migration and Home affairs – Complete statistics on short-stay visas issued by the Schengen States

**Table 8: Top five countries in which the highest number of visa applications for MS was lodged (2013-2016)**

2013		2014		2015		2016	
Countries	Number	Countries	Number	Countries	Number	Countries	Number
Russia	413,191	China	562,709	China	762,616	China	610,776
China	355,980	Algeria	426,814	Algeria	554,313	Algeria	576,723
Algeria	300,862	Russia	305,048	Morocco	257,402	Morocco	296,918
Morocco	194,446	Morocco	210,896	Russian Federation	176,250	Russian Federation	170,600
Turkey	103,677	Saudi Arabia	102,781	Saudi Arabia	144,705	India	156,693

Source: DG Migration and Home affairs