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Family Reunification of Third-Country Nationals in France

French Contact Point for the European Migration Network

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List of Acronyms

- CAI: Reception and Integration Contract
- ECHR: European Convention on Human Rights
- ECtHR: European Court of Human Rights
- CESEDA: Code on Entry and Residence of Foreign Nationals and Right of Asylum
- CFR : Charter of Fundamental Rights of the European Union
- CJUE: Court of Justice of the European Union
- CIR: Republican Integration Contract
- DGEF: General Directorate for Foreign Nationals in France
- DSED: Department for Statistics, Studies and Documentation
- FAMI: Asylum, Migration and Integration Fund
- FTDA: France terre d'asile
- OFII: French Office for Immigration and Integration
- OFPRA: French Office for the Protection of Refugees and Stateless Persons
- EMN: European Migration Network
- EU: European Union

SUMMARY

EXECUTIVE SUMMARY.....	6
SECTION 1: OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES	7
SECTION 2: DEFINITION OF "SPONSOR" AND "FAMILY MEMBERS"	13
SECTION 3: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES	16
SECTION 4: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES.....	29
SECTION 5: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES	42
SECTION 6: NATIONAL AND INTERNATIONAL CASE LAW	51
ANNEX	55
ANNEX 1: STATISTICS	55
ANNEX 2: LIST OF TRANSLATIONS AND ABBREVIATIONS	63
ANNEX 3: LIST OF INTERVIEWS CARRIED OUT OR PEOPLE WHO HAVE CONTRIBUTED TO THE STUDY ..	65
ANNEX 4: BIBLIOGRAPHY	67

EXECUTIVE SUMMARY

This EMN study aims to present the legal framework and practices in France in the area of family reunification (*regroupement familial*) and family reunification of refugees, beneficiaries of subsidiary protection or stateless persons (*réunification familiale*)¹, as well as to describe the regulations and identify the challenges and good practices.

This study will describe the standards, application and exercise of the right to family reunification and the family reunification of refugees in France.

The family reunification topic is very present in **European legislation and international texts**.

The protection of family unity was proclaimed in the Universal Declaration of Human Rights of 10 December 1948² and in the International Covenant on Civil and Political Rights of 16 December 1966³, which indicates that "*the family is the natural and fundamental group unit of society and is entitled to protection by society and the State*". Similarly, the International Convention on the Rights of the Child of 26 January 1990⁴ also protects the idea of family life⁵ and introduces the concept of the best interests of the child.⁶

At the European level, the right to respect for private and family life is also guaranteed by article 8 of the European Convention on Human Rights (ECHR) of 3 September 1953⁷ and family protection by article 33 of the Charter of Fundamental Rights of the European Union (CFR) of 7 December 2000⁸.

Lastly, Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification⁹ marked an important step in the protection of the right to respect for private and family life. With the aim of harmonising national laws and practices on family reunification and family reunification of refugees, it establishes minimum standards whilst leaving broad latitude for Member States in its application.

¹ "*Réunification familiale*" is the "family reunification of refugees, beneficiaries of subsidiary protection or stateless persons". For this study, the term "family reunification of refugees" which should be considered as also including beneficiaries of subsidiary protection or stateless persons will be used.

² Article 16(3), Universal Declaration of Human Rights, 1948, <http://www.un.org/fr/universal-declaration-human-rights/index.html>

³ Article 23(1), International Covenant on Civil and Political Rights, 1966, <http://www.ohchr.org/fr/professionalinterest/pages/ccpr.aspx>

⁴ The International Convention on the Rights of the Child was ratified by France on 7 August 1990 and published by the Decree no.90-917 of 8 October 1990, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000716856>

⁵ Article 9(1), International Convention on the Rights of the Child.

⁶ Article 3(1), International Convention on the Rights of the Child.

⁷ European Convention on Human Rights, 1953, <http://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/0900001680063776>

⁸ Charter of Fundamental Rights of the European Union, Official Journal of the European Communities, C 364, 18 December 2000, http://www.europarl.europa.eu/charter/pdf/text_fr.pdf

⁹ Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification (Family Reunification Directive), OJ 2013 L 180/31-59 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003L0086:fr:HTML>

French legislation distinguishes between the **family reunification (*regroupement familial*)** that concerns the entry and stay of family members of third-country nationals who are legally resident in France and the **family reunification of refugees, beneficiaries of subsidiary protection or stateless persons (*réunification familiale*)** that concerns family members of refugees, beneficiaries of subsidiary protection and stateless persons.

Before the transposition of the Family Reunification Directive, the Decree of 29 April 1976¹⁰ defined the framework for family reunification and an order of 8 December 1978¹¹ of the Council of State recognised the right to family reunification as a general principle of law. In 1993, the Constitutional Council established the right for a foreign national to carry out a normal family life as a constitutional principle¹².

Family reunification was codified in book IV of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA) in the different laws transposing the 2003 Directive, whilst the family reunification of refugees was introduced in book VII of the CESEDA by the law no.2015-925 of 29 July 2015 on the reform of the right of asylum¹³.

In France, the main reason for residence remains family immigration¹⁴, with 88,000 residence permits issued in 2016. This figure, however, concerns family reunification, family members of French nationals (spouses and children) and foreign nationals admitted as “international talents” (scientists-researchers, European blue card holders etc.) or on grounds of personal and family links established in France.

The scope of this study does not include the specific provisions for certain nationalities (notably Moroccans, Tunisians, nationals from certain Sub-Saharan African countries, Algerians) for whom specific provisions exist in application of the bilateral agreements that govern the conditions of entry and stay in France for these nationals. Are also excluded from this study:

- European Union (EU), European Economic Area (EEA) and Swiss Confederation nationals;
- foreign nationals of French citizens' families (spouses, children under 21 or dependent children, parents of French children living in France and dependent relatives in the direct ascending line);

¹⁰ Decree no.76-383 of 29 April 1976 on the conditions of entry and residence in France for family members of foreign nationals authorised to stay in France, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006062480&dateTexte=19941108>

¹¹ Council of State assembly of 8 December 1978, <https://www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000007666513>

¹² Constitutional Council decision no. 93-325 DC of 13 August 1993, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/1993/93-325-dc/decision-n-93-325-dc-du-13-aout-1993.10495.html>

¹³ Law no. 2015-925 of 29 July 2015 on the reform of the right of asylum, <https://www.legifrance.gouv.fr/eli/loi/2015/7/29/INTX1412525L/jo>

¹⁴ The number of residence permits issued in the frame of family reunification of refugees figures under “residence permits on humanitarian grounds” in the statistical data on migration and asylum.

- foreign nationals that have obtained the status of "long-term residents" in another EU Member State.

The exceptions to the provisions with regard to family members of "talents" (particularly the holders of former temporary residence permits with the indications "employee on assignment", "scientist-researcher", "skills and talents" and the "European blue card" now grouped within the "talent passport" residence permit) are covered in a concise way.

The study begins in the **first section** by providing an up-to-date overview of the national situation with regard to family reunification and family reunification of refugees of third-country nationals, including figures on the number of family reunification and family reunification of refugees requests and the sponsor's reasons for stay. This section sets out the context for the study by providing information on the recent legislative and political changes.

Section 2 provides information on the definition of "sponsor" and "family member", as indicated in the Directive 2003/86/EC on the right to family reunification, and how these ideas are applied in French regulations.

Section 3 describes the requirements for exercising the right to family reunification or the family reunification of refugees, whilst **section 4** presents the process for submitting and examining an application for family reunification and family reunification of refugees. This includes the procedures for verifying the fulfilment of the requirements and measures listed in section 3.

Section 5 provides a comparative overview of the rights that follow on from family reunification and family reunification of refugees, notably access to education, employment, vocational guidance and training, and the right to apply for autonomous right of residence.

Lastly, **section 6** covers the possible impact of case law from the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) on the policies and practices in family reunification and family reunification of refugees in France.

The **Synthesis Report**, carried out at a European level from studies by the National EMN Contact Points, presents an overview of the measures implemented in Member States with regard to family reunification and family reunification of refugees, whilst identifying the obstacles and good practices.

SECTION 1: OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES

This section will provide an up-to-date overview of the national situation with regard to family reunification and family reunification of refugees of third-country nationals, including figures. This section will also set out the context for the Study by providing information on the approaches of Member States to family reunification and family reunification of refugees, as well as recent changes to law, policy and/or practices (since 2011).

Q1: Please briefly describe **the basis** for developing legislation/policy on family reunification and family reunification of refugees in France (e.g. Directive 2003/86/EC, article 8 ECHR on the right to respect private and family life, etc.).

French legislation on family reunification and family reunification of refugees is partly defined by internal sources and partly by international sources.

With regard to internal sources, several fundamental texts are dedicated to the principle of leading a normal family life.

Paragraph 10 of the Preamble to the Constitution of 27 October 1946¹⁵ establishes that "the Nation provides the individual and the family with the conditions necessary to their development". In 1978, the Council of State, based on the Constitution of 1946, admitted that "foreign nationals legally staying in France have the right to lead a normal family life, in the same way as nationals", and thus, recognised the right to family reunification as a general principle of law. In 1993 the Constitutional Council established the right for a foreign national to lead a normal family life as a constitutional principle.

On an international level, the Geneva Convention Relating to the Status of Refugees¹⁶ and the International Convention on the Rights of the Child are the fundamental texts that establish the right to family reunification and are recognised in French legislation.

The right to family reunification is also guaranteed by article 8 ECHR. The ECtHR has produced a rich casuistry that has also had an impact on French case law (see section 6).

Within the framework of the EU, the Family Reunification Directive changed very little to the French scheme of family reunification that has already stipulated more favourable measures.

The Family Reunification Directive was transposed by the law no.2007-1631 of 20 November 2007 that defines the conditions for family reunification and supplements the previous laws of 26 November 2003 on the management of immigration, the stay of foreign nationals in France and nationality and of 24 July 2006 on immigration and integration, and their respective application texts.

¹⁵ Constitution of 1946, Fourth Republic, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/les-constitutions-de-la-france/constitution-de-1946-ive-republique.5109.html>

¹⁶ Geneva Convention of 28 July 1951 Relating to the Status of Refugees, published by the Decree no.54-1055 of 14 October 1954, https://www.legifrance.gouv.fr/jo_pdf.do?cidTexte=JPDF2910195400010225&categorieLien=id

The law of 24 July 2006 transposed the only provision in the Directive that required an amendment to French law at that time, i.e. the family reunification of refugees for first degree relatives in the direct ascending line of unaccompanied refugee minors.¹⁷

The law of 20 November 2007 transposed two Directive provisions: the integration condition with the requirement of some knowledge of the French language and the Republic's values, in order to assist the foreign national in finding accommodation and employment, and the option of using supervised DNA tests in the event of a lack of civil status to prove the family relation (this provision has never been applied, in the absence of an application text). Family reunification is codified in book IV of the CESEDA, notably in articles L.411-1 and after.

Similarly, Directive 2011/95/EU of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (recast)¹⁸, amended French law on the family reunification of family member(s) of refugees or beneficiaries of subsidiary protection (*see below*). This Directive was transposed by the law of 29 July 2015 and Decree no. 2015-1166 of 21 September 2015 for the application of this law¹⁹.

The right to respect for family life is also enshrined in article 7 CFR. The Charter has the same legal value as the treaties and applies to Member States as long as they implement EU law.²⁰

Family reunification of refugees is codified in book VII of the CESEDA which is dedicated to the right to asylum for refugees and beneficiaries of subsidiary protection and book VIII on stateless persons.

Family reunification and family reunification of refugees

As indicated previously, France distinguishes between the **family reunification (*regroupement familial*)** and **family reunification of refugees, beneficiaries of subsidiary protection or stateless persons (*réunification familiale*)** provisions:

The entry and stay of family members of legally staying third-country nationals in France is conducted through the **family reunification** procedure, governed by book IV of the CESEDA, in articles L.411-1 to 431-3 and R.411-1 to R.431-1. These articles define the conditions imposed on foreign nationals who are legally resident in France and who wish to be joined by their family member(s), the examination procedure for the request, the issue of residence permits to family members, the rights granted and the reasons for withdrawing the permit or refusing its renewal.

¹⁷ National Assembly, Information Report to the National Assembly on 12 April 2006 on the European Immigration Policy, <http://www.assemblee-nationale.fr/12/pdf/europe/rap-info/i3042.pdf>

¹⁸ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection for the content of the protection granted (recast), transposition texts, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025347737&categorieLien=id>

¹⁹ Decree no. 2015-1166 of 21 September 2015 taken in application of the law no. 2015-925 of 29 July 2015 on the reform of the right of asylum, <https://www.legifrance.gouv.fr/eli/decret/2015/9/21/INTV1519182D/jo/texte>

²⁰ Article 6 of the Treaty on European Union (TEU) and 51(1) CFR.

This family reunification procedure, described in book IV of the CESEDA, concerns foreign nationals who have legal residence in France and who come under the general regime for foreign nationals.

French regulations also stipulate different exceptions to the family reunification procedure:

- A specific system exists to attract family members of international "talents": family members of foreign nationals admitted for stay as "employees on assignments (intra-group mobility) and scientists-researchers, highly qualified workers holding the European Blue Card and foreign nationals with specific skills and talents. Family members of these foreign nationals are exempted from requesting family reunification and may apply for their residence permit at the same time as the "talent" residence permit, without resource or accommodation requirements. Up to the entry into force of the law no. 2016-274 of 7 March 2016 on the rights of foreign nationals in France²¹, they received a "private and family life" residence permit for the same validity duration as the sponsor's multi-year residence permit. The law of 7 March 2016 created a multi-year residence permit for talents and their family members ("talent passport (family)" permit).
- France has also implemented a regime known as "in situ family reunification" (*regroupement familial sur place*) which concerns foreign nationals who marry whilst they are already legally staying on the French territory under a one-year residence permit²². This system avoids requesting a new entry onto the territory.
- In exceptional circumstances, admission for residence may also be granted by the Prefect as part of his/her power of appreciation, for example, for emergency medical reasons or for adopted young children.

The **family reunification of refugees** procedure is a derogatory regime, today organised by the articles L.752-1, L.812-5 and R.752-1 to R.752-3 of the CESEDA, by the law of 29 July 2015 and by the Decree of 21 September 2015. This simplified procedure specifically concerns refugees, beneficiaries of subsidiary protection and stateless persons who request to be joined by their family member(s).

Q2: Please provide an overview of **recent (since 2011) legal, political and/or practical amendments** in the area of family reunification and family reunification of refugees in France with regard to the following items:

Family reunification is a provision that has existed in French law since 1976 after Decree no.76-383 of 29 April 1976 on the conditions of entry and residence in France of family members of foreign nationals authorised to stay in France. This provided the framework for this procedure by setting the requirements of one years' presence on the territory, stable resources that are sufficient to meet the family's needs, suitable accommodation and medical check-ups. The most recent changes were provided by the law of 7 March 2016 which introduced two new cases for exemption from the condition of resources:

²¹ Law no. 2016-274 of 7 March 2016 on the rights of foreign nationals in France, Official Journal of 8 March 2016,

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032164264&categorieLien=id>

²² Article R.411-6 of the CESEDA.

- For the sponsor benefitting from the disabled adults' allowance: beneficiaries of the disabled adults' allowance with an incapacity of 50% to 79% are now exempted from the condition of resources.
- For the sponsor aged over 65 years who has lived in France for at least 25 years and who requests family reunification for his/her spouse with whom he/she has been married for at least ten years.

These exemptions are significant progress in taking into account the situation of elderly foreign nationals or those suffering from disabilities.

Article L.314-8-2 of the CESEDA, modified by the law of 29 July 2015 and the law of 7 March 2016, also stipulates that a residence permit is issued in its own right to the spouse and children (in the year following their 18th birthday) and now as well to registered and unmarried partners of a foreign national holding a residence permit, if they have been authorised to stay in France under family reunification and if they can prove uninterrupted residence of at least three years in France, in accordance with current laws and regulations.

This law provides for the issue of a multi-year residence permit of four years after one year of stay under a long-stay visa equivalent to a residence permit (for spouses) or under a temporary residence permit (for minors).

The family reunification of refugees existed before the law of 29 July 2015. It was based on the legal and regulatory provisions concerning the stay of family members of refugees, beneficiaries of subsidiary protection and stateless persons, as well as case law.

The law of 29 July 2015 and the application Decree no. 2015-1166 of 21 September 2015 recognised the family reunification of refugees as a specific right, different from family reunification (without the prior conditions of resources, accommodation and legal stay).

These texts also clarified the procedure and enabled facilitated information to be provided to all beneficiaries of international protection. Refugees, beneficiaries of subsidiary protection and stateless persons are eligible for this procedure under the same conditions.

Three elements of this procedure need to be noted:

- spouses and children from a union that took place after the date of the asylum request are now excluded from the family reunification of refugees. Instead, they come under the common law family reunification procedure (with conditions of time of residence, resources and accommodation);
- family reunification of refugees is now open to civil partners;
- the law provides a legal framework for the family reunification of unmarried partners and children from previous relationships.
 - Current public debate on family reunification and family reunification of refugees in France (e.g. on requirements for exercising the right to family unification or family reunification of refugees or other issues).

There is a debate on the criteria to be met for exercising the right to family reunification (integration conditions being introduced, amendment to the criteria of resources or accommodation).

The family reunification procedure is legally stable. However, it is sometimes called into question, for all or part, in the national debates and it is even confused with family immigration. However, with 11,000 permits, it only represents a small share of the 90,000 permits issued each year to first-time applicants for family immigration.

The situation is the same for family reunification of refugees for which the legal framework was recently amended in 2015.

- Are family reunification and family reunification of refugees national policy priorities?

FAs the two procedures are conform to EU-law, they do not require new amendments.

- Do you plan any changes to law, policy or practice?

For the reasons evoked previously, to date no new legal amendments are planned for the procedures.

- Has the European Commission Communication COM(2014) 210 on guidance for application of Directive 2003/86/EC on the right to family reunification had an impact on French policy? If not, please specify why not.

The European Commission Communication COM(2014) 210²³ has not had an impact on French policy as French legislation on family reunification already largely transposed the Family Reunification Directive and it was not, therefore, necessary to further amend the legislation.

With regard to family reunification of refugees, the administrative practice, taking into account case law, was not impacted by this Communication as the provisions had already been implemented.

However, the guidance was been taken into account in the articles of the law of 29 July 2015 on the family reunification of refugees.

- Has France introduced a private sponsorship programme, which requires the beneficiary to be a family member of the sponsor? If yes, briefly elaborate in what ways the requirements, eligibility criteria and access to rights differ.

France has not introduced a private sponsorship programme. As indicated above, the legal regime for family reunification and family reunification of refugees does not provide for such a programme.

Q3. a see **Annex 1** for the national statistics on:

- the total number of applications for family reunification/family reunification of refugees in 2011-2015 and, where available, the first quarter of 2016, disaggregated by the grounds of residence of the sponsor (beneficiaries of international protection (i.e. refugees, beneficiaries of subsidiary protection, unaccompanied minors), persons

²³ European Commission, Communication from the Council and the European Parliament on guidance for application of Directive 2003/86/EC on the right to family reunification, http://eur-lex.europa.eu/resource.html?uri=cellar:2d6d4b3c-bbbc-11e3-86f9-01aa75ed71a1.0002.05/DOC_1&format=PDF

admitted for "remunerated activities", persons admitted for "study purposes", etc) and gender;

- the total number of accepted/rejected applications for family reunification/family reunification of refugees in 2011-2015 and, where available, the first quarter of 2016, if available disaggregated by the grounds for rejection of applications.

b. see in **Annex 1** the statistics previously indicated with a description of the main profiles of third-country nationals residing in France and asking for family reunification/family reunification of refugees, i.e. are the sponsors mostly beneficiaries of international protection or workers, students, etc.?

SECTION 2: DEFINITION OF "SPONSOR" AND "FAMILY MEMBERS"

This section will aim to provide information on the understanding of "family members" entitled to family reunification and family reunification of refugees across the Member States. The definition of "family members" is prescribed in Article 4 of the Family Reunification Directive. This section will also aim to clarify who is eligible to be a "sponsor" to an application for family reunification and family reunification of refugees (Article 3 of Directive 2003/86/EC).

Q4. a. Who can be a **sponsor**²⁴ to an application for family reunification or family reunification of refugees in France (e.g. unaccompanied minors, students, workers, etc.)?

Within the framework of family reunification, in application of article L.411-1 of the CESEDA, the sponsor is defined as a "foreign national who has legally resided in France for at least 18 months, under one of the permits with validity of at least one year" and who applies to be joined by members of his/her family.

According to article R.411-1 and R.411-2 of the CESEDA, at the time of the request, the sponsor must hold:

- a temporary residence permit with a validity of at least one year;
- a multi-year residence permit;
- a ten-year residence permit;
- a EU long-term residence permit, issued in France;
- or the receipt for the renewal application for one of these permits.

This covers third-country nationals that are expected to sustainably reside in France. Consequently, those in categories that do not provide for durable residence in France, such as interns, detached workers or seasonal workers, and who cannot meet the prior residence criteria, are excluded.

Similarly, other categories such as students, by definition, have difficulties in meeting the conditions - particularly the resources requirement - as their stay in France is intended for them to continue their studies and not to exercise a professional activity that procures stable remuneration.

The legal stay of at least 18 months must have been carried out under one of the above-mentioned permits or the documents listed in article R.411-2 of the CESEDA, i.e.:

- long-stay visa, granting the rights attached to a temporary residence permit;
- temporary residence permit with validity for up to one year;
- temporary residence authorisation;
- receipt for the request for a first issue or renewal of a residence permit;
- asylum application certificate.

²⁴ Articles 2 and 3 of Directive 2003/86/EC define who can be a "sponsor".

As part of the family reunification of refugees procedure, the sponsor is:

- "the foreign national who has been recognised as a refugee or obtained subsidiary protection, in accordance with the provisions of article L.752-1 I of the CESEDA;
- the foreign national who has obtained stateless person status, subject to holding a temporary residence permit or a residence permit for this purpose, in accordance with article L.812-5 of the CESEDA.

b. Does French law allow beneficiaries of subsidiary protection²⁵ to apply for family reunification? Yes

In application of article L.752-1 I of the CESEDA, the family reunification of refugees procedure is specifically applicable to beneficiaries of subsidiary protection (in the same way as for refugees). However, unlike refugees, they do not receive a ten-year residence permit.

Article L.313-13, 2° of the CESEDA provides for the issue of a “private and family life“ residence permit:

- to their spouse or civil partner, if they are over the age of 18 and if the marriage or civil union took place prior to the date on which they obtained subsidiary protection or, if it took place less than one year prior, subject to an effective cohabiting relationship between the spouses or partners;
- to their unmarried partner, if they are over 18 and if prior to the asylum request, they had a sufficiently stable and continuous cohabiting relationship;
- to their unmarried children, aged 19 or under, or aged from 16 to 18 if they wish to carry out a remunerated professional activity;
- to their first-degree relatives in the direct ascending line (parents) if the beneficiary from subsidiary protection is an unmarried minor.

5: Does France extend the scope of family reunification or family reunification of refugees beyond the nuclear/core members of the family²⁶? Yes

- **Parents?**

Parents and in general relatives in the ascending line are not admitted to stay in France under family reunification.

However, within the framework of family reunification of refugees, the refugee, beneficiary of subsidiary protection or stateless person may apply to be joined by their first-degree relatives in the ascending line (parents) if he/she is an unmarried minor.

²⁵ Currently, beneficiaries of subsidiary protection are not covered by Directive 2003/86/EC.

²⁶ Article 4 of Directive 2003/86/EC stipulates that Member States shall authorise the entry and residence of certain family members, including the sponsor's spouse and minor (including adopted) children of the sponsor and/or his/her spouse.

- **Adult children?**

Whilst family reunification can only be requested for minor children, family reunification of refugees applies to the couples' unmarried children aged 19 or under. The age limit is 18 if they are children from a previous relationship.

- **Same-sex partners who are married? Yes**

The law of 17 May 2013²⁷ authorised marriage for same-sex couples. Article 143 of the French Civil Code stipulates that "marriage is contracted between two people of different sexes or the same sex". Family reunification and family reunification of refugees are, therefore, open to married same-sex partners.

- **Same-sex partners who are registered under a civil union?**

Family reunification is not open to cohabiting partners (either the same sex or different sexes), even if they have signed a so-called civil solidarity pact (registered partnership). However, family reunification of refugees is open to the partner with whom the sponsor is linked by a civil union, if they are over the age of 18 and the civil union took place prior to the date upon which they requested protection (same sex or different sexes).

- **Non-married partners?**

Family reunification may not be requested by non-married partners.

Family reunification of refugees is authorised for the sponsor's unmarried partner, if he/she is over 18 and if they can demonstrate a sufficiently stable and continuous cohabiting relationship when applying for international protection

- **Dependent persons**, i.e. persons receiving legal, financial, emotional or material support by the sponsor or by his/her spouse/partner (other than those mentioned above²⁸)? No

France has no provisions for dependent persons in its legislation, and does not, therefore, extend the scope of people able to benefit from family reunification or family reunification of refugees to people meeting the criteria for dependency (financial, emotional or material).

- **Other** (please specify, e.g. foster children, applicants in polygamous and/or proxy marriages, etc.)? No

France does not extend the scope of family members eligible for family reunification or family reunification of refugees beyond the people indicated above.

With regard to polygamy, for family reunification and for family reunification of refugees, article L.411-7 of the CESEDA explicitly excludes other spouses of polygamous foreign nationals staying in France with a first spouse, as well as the children of these other spouses, unless the other spouse is deceased or deprived of their parental rights.

²⁷ Law no. 2013-404 of 17 May 2013 opening up marriage to same-sex couples, Official Journal of 18 May 2013, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027414540&categorieLien=id>

²⁸ I.e. those referred to in Article 4 of Directive 2003/86/EC.

The second paragraph of L.411-7 of the CESEDA also states that the residence permit requested or obtained by another spouse will be refused or withdrawn and that the existing permit of the foreign polygamous national residing in France will be withdrawn.

SECTION 3: REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES

This section will report on the requirements for exercising the right to family reunification and family reunification of refugees (referred to in articles 6-8 of Directive 2003/86/EC).

Q6. Does France impose (or plan to impose) the following **requirements**²⁹ for exercising the right to family reunification or family reunification of refugees (please also indicate if exemptions can be made in individual case, e.g., based on hardship clauses):

- **Accommodation** suitable for the size of the family, as well as meeting health and safety standards?

In accordance with article L.411-5, 2° of the CESEDA, within the framework of the family reunification procedure, the sponsor must prove that he/she has "at the time of entry of their family into France, accommodation considered normal for a comparable family living in the same geographical region". Article R.411-5 of the CESEDA stipulates, that in order to be considered "normal", the accommodation must have the surface area (variable according to the urban area) as well as the level of equipment and hygiene standards set by articles 2 and 3 of the Decree no.2002-120 of 30 January 2002³⁰. In application of article R.421-7 of the CESEDA, if the sponsor does not have "normal" accommodation at the date of application, he/she may submit a promise of accommodation that attests to the conditions in which he/she will have such accommodation at the date of his/her family's arrival.

The Decree no.2015-938 of 30 July 2015 modifying different elements of the right to stay for foreign nationals³¹ changed the town zoning used to determine the minimum surface areas for accommodation for foreign nationals requesting family reunification as well as the legal basis for this zoning. This amendment enabled a more precise estimate of the minimum surface areas requested depending on the region in which the family intends to live.

With regard to family reunification of refugees, article L.752-1 of the CESEDA does not specify accommodation requirements.

- **Healthcare insurance?** No

Proof of healthcare insurance coverage is not a requirement for the family reunification or family reunification of refugees application.

²⁹ Article 7(1) of Directive 2003/86/EC stipulates that Member States may require the person who has submitted the application to provide evidence that the sponsor has: accommodation suitable for the size of the family (considered normal for a comparable size family in the same region), sickness insurance, and sufficient, stable and regular resources to provide for himself/herself and his/her family.

³⁰ Decree no.2002-120 of 30 January 2002 on the characteristics of decent housing, taken in application of article 187 of the law no. 2000-1208 of 13 December 2000 on solidarity and urban renewal, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005632175&dateTexte=20110729>

³¹ Decree no. 2015-938 of 30 July 2015 modifying different elements of the right to stay for foreign nationals, Official Journal of 1 August 2015, <https://www.legifrance.gouv.fr/eli/decret/2015/7/30/INTV1505488D/jo>

- **Sufficient financial resources** to provide for the sponsor and his/her family?

Within the framework of family reunification, in accordance with the provisions of article L.411-5, 1° of the CESEDA, the sponsor is required to have, amongst other criteria, "sufficient and stable resources to provide for his/her family". Article R.411-4 of the CESEDA stipulates that the resources taken into account are those of the sponsor and his/her spouse that contribute to the family budget in a stable way. They are assessed at the time of the application and for the previous year. The Prefect may assess the stability of resources and decide to take into account future resources (e.g. fixed-term contracts or unemployment in the past and permanent contract obtained recently).

In application of article L.411-5, 1° of the CESEDA, article R.411-4 of the CESEDA stipulates that the resources must represent an amount at least equal to the statutory minimum wage (increased according to the number of family members, with the aim of ensuring dignified reception conditions. In accordance with the provisions of article L.411-5, 1° of the CESEDA, the resources from certain social benefits (retirement equivalent benefit, active solidarity revenue, elderly persons' solidarity benefit, specific solidarity benefit and temporary waiting allowance) or family benefits are excluded from the resource calculation.

Article L.411-5, 1° of the CESEDA also stipulates that applicants for family reunification are exempted from resource requirements when they receive a disability pension or supplementary invalidity allowance or if they are over 65, have legally lived in France for at least 25 years and have been married for at least ten years.

For family reunification of refugees, article L.752-1 of the CESEDA allows refugees, beneficiaries of subsidiary protection and stateless persons to apply for family reunification without proving resources.

Q7. a: Does French legislation require third-country nationals to comply with **integration measures**, before and/or after admission³²?

French legislation does not stipulate prior integration measures for the sponsor or for family members. However, the joining family member (except for the family members of refugees, who obtain a residence permit directly), must, on arrival, participate in an integration process and the integration requirement is verified in order to have access to a ten-year permit or a multi-year permit.

The right to family reunification does not require the family member to pass a language knowledge test or an examination on civic life in France. The foreign national is assessed on their knowledge of the French language and the Republic's values and, if required, benefits from free classes in these subjects. The visa is issued independent of the result of the assessment after this courses. Only failure to carry out the training may hinder the visa being issued.

The law of 7 March 2016 implemented a Republican integration process that is identical for all third-country nationals, including the beneficiaries of family reunification. It ended the requirement for the beneficiaries of family reunification to be assessed on their knowledge of the French language and "Republican values" in their country of origin when applying for their

³² Article 7(2) of Directive 2003/86/EC stipulates that Member States may require third-country nationals to comply with integration measures, in accordance with national law.

visa. These people must now "commit to an individual Republican integration process to promote their autonomy and insertion in French society"³³.

This new law also created the **Republican Integration Contract (CIR)**³⁴ that substitutes for the Reception and Integration Contract (CAI) and applies to all first-time arrivals, with the exception of certain categories³⁵.

The law no. 2016-274 of 7 March 2016 now requires family members admitted for family reunification to sign a CIR, which commits them to an individual process to promote their autonomy and integration into French society.

The CIR commits the foreign national for one year to "respect the principles and values of French society and the Republic and to follow seriously and diligently the training prescribed"³⁶.

In application of the first paragraph of article L.311-9 of the CESEDA, the State makes a **de-materialised booklet** available to foreign nationals **before they leave their country of origin**, to inform them of the administrative procedures that will be carried out on their arrival in France. Article R.311-19 of the CESEDA stipulates the content of this brochure entitled "Living in France".

The CIR is presented to the foreign national during the **individual interview carried out at the French Office for Immigration and Integration (OFII)**, once the procedures regarding the residence permit have been carried out. During this interview, the person's social, professional and language needs are assessed, in order to direct him/her to the local services and competent associations. Compulsory civic training is prescribed to all signatories, along with, French language training up to the level A1 of the Common European Framework of Reference for Languages (CEFR)³⁷, if required.

The characteristics of CIR signatories are not available as this procedure only entered into force on 1 July 2016.

However, the characteristics of the CAI signatories for 2014 show that the beneficiaries of family reunification represented 8.3% of the signatories in 2014.³⁸

³³ Article L.311-9 of the CESEDA.

³⁴ In force since 1 July 2016.

³⁵ Article L.311-9 of the CESEDA lists the categories of foreign nationals exempt from signing the CIR, notably foreign nationals holding a temporary residence permit indicating "visitor", "student", "intern", or "temporary worker"; holders of the VPF residence permit born in France and who have lived there continuously since the age of ten, and who have followed at least five years of education in a French educational establishment (request between the age of 16 and 21); holders of the multi-year "talent passport", "talent passport (family)", "seasonal worker", "ICT detached worker", "ICT detached worker (family)", "ICT mobile detached worker", "ICT mobile detached worker (family)", the foreign national that has carried out their education in a French secondary education establishment for at least three school years or has followed higher education in France for at least one university year; the foreign national aged from 16 to 18 years who is eligible for a residence permit and who meets the conditions for acquiring French nationality; the foreign national who has carried out at least three years in a French secondary education establishment outside of France.

³⁶ Article R.311-20 of the CESEDA.

³⁷ *The Common European Framework of Reference: learning, teaching, assessment* was designed to provide a transparent, coherent and exhaustive basis for drafting language programmes, with guidelines for curricula, teaching and learning materials and to assess foreign language skills. It describes foreign language skills with six levels, from A1 to C2.

³⁸ French Contact Point for the European Migration Network, 2015 Annual Report on the asylum and immigration policies, p26, <http://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des->

It is not compulsory for beneficiaries of international protection to sign a CIR, although they may apply to participate in integration programmes. This contract may be signed by the foreign nationals once their status is recognised by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and their residence permit is issued.

If yes, are third-country nationals required to comply with the following integration measures:

- **Civil integration exams?**

There is no civil integration exam, but civic training.

In accordance with article R.311-23 of the CESEDA, the integration programme within the CIR provides for two compulsory modules of civic training. The duration and content of the training are stipulated in the Decree of 1 July 2016 on civic and language training³⁹. Each module lasts for six hours. One module covers French institutions, the Republic's values, French history and the construction of Europe whilst the second module covers French society and life in France.

- When do the civic integration exams take place (i.e. before admission, after admission, before and after admission):

Two questionnaires are given to the foreign national to assess his/her satisfaction and understanding.

- What knowledge and skills are required from applicants in order to pass the exam(s)?
n/a

- Is any support provided during preparation (e.g. preparatory classes)? No

No specific support is provided to help prepare for the civic training, apart from the "Life in France" brochure, made available to foreign nationals before their departure from their country of origin.⁴⁰

- What costs are incurred by applicants?

The civic training is free.⁴¹

- **Language tests? Yes**

The CIR allows the implementation of language training, if required.

- When do the language tests take place (i.e. before admission, after admission, before and after admission)?

[migrations-REM/Les-rapports-politiques-annuels-sur-l-immigration-et-l-asile/Rapport-annuel-2015-sur-les-politiques-d-asile-et-d-immigration](#)

³⁹ Ruling of 1 July 2016 on citizenship and language training prescribed to foreign nationals that have signed a Republican Integration Contract created by the law no. 2016-274 of 7 March 2016 on the rights of foreign nationals in France, <https://www.legifrance.gouv.fr/eli/arrete/2016/7/1/INTV1612241A/jo>

⁴⁰ Article R.311-19 of the CESEDA.

⁴¹ Article R.311-22 of the CESEDA.

Article R.311-24 of the CESEDA stipulates that the OFII must organise language tests during the individual interview (after admission) to assess written and oral knowledge in French.

- What knowledge and skills are required from applicants in order to pass these language tests?

The foreign national must have a level equal or superior to CEFR level A1, which corresponds to basic language knowledge. The foreign national may also prove this level with a passed diploma or test; he/she then receives a certificate exempting them from language training. Otherwise (levels below A1), the OFII prescribes compulsory training, explicitly indicated in the contract. This training may last 50, 100 or 200 hours depending on the initial level, and includes thematic focuses, such as "public life, practical situations and professional life"⁴². It is subject to a criteria of "assiduity and seriousness", an intermediate and a final test. Following the training, the foreign national receives a certificate of attendance in his/her name⁴³.

- Is any support provided during preparation (e.g. preparatory classes)?

No help is provided to prepare the language tests.

- What costs are incurred by applicants?

The language training is free⁴⁴.

- Other integration measures (please specify)?

Article L.311-9 of the CESEDA stipulates that the individual Republican integration process includes support adapted to the person's needs to facilitate the reception and integration conditions, in addition to the civic and language training.

- If French law does not currently require applicants to comply with any of the above measures, are there any planned changes? n/a

b. Please specify if any negative consequences (e.g. refusal to issue a permit or withdrawal of the existing permit) are foreseen for family members not complying with the above-mentioned integration measures – both according to the law and in practice.

If the CIR signatory does not follow the prescribed training "with assiduity and seriousness", and he/she rejects the essential values of the French Republic, the Prefect may cancel the CIR, upon the OFII's recommendation. Non-compliance with the CIR and its termination have consequences on the issue of the multi-year residence permit, in accordance with article R.311-26 of the CESEDA as compliance with the CIR is one of the criteria required to request a two to four-year multi-year permit after one year of legal residence.

⁴² Article 2 of the ruling of 1 July 2016.

⁴³ Article 5 of the ruling of 1 July 2016.

⁴⁴ Article R.311-22 of the CESEDA.

Q8. Does France set a **waiting period**⁴⁵ where the sponsor stays lawfully on the territory before a sponsor's family members can reunite with him/her?

One of the conditions for family reunification is that the sponsor must "lawfully stay in France for at least 18 months" with a residence permit valid for at least one year.⁴⁶

Article L.752-1 of the CESEDA stipulates that family reunification of refugees is not subject to a condition of stay on the territory prior to the request.

Q9. Does French law provide for a **rejection of an application**⁴⁷ for entry and residence of family members on grounds of public policy, public security or public health? **Yes**

In accordance with article L.411-6, 1° of the CESEDA, admission of family members to France under family reunification may only be refused if "their presence constitutes a **threat to public policy**". This was confirmed by the Council of State case law.⁴⁸

The CESEDA does not provide a definition for the "threat to public policy", however the application circular of the law no.93-1027 of 24 August 1993⁴⁹ indicates that it "must be considered with regard to all the elements of fact and law that characterise the individual behaviour of the foreign national at issue". Thus, case law that defined a serious threat to public policy indicated that the foreign national was guilty of particularly serious crimes; with repeat offences and the multiplication of convictions also taken into account.

With regard to **public health**, article L.411-6, 2° of the CESEDA stipulates that the application for family reunification may be refused if "the family member suffers from a disease listed in the international health regulations (IHR)". The IHR was modified in 2005 and no longer includes a list of diseases. However, family members are still required to carry out a medical check-up. Admission may not be refused following this check-up, but the person may be subject to a treatment obligation. This examination must be carried out at the OFII, on arrival in France or before the departure if the family member is a national of one of the seven countries in which the OFII has a foreign representation^{50 51}.

Lastly, article L.411-5, 3° of the CESEDA stipulates that family reunification may be refused if "the sponsor does not comply with the essential principles that govern family life in the host country, France".

Within the framework of the family reunification of refugees, article L.752-1 of the CESEDA stipulates that "family reunification of refugees may only be refused if the sponsor does not comply with the essential principles that govern family life in the host country, France" and that

⁴⁵ Article 8 of Directive 2003/86/EC stipulates that Member States may require the sponsor to have stayed lawfully on the territory for a period not exceeding two years (or three years by derogation in specific circumstances) before having his/her family members join him/her.

⁴⁶ Article L.411-1 of the CESEDA.

⁴⁷ Article 6 of Directive 2003/86/EC stipulates that Member States may reject an application for entry and residence of family members on grounds of public policy, public security or public health.

⁴⁸ In particular, decisions no. 227844 of 30 June 2003 and no. 223327 of 23 July 2003.

⁴⁹ Circular of 8 February 1994, NOR: INTD9400050C: BO min. Int. n° 1/94.

⁵⁰ Cameroon, Mali, Morocco, Senegal, Tunisia, Turkey and Romania (if the family member lives in Romania, but is not an EU national).

⁵¹ Articles R.421-25 and R.421-26 of the CESEDA.

a family member may be excluded from family reunification of refugees if his/her presence in France represents a threat to public policy.

The family member admitted as part of the family reunification of refugees must also carry out a medical examination at the OFII under the same conditions as for family reunification.

- How many times has France invoked this provision since 2011?

This data is not available.

Q10. a. In addition to any information you have already provided in the previous answers, does France apply the **following more favourable family reunification rules for refugees**⁵² :

- Application and possible extension of the grace period of (minimum) three months before the requirements of exercising the right to family reunification apply⁵³ ? **No**

As indicated previously, no conditions of time, resources, accommodation or healthcare cover are required within the framework of family reunification of refugees.

If yes, is this grace period of (minimum) three months extended? If so, for how long? **n/a**

- Restriction to relationships established before entry of the sponsor into France⁵⁴ ? **Yes**

In accordance with articles L.752-1 I, 1° and 2° and L.812-5 of the CESEDA, the refugee, beneficiary of subsidiary protection or stateless person may apply to be joined by his/her spouse or partner, as long as the marriage or civil union took place prior to the date upon which they requested protection. If the family reunification application concerns the sponsor's unmarried partner, he/she must prove that a "sufficiently stable and continuous cohabiting relationship" existed prior to the date of the asylum application. See Q 4b.

- Application of a wider definition of family members when it comes to unaccompanied minors⁵⁵. **Yes**

In application of articles L.752-1 and L.812-5 of the CESEDA, an unmarried minor refugee, beneficiary of subsidiary protection or stateless person may request the right to be joined by his/her first-degree relatives in the ascending line. No conditions of a waiting period, resources, accommodation or healthcare coverage are required.

France does not require that the minor be unaccompanied. Thus, a minor living in France with his/her brother or sister (over 18) may request to be joined by his/her parents.

- Have any of these family reunification rules for refugees been changed recently? **Yes**

As indicated previously (see Q.2), the law of 29 July 2015 and the application Decree no. 2015-1166 of 21 September 2015 recognised the family reunification of refugees as a specific right, different from family reunification (without the prior conditions of resources, accommodation and legal stay).

⁵² Articles 9-12 of Directive 2003/86/EC set out more favourable conditions for family reunification of refugees.

⁵³ Article 7(1) of the Directive 2003/86/EC.

⁵⁴ Article 9(2) of the Directive 2003/86/EC.

⁵⁵ Article 10(3) of the Directive 2003/86/EC.

b. Does France apply similar rules for the **family reunification of beneficiaries of subsidiary protection** as for refugees, i.e. in relation to eligible family members, waiting period and requirements for family reunification? **Yes**

See Q 4 b.

Q11 : Are there any differences in the requirements to be met for exercising the right to family reunification (under Directive 2003/86/EC or national law in some cases) in comparison to a similar request by a **Member State national who has not exercised his/her free movement right** (non-mobile EU nationals)? Overall, to what extent are these requirements for exercising the right to family reunification under national law more or less favourable than those covered by Directive 2003/86/EC?

The Member State national who has not exercised his/her free movement right (non-mobile EU nationals)⁵⁶ may be joined by third-country family members.

This procedure is codified in book III of the CESEDA. It includes common items to family reunification, as it stipulates common criteria (effective shared life, issue of a long-stay visa) and a shared restriction on polygamy. However, the criteria are different as the accommodation and resource conditions are not required.

As it is a residence permit in accordance with article L.313-11, 4° and 6° of the CESEDA, the following people may benefit from this procedure and obtain a **VPF residence permit**, unless their presence constitutes a threat to public policy:

- **the foreign national, not living in a polygamous relationship, married to a French nationality spouse** if he/she meets the following conditions:
 - has obtained a long-stay visa;
 - continued relationship;
 - the spouse has retained his/her French nationality and;
 - in the event of a marriage celebrated abroad, that it has been transcribed on the registers of the French civil authorities.
- **the foreign national, who is not living in a polygamous relationship, and who is father or mother of a minor child living in France**, provided he/she establishes that he/she has effectively contributed to the child's upkeep and education as stipulated in article 371-2 of the French Civil Code since the child's birth or for at least two years.

In application of article L.314-11 of the CESEDA, a **residence permit** is issued to the following persons, subject to lawful stay and that their presence does not constitute a threat for public order:

- the foreign children of French nationals if the children are aged from 18 to 21 years or under the conditions stipulated in article L.311-3 of the CESEDA, or if they are dependent on their parents (if they are aged over 21);

⁵⁶ A non-mobile EU citizen is a national from a Member State that has not exercised his/her right to freedom of movement (in the French situation, a French national residing in France).

- the dependent first-degree relatives in the direct ascending line of French nationals and their spouses, as long as they have a visa for a stay over three months.

With regard to **dependent children or parents** of French nationals, the French authorities verify that the financial and material means really exist (income and accommodation requirement). There are no minimum resources, but the SMIC may be used as a reference. The applicants must prove that they are unable to meet their own needs and that they are dependent on their parents, that they do not receive benefits or that they are looking for work. The dependent parent must also prove that he/she is dependent on his/her French child and that he/she cannot exercise a professional activity. The proof of isolation in the country of origin - e.g., there are no other children or family members in the country of origin - may also be taken into account.

Q12. a. Please indicate any **challenges** experienced by i) the sponsors and/or family members associated with accessing the right to family reunification, and/or ii) France in the implementation of any of the above requirements for family reunification/family reunification of refugees and how these can be overcome?

With regard to family reunification, in general, **the challenge for the sponsor** is to meet the requirements.

The difficulties in **obtaining accommodation that meets the criteria** in certain regions, particularly in Île-de-France, due to the scarcity of rental accommodation may lead certain people to move once the authorities give their authorisation, and thus engage in a form of nomadic life.

Another challenge for the sponsor consists of understanding the exclusion of certain social benefits (e.g. RSA, etc.) for the calculation of resources. A successful application is based on the sponsor's autonomy and ability to welcome his/her family with dignity.

When **processing family reunification applications**, the **calculation of the resources** of an entrepreneur or liberal profession is also a challenge for the departments (particularly the OFII) due to the number and diversity of accounting documents to analyse.

Similarly, the **verification of civil status documents** represents one of the major challenges for the French authorities (see below).⁵⁷

The regulatory conditions imposed are based on the necessity of ensuring a satisfactory welcome for the family. Accommodation difficulties in zones where there is pressure on the housing market may lead to a nomadic life or fraudulent practices (show apartment, false lease agreement etc.) which require considerable administrative means to uncover and punish and which affect first and foremost the sponsors.

Lastly, the improvement of conditions for integration, a better welcome of these people, the prevention and fight against fraud are challenges that need to be overcome by the authorities. The amelioration of the reception and integration conditions have been the subject of several measures, particularly within the framework of the law of 7 March 2016.

⁵⁷ Interview carried out with OFII representatives, October 2016.

Fraud is difficult to quantify, but is recurrent and diversified with 'arrangements' to meet the resources and accommodation conditions and the abuse of fragile people (so-called “grey marriages”)⁵⁸.

The prefectures interviewed for this study also indicated several difficulties:

- discrepancies between the conclusions of the OFII and the town halls on the accommodation and resources examination;
- a lack of cooperation between the different administrations (prefecture/town halls/OFII/consulates);
- processing times over the six months period stipulated in the legislation due to OFII processing times and understaffed prefectures;
- an increase in administrative proceedings contesting refusal decisions;
- difficulties in obtaining visas despite favourable prefecture decisions. The prefectures must often question consulates who only rarely respond on refusals or delays in issuing visas for family reunification. This only concerns around 10% of the applications, but generates a significant and repeated flow of users in the prefecture departments.⁵⁹

Within the framework of the **family reunification of refugees**, France Terre d'Asile (FDTA) has identified following challenges:

- the difficulty in collecting the "elements of status possession", as defined in article 311-1 of the French Civil Code, the proof of a prior, stable and sufficiently long cohabiting life (with civil status documents) at the date of obtaining refugee status, the language barrier and the contact with certain consular services to obtain information on practices associated with visa applications;
- difficulties linked to the harmonisation of procedures: due to the refugee status, the sponsor is forbidden from contacting his/her country of origin, whereas certain administrative procedures (in the event of delegation or withdrawal of parental authority from the other parent for example) require this measure. Certain consular services wrongly request documents that are not required by law. Some populations have difficulties in obtaining civil status documents or having them recognised by the relevant authorities (some nationalities do not have birth or death certificates)⁶⁰.

The Directorate for Immigration at the Ministry of the Interior notes that the verification of the reality of the identity and family ties of applicants with the sponsor is made particularly difficult when they have no documents. This is also the case when they present documents that are no longer reliable due to the conditions of recording civil status in their country of origin, and for which the authenticity cannot be verified either.

⁵⁸ Interviews carried out with representatives of the Office of Family Immigration and the Directorate of Immigration (DGEF), October and November 2016.

⁵⁹ Questionnaire completed by the prefectures of the *Nord, Eure et Loir, Val d'Oise, Seine-Saint-Denis and Bouches-du-Rhône* regions, November 2016.

⁶⁰ Questionnaire completed by representatives of France Terre d'Asile, November 2016.

Another difficulty is the **situation of children over 18** who cannot benefit from the family reunification or family reunification of refugees procedure. They must request a visa on the grounds corresponding to their situation.⁶¹

b. Please provide any examples of **good practices** that might help to overcome the above-mentioned challenges or otherwise.

FTDA suggests better informing sponsors of the procedure (both by the OFII for family reunification requests and the associations for family reunification of refugee requests) by using translators.⁶²

The prefectures⁶³ have identified the following good practices:

- harmonisation of practices between the different administrations (creation of a single centre to manage family reunification applications);
- development of job versatility as far as possible in the prefectures;
- harmonisation of assessment criteria for resource requirements by the OFII (e.g. calculation based on net or gross income);
- rigorous file compilation to avoid additional delays in the prefectures (vigilance on inconsistent civil status, missing pay statements, missing income tax statement for the reference period when they are available at the date of transmission by the OFII to the prefecture, etc.);
- information communicated by the OFII on the real average processing times, including prefecture times - requiring ad hoc communication between the OFII and the prefecture departments;
- better information of people on the procedure, to avoid filing applications that do not meet the requirements and clog the system.

Over the last few years, the DGEF's Office for Family Immigration within the Ministry of the Interior has developed measures to **improve information for users and prefecture services**:

- on-line publication of a flowchart on the DGEF's intranet detailing the different stages of the procedure and an FAQ to better inform the processing structures;
- the family reunification application form was modified to include the list of supporting documents and guidance notes to simplify and clarify the Cerfa form to ensure that the applications are complete and reduce processing times and to harmonise the practices in the processing services through the use of a single list of supporting documents;
- a one-stop-shop to file the applications;
- a telephone help-line to rapidly answer prefecture questions and unify application processing.

For the family reunification of refugees, from 2018, a "France Visa" information portal (global information system project) will improve information given to visa applicants on the procedure and the documents required. This tool will complete the information given up to now to

⁶¹ Questionnaires completed by the French Embassies in Kabul, Dacca, Conakry, Colombo, Amman and by the French General Consulates in Beirut and Dakar, November 2016.

⁶² Questionnaire completed by representatives of France Terre d'Asile, November 2016.

⁶³ Questionnaire completed by the prefectures of *the Nord, Eure et Loir, Val d'Oise, Seine-Saint-Denis and Bouches-du-Rhône* regions.

sponsors in particular (refugee welcome booklet, widely diffused information booklet, information accessible via internet etc.).

Q13. Is any **research** (conducted by relevant authorities, academics, NGOs, etc) on the following available in France?

- Effects of the requirements for family reunification/family reunification of refugees in France on the right to family reunification/family reunification of refugees and integration of third-country nationals.
- Effects of the integration measures as applied in France on the right to family reunification/family reunification of refugees and integration of third-country nationals.
- Effects of the minimum age requirement⁶⁴ in France on the prevention of forced marriages or any misuse of family reunification/family reunification of refugees (e.g. marriages of convenience).

A few studies on the **family reunification** procedure have been conducted, but none on the requirements or the effects of the requirements stipulated in the Family Reunification Directive.

A study was carried out by FTDA in 2005 on the family reunification of refugees⁶⁵. However, it is no longer up to date as this procedure was amended by the law of 7 March 2016.

Different contributions have also been published as part of the **assessment of the Directive's application in Member States**. Thus, the publication of a European Commission green paper on family reunification in 2011 enabled the French government to assess the family reunification procedure in our country⁶⁶. The Family Reunification Directive's application was considered satisfactory and no changes to the procedure were requested by the French authorities.

Similarly, as part of the European Commission's project to develop guidelines for harmonising the application of the Family Reunification Directive, FTDA provided a contribution by drafting a certain number of recommendations with the aim of improving the Directive's application.⁶⁷

Lastly, the **Longitudinal Survey on the Integration of First-Time Arrivals** (ELIPA) is carried out in France with people benefitting from a first residence permit, and who aim to sustainably remain in France. Conducted by the Department for Statistics, Studies and Documentation (DSED) of the General Directorate for Foreign Nationals in France (DGEF)

⁶⁴ Article 4(5) of Directive 2003/86/EC stipulates that Member States may require the sponsor and his/her spouse to be of a minimum age and at maximum 21 years, before the spouse is able to join him/her, in order to ensure better integration and to prevent forced marriages.

⁶⁵ FTDA, The family reunification of refugees - "the family unit, challenges and impacts of professional insertion on statutory refugees", January 2005, http://www.france-terre-asile.org/images/stories/publications/pdf/CduS_06-vweb-finale.pdf

⁶⁶ Secretary General for European Affairs (SGAE), French contribution to the European Commission Green Paper on family reunification, March 2012, http://www.sgae.gouv.fr/files/live/sites/sgae/files/contributed/SGAE/4.%20Consultations%20publiques/Réponse_s_2012/documents/20120301_ReponseFR_Livre_vert_regroupement_familial.pdf

⁶⁷ FTDA, Contribution to European Commission guidelines on the Family Reunification Directive on family reunification, http://www.france-terre-asile.org/images/stories/europe-etudes/Contribution_aux_lignes_directrices_de_la_Commission_européenne_concernant_la_directive_sur_le_regroupement_familial.pdf

within the Ministry of the Interior, the survey organised in **three phases**, monitors a group of **6,000 migrants over three years**: the people were interviewed after they obtained their residence permit **in 2010**, then interviewed again one year and three years later, **in 2011 and in 2013**. The survey aims to monitor the integration process for new migrants in four areas: the administrative process, professional insertion, acquisition of the French language and living conditions (housing, social relations etc.).⁶⁸

The administrative grounds for admission to stay was not requested. An ELIPA survey, that distinguishes new migrants according to the grounds for admission to stay, would be useful to **identify each category** and monitor the progress of a sample over their first years in France.

Studies and summaries were published in June 2014 on the family ties of new migrants⁶⁹, then in December 2015 on the first years in France of refugees⁷⁰, but the results are less relevant to foreign nationals admitted for family reunification (and family reunification of refugees is not covered). However, these studies enable us to identify the characteristics of refugees and non-refugees.

With regard to **types of misuse of family reunification or family reunification of refugees**, the study conducted by the EMN in March 2012 on the *misuse of the right to family reunification: marriages of convenience and false declarations of parenthood*⁷¹ mainly covered the fight against marriages of convenience and false declarations of parenthood without establishing a link with the minimum age criteria for family reunification.

Similarly, the elements available at the Ministry of Justice on marriages of convenience, forced marriages and false declarations of parenthood do not enable us to establish a link between the family reunification application and the marriage annulment requests.⁷² Marriage annulment requests may be made due to the absence of consent by the spouses to the marriage (this includes the issue of marriages of convenience), but also on other grounds (age of the spouses, presence of the spouses on the marriage date, prohibition of the marriage due to blood relations, bigamy etc.). The civil procedures on forced marriages do not allow us to make a link with a family reunification application.

⁶⁸ Ministry of the Interior, DGEF, DSED, ELIPA-Study, 2010, 2011, 2013, <http://www.immigration.interieur.gouv.fr/Info-ressources/Donnees-statistiques/Etudes-et-publications/Enquete-Longitudinale-sur-l-Integration-des-Primo-Arrivants-ELIPA/Enquete-Longitudinale-sur-l-Integration-des-Primo-Arrivants-ELIPA/ELIPA-Longitudinal-Survey-of-the-Integration-of-First-time-Arrivals>

⁶⁹ Ministry of the Interior, DGEF, DSED, Infos migrations, number 69, Family ties of new migrants, June 2014, <http://www.immigration.interieur.gouv.fr/Info-ressources/Actualites/Focus/Les-liens-familiaux-des-nouveaux-migrants>

⁷⁰ Ministry of the Interior, DGEF, DSED, Infos migrations, number 80-81, December 2015, <http://www.immigration.interieur.gouv.fr/Info-ressources/Actualites/Focus/Les-premieres-annees-en-France-des-refugies>

⁷¹ French Contact Point for the European Migration Network, Misuse of the right to family reunification in Member States: marriages of convenience and false declarations of parenthood, March 2012, <http://www.immigration.interieur.gouv.fr/Europe-et-International/Le-reseau-europeen-des-migrations-REM/Les-etudes-du-REM/Detournement-du-droit-au-regroupement-familial-dans-les-Etats-membres-mariages-de-complaisance-et-fausses-declarations-de-parentalite>

⁷² Interview carried out with representatives of the Ministry of Justice, October 2016.

SECTION 4: SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES

This section will report on the process for submitting and examining an application for family reunification and family reunification of refugees in Member States or abroad covered by Chapter III of Directive 2003/86/EC. This includes the procedures for verifying the fulfilment of the requirements and measures listed in section 3.

Q14. Please describe the procedure(s) that apply to the sponsor or his/her family members, when an application for entry and residence for the purpose of family reunification/family reunification of refugees is submitted:

To facilitate the understanding of this procedure and to harmonise practices, the Office for Family Immigration within the DGEF, has drafted a flowchart that describes the different stages in the procedure, in the current legislative and regulatory framework, by following the administrative progress of the foreign national's application. This flowchart can be found in Annex 2 of this study.

a) Who is the formal party to an application for family reunification or family reunification of refugees in France: the sponsor or his/her family members⁷³ ?

The foreign national legally staying in France (the sponsor) submits the application for family reunification on an ad hoc form with the supporting documents to the territorially competent OFII department⁷⁴.

The application for family reunification of refugees, however, is submitted as part of the long-stay visa application by the family member(s) of the refugee, the beneficiary of subsidiary protection or the stateless person to the French diplomatic or consular authorities closest to their home in their country of origin⁷⁵.

b) If the sponsor's family members must submit an application for family reunification/family reunification of refugees, where can this application be submitted (e.g. consulate of the Member State abroad, possibility to submit the application in the Member State, etc)? See Q 14 a.

c) What documentary evidence is required from the applicant to confirm: i) his/her identity and ii) the family relationship?

The list of documents requested is indicated in the annex to the Cerfa family reunification form.⁷⁶

⁷³ Article 5 of Directive 2003/86/EC specifies that Member States must determine whether, in order to exercise the right to family reunification, an application for entry and residence must be submitted to the competent authorities by the sponsor or his/her family members.

⁷⁴ Article R.421-7 of the CESEDA; Ruling of 9 November 2011 on the filing of family reunification requests in the offices of the French Office for Immigration and Integration (OFII), NOR: IOCL1130669A, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000024813540&dateTexte=20161109>

⁷⁵ Articles L.812-5 and R.752-1 of the CESEDA.

⁷⁶ Application for family reunification (foreign nationals – CERFA n° 11436*05, ANNEX 1, List of documents to be attached to the family reunification application form, https://www.formulaires.modernisation.gouv.fr/gf/getAnnexe.do?cerfaAnnexe=annexe-1&cerfaFormulaire=11436*05



Demande de regroupement familial (ressortissants étrangers) – CERFA n° 11436*05

Code de l'entrée et du séjour des étrangers et du droit d'asile (art. L. 411-1 à L. 421-1 et R. 411-1 à R. 431-1)
Accord franco-algérien du 27 décembre 1968 modifié (art. 4)

ANNEXE 1

Liste des pièces à joindre au formulaire de demande de regroupement familial

1. Titre de séjour (recto/verso) (en cours de validité)

- Carte de résident
- Carte de résident portant la mention "résident de longue durée-UE" délivrée en France
- Carte de séjour pluriannuelle
- Carte de séjour temporaire d'une durée supérieure ou égale à un an
- Certificat de résidence d'un an ou de dix ans
- Récépissé de demande de renouvellement de titre de séjour

Le cas échéant :

- Titre de séjour de votre conjoint(e) (ou si votre conjoint(e) bénéficiaire réside dans un pays autre que son pays d'origine, titre de séjour délivré par le pays de résidence)

2. Documents d'état civil dans la langue d'origine (+ traduction en langue française établie par un traducteur assermenté près une Cour d'appel ou certifiée conforme par une autorité consulaire ou diplomatique française)

- Copie intégrale de l'acte de mariage avec mentions marginales (+ jugement supplétif si mentionné dans l'acte)
- Copie de la convention de Pacte civil de solidarité (Pacs)
- Certificat de vie commune ou de concubinage délivré par la Mairie de votre lieu de résidence
- Copie intégrale de votre acte de naissance avec mentions marginales (+ jugement supplétif si mentionné dans l'acte)
- Copie intégrale de l'acte de naissance de votre conjoint(e) bénéficiaire avec mentions marginales (+ jugement supplétif si mentionné dans l'acte)
- Copie intégrale de l'acte de naissance de chacun de vos enfants et/ou de votre conjoint(e) avec mentions marginales y compris pour ceux non concernés par le regroupement familial mais résidant dans le logement en France (+ jugement supplétif si mentionné dans l'acte)

Le cas échéant :

- Jugement(s) de divorce vous concernant et/ou de votre conjoint (e) (jugement irrévocable ou définitif si divorce à l'étranger)
- Jugement attribuant l'autorité parentale (sauf si le jugement de divorce le précise)
- Jugement attribuant le droit de garde des enfants (sauf si le jugement de divorce le précise)
- Lettre de l'autre parent autorisant la venue de l'enfant en France (dont la signature est authentifiée dans les formes prévues par la législation du pays de résidence ou par le consulat de France compétent)
- Jugement d'adoption
- Kafala judiciaire algérienne

- Acte de décès de votre conjoint (e), de votre premier(e) conjoint(e) ou de l'autre parent
- Décision judiciaire prononçant le retrait de l'autorité parentale de l'autre parent
- Déclaration d'abandon de l'enfant par l'autre parent, de disparition ou d'absence de l'autre parent auprès du Tribunal
- Livret de famille
- Attestation de votre partenaire autorisant la résidence de l'enfant bénéficiaire au domicile
- Document de circulation pour étranger mineur (DCEM) et/ou certificat de scolarité des enfants présents sur le territoire

3. Lettre d'explication du regroupement partiel

- Si le regroupement familial n'est pas demandé pour l'ensemble de la famille, vous devez justifier votre demande au regard de l'intérêt de ou des enfants.

In accordance with article R.421-4 of the CESEDA, the sponsor must attach the following to his/her family reunification application, in order to prove his/her relationship with family member(s):

- the marriage certificate;
- the birth certificates of the sponsor, his/her spouse and the couple's children, including the establishment of parentage.

Article R.421-5 of the CESEDA also requires, if applicable:

- the adoption decision if the child is adopted, subject to verification by the Public Prosecutor on the legality of this decision if it was pronounced abroad;
- the death certificate or decision to withdraw parental authority if the family reunification is requested for minors for whom one of the parents is deceased or from whom parental authority has been withdrawn;
- the foreign court decision, established in the manner provided for by the legislation in the country of residence, when the family reunification is requested for a minor child of the sponsor or of his/her spouse entrusted to the sponsor under his/her parental authority; this decision must be supported by the consent of the other parent that the child is allowed to come to France;
- a sworn statement by the sponsor certifying that the family reunification will not create a polygamous situation on the French territory if the sponsor is a national of a country that authorises polygamy.

Within the framework of the family reunification of refugees, the family member(s) of the refugee, beneficiary of subsidiary protection or stateless person must provide the following documents to prove their identity and family relationship⁷⁷:

- a passport (visas may be issued for a *laissez-passer* in justified cases);
- passport photographs;
- evidence of protection granted by the OFPRA to the sponsor;
- full copy of the birth certificate and/or marriage certificate establishing the family relationship to the protected person, or any other document proving this link.

⁷⁷ Article L.752-1 II, 4° of the CESEDA.

d) In France, what methods of investigation are employed by the competent authorities in the absence of (reliable) documentation?

The family reunification or family reunification of refugees application is refused if the family relationship cannot be established.

Article R.421-10 of the CESEDA stipulates that the diplomatic or consular authorities in the district in which the sponsor's family member lives are immediately informed by the OFII of the family reunification application filing and that they "carry out, without delay, the checks on civil status documents at the time the long-stay visa application is filed". In application of article R.211-4 of the CESEDA, the diplomatic or consular authorities have a maximum four-month period to check all foreign civil status documents. This time period may be renewed for one four-month period if this is strictly necessary.

Within the framework of the family reunification of refugees, in the absence of civil status documents or when the civil status in the country of origin is not reliable, the family relationship may be established by possession of status within the meaning of article 311-1 of the French Civil Code⁷⁸. Thus, different documents produced by the visa applicant and the beneficiary of international protection may be used to prove the family relationship. The constancy of the declarations made to the OFPRA by the beneficiary of international protection is also taken into account.

In the event of marriage, the marriage certificate established by the OFPRA is authentic, unless it is proven to have been obtained falsely or fraudulently. The OFPRA then refers the matter to the Public Prosecutor of the Paris *Regional Court* to amend the civil status documents.

To carry out these investigations, the application processing is conducted jointly by the diplomatic and consular post and by the Office for Refugee Families. The latter contacts the OFPRA to obtain the refugee's birth certificate and marriage certificate, if applicable, and checks the family composition that the person has declared to the OFPRA. It also asks the beneficiary of international protection to provide elements to prove the possession of status in addition to those provided by the family abroad.⁷⁹

In the absence of reliable documents for the two procedures (family reunification and family reunification of refugees), most diplomatic or consular posts request certificates from the local administrations in order to verify the status. However, the responses from the local authorities differ depending on the countries.⁸⁰

In certain countries, such as Sri Lanka or Turkey, the response rates are high and the reliability of local civil status does not require certificate issuance to ensure authenticity.

⁷⁸ The possession of status involves taking into consideration the reality of the family relationship. It is established by a sufficient grouping of facts that prove the family relationship between a person and the family to which he/she says to belong to. An affidavit, issued by the judge, may be requested to prove the possession of status.

⁷⁹ Interview carried out with a representative of the Office for Refugee Families, Sub-directorate for visas - Immigration Directorate - General Directorate for Foreign Nationals in France (DGEF), Ministry of the Interior, October 2016.

⁸⁰ Questionnaires completed by the French Embassies in Kinshasa, Colombo, Dacca, Kabul, Conakry and by the French Consulate Generals in Abidjan, Dakar, Istanbul, Antananarivo and Tunis, November 2016.

In other countries, it is possible to request the issue of certificates and judgements from the civil status centres and tribunals, but the consular services compare the documents attached to the visa application and those received from the civil status centre or tribunal, and carry out a cross-check between the declarations of the applicant or their representative and those of the family in France (Senegal).

However, in other countries with high levels of corruption and fraud or where the local authorities do not respond to certificate requests from foreign embassies or do not authorise them to consult certificates and make checks within the civil status offices and tribunal records, the consular services have implemented alternative processes to verify certificate authenticity. Some use the services of a lawyer to approach the civil status offices and check certificates on-site, and to carry out neighbourhood surveys in order to corroborate the sponsors' declarations on their real family composition (Bangladesh, Madagascar). Others transmit documents that appear false or incorrect to the interior security attaché at the post to confirm or refute the veracity of the certificate (Afghanistan) or to carry out checks with the other Schengen area partners when visas have been requested. They also carry out checks in previous applications (Democratic Republic of Congo).

Similarly, certain countries such as Tunisia do not issue civil status documents to their nationals, what makes verifications difficult.

Q15. Please describe the **procedures that apply to family members** when an application for entry and residence for the purpose of family reunification/family reunification of refugees is submitted:

- a. What is the procedure in place in France to verify that any **extended family members** have fulfilled the requirements for family reunification or family reunification of refugees (e.g. dependency)? At what stage(s) of the examination procedure is this verified?

Are there any exemptions from fulfilling these conditions, and if yes, on what grounds are they granted?

Within the framework of family reunification, France does not enlarge the circle of persons that can benefit from the procedure beyond the nuclear family.

In the context of family reunification of refugees, the refugee, beneficiary of subsidiary protection or stateless person may demand to be joined by following persons beyond the nuclear family:

- first-degree relatives in the direct ascending line (parents) if they are minor and unmarried;
- adult children (under 19);
- civil partners if they are over the age of 18 and if the civil union took place prior to the asylum request;
- unmarried partners, if they are over 18 and if a sufficiently stable and continuous cohabiting relationship has already existed prior to the application for international protection.

Article L.752-1 II of the CESEDA stipulates that the family reunification of refugees is not subject to the prior duration of legal stay, resources or accommodation requirements. This also applies to members of the extended family.

- b.** Please describe the procedure in place in France to verify that the following **requirements for family reunification and family reunification of refugees** have been fulfilled:
- Please specify how the health and safety standards, as well as the size of the accommodation are determined as suitable in practice:

Article R.411-5 of the CESEDA stipulates that to be considered "normal", the accommodation must have the surface area (variable according to the urban area) as well as the level of equipment and hygiene standards set by articles 2 and 3 of the Decree no.2002-120 of 30 January 2002 on the characteristics of decent housing, taken in application of article 187 of the law no. 2000-1208 of 13 December 2000 on solidarity and urban renewal.

The accommodation requirement is more difficult to fulfil in Paris and its surrounding area (for the surface area and hygiene standards). The regulations require that officials specially authorised by the town hall carry out housing (and resource) surveys, but the Mayor may, according to article R.421-15 of the CESEDA, delegate this to OFII officers (contractual workers). Often, the Mayors send the municipal police. In these cases, the OFII needs to redo the survey as the municipal police does not have the required authorisations⁸¹. The OFII is also responsible for checking the accommodation (and resources) if the Mayor does not provide an opinion within two months from the receipt of the application.⁸²

- Please specify the conditions under which sponsors have access to healthcare insurance (e.g. by having employment/self-employment or is this access automatic)? See Q 18 e.
- In relation to the minimum income requirement sponsors must meet in France:
 - o What is the minimum income requirement (in the relevant currency and year)?

In application of article L.411-5, 1° of the CESEDA, article R.411-4 of the CESEDA stipulates that the resources must represent an amount at least equal to the SMIC⁸³ increased according to the number of family members, with the aim of ensuring dignified reception conditions.

The SMIC is required for a family of two or three people. It is increased by a tenth for a family of four or five people and a fifth for a family of six people or more.

- o Does France set a different income requirement depending on the type of family member being reunited (e.g. minor children)?

Yes, the resources are increased according to the number of family members.

- o What is the reference period over which this requirement is considered?

⁸¹ Interview carried out with OFII representatives, October 2016.

⁸² Article R.421-19, 1° of the CESEDA.

⁸³ At 1 January 2016, the gross monthly SMIC is 1466.62 euros, http://www.insee.fr/fr/themes/tableau.asp?ref_id=natnon04145.

The resources are assessed at the time of the application and for the previous year. The prefect may assess the stability of resources and decide to take into account future resources (e.g. fixed-term contracts or unemployment in the past and permanent contract obtained recently).

- How is past/future income of the sponsor evaluated in practice?

Article R.421-12 of the CESEDA stipulates that the Mayor, and if not, the OFII, checks the fulfilment of the income requirement based on the supporting documents that the sponsor provides for his/her application (employment contract or certificate of activity from his/her employer, pay statements for the period required, the latest tax statement and the latest revenue declaration) in accordance with article R.421-4, 3° of the CESEDA. For self-employment, all means of proof are accepted. Under article R.421-13 of the CESEDA, the Mayor or the OFII can question the Regional Directorate for Business, Competition, Consumer Affairs, Labour and Employment (DIRECCTE) on the resources that the applicant has declared.

- Are there any exemptions and to what extent non-compliance has consequences for the right to family reunification/family reunification of refugees?

As indicated previously (see Q 2), article L.411-5, 1° of the CESEDA stipulates two cases of exemption from the income requirement for family reunification:

- For the sponsor that benefits from the disabled adults' allowance: beneficiaries of the disabled adults' allowance with an incapacity of 50% to 79% are now exempted from the condition of resources.
- For the sponsor aged over 65 years who has lived in France for at least 25 years and who requests family reunification for his/her spouse with which he/she has been married for at least ten years.

The Prefect may refuse the application for family reunification if the resource and accommodation requirements are not fulfilled. However, he/she has discretionary power and can assess all circumstances that must be analysed under article 8 of the ECHR. Up to now, the French jurisdictions recall the principle under which it is always possible for the Prefect to make a favourable decision by taking into account the applicant's change in resources, including after the filing of the application.⁸⁴

No resource or accommodation conditions are required for family reunification for refugees.

- At what stage(s) of the examination procedure are these requirements verified?

Article R.421-11 of the CESEDA stipulates that the Mayor has two months from receipt of the file to give an opinion on whether the resource and accommodation conditions have been fulfilled. If the Mayor has not pronounced a decision after this time period, the opinion is considered to be positive.⁸⁵

- c. Please describe the procedures in place in France to ensure **integration measures** have been complied with, for example, if an application form for civic integration exams/language tests must be submitted to the authorities, etc. Please specify what

⁸⁴ CAA Lyon, 28/06/2016, 14LY02500, CAA Lyon 09/06/2016, 15LY03336, CAA de Nantes, 13/10/2015, 14NT01128, CAA de Nancy 15/10/2015, 15NC00210.

⁸⁵ Article R.421-18 of the CESEDA.

exemption grounds apply and to what extent non-compliance has consequences for the right to family reunification/family reunification of refugees?

The law of 7 March 2016 now requires family members to sign the CIR (in force since 1 July 2016) after their admission, which commits them to an **individual integration process** (see Q 7a).

Non-compliance with the CIR and its cancellation have consequences on the issue of a multi-year residence permit, in application of article R.311-26 of the CESEDA, as compliance with the CIR is one of requirements for the right to this two to four year multi-year residence permit after one year of legal residence (see Q 7b).

As this law entered into force recently, it is not yet possible to analyse the consequences of non-compliance with the CIR on the right to family reunification.

It is not compulsory for beneficiaries of international protection to sign a CIR, although they may apply to participate in integration programmes.

- d.** If the above conditions are not (completely) fulfilled, how does France guarantee that individual circumstances are taken into account (e.g. nature and solidity of the person's family relationship)?⁸⁶

As indicated previously (see Q 15b), the Prefect may refuse the application for family reunification if the conditions of resources and accommodation are not fulfilled, but he/she has discretionary power and can assess all circumstances that must be analysed under article 8 ECHR (i.e. on a case by case basis). The administrative authorities also take into account the best interests of the child in all decisions involving children (see Q 15f).

- e.** What is the procedure in France to verify whether or not the family member(s) constitute a threat to public policy, public security or public health?

The prefecture consults the wanted persons file (FPR) for the sponsor. For the family member(s), the verification is carried out when the visa is issued by the consulate.

- f.** How does France define the term "minor child" and how are the **best interests of the child**⁸⁷ taken into account during the examination of the application for family reunification/family reunification of refugees?

Article 388 of the French Civil Code stipulates that "the minor is an individual of either sex who has not yet reached 18 years".

Article L.411-4 of the CESEDA stipulates that a child who can benefit from family reunification is defined in the last paragraph of article L.314-11 of the CESEDA, also applicable to family reunification of refugees. This stipulates that he/she is "a child with a legally

⁸⁶ This is laid down in Article 17 of Directive 2003/86/EC, as well as the principles of effectiveness and proportionality (as interpreted by the CJUE in C-153/14, Minister van Buitenlandse Zaken / K. and A., paragraph 60 and –C-356-11 and C-357-11, O.S and L, paragraph 81K.) and the EU Charter of Fundamental Rights (O.S and L. 77, 78 and 80).

⁸⁷ Article 5 of the Directive 2003/86/EC.

established parentage, including an adopted child, through an adoption decision". If this decision has been pronounced abroad, an examination is carried out on its legality in France.

The International Convention on the Rights of the Child of 20 November 1989 requires France to always consider the **best interests of the child**⁸⁸ as a priority in all decisions involving children. The Council of State distinguishes between the articles that are directly applicable and those that are not. In its decision of 22 September 1997⁸⁹, it considered for the first time that article 3-1 of this Convention is directly applicable. In its decision of 25 June 2014⁹⁰ it clarifies that its stipulations "are applicable not only to decisions that have the purpose of governing the personal situation of minors, but also those that affect their situation in a sufficiently direct or certain way". Consequently, the best interests of the child are regularly taken into account in decisions on family reunification, as long as they do not disproportionately prejudice the right to respect for private and family life.

Article L.411-4, 2° of the CESEDA also stipulates that the family reunification application must be made for the entire family. This same article, however, allows acceptance of **partial reunification** in the best interests of the child.

More specifically with regard to the family reunification of refugees, article L.752-2 of the CESEDA imposes that the best interests of unaccompanied minors that have obtained asylum protection or stateless person status have to be taken into account in all decisions about him/her, and specifically those on his/her placement and the search for family members. This same article also stipulates that legal representation for the unaccompanied minor must be provided and that the search for family members must begin "as soon as possible". Article L.741-4 of the CESEDA stipulates that this search must be carried out by the administrative authorities "as soon as possible" after the asylum application and must always protect the best interests of the unaccompanied minor.

Partial reunification of refugees may – like partial reunification – be authorised on grounds that take into account the best interests of the child.⁹¹

- g.** Please describe what is involved in an assessment for family reunification/family reunification of refugees where children are concerned (e.g. DNA testing, etc.)? At what stage(s) of the examination procedure is this assessed?

If the family link between the sponsor living in France and his/her child(ren) born abroad has not been established during the visa application, the question of identification by genetic fingerprinting may be raised. However, such identification is strictly regulated by French legislation.

It is important to note that the law of 20 November 2007 on immigration, integration and asylum⁹² provided for an experimental 18 month period where, in the case of **non-existent civil**

⁸⁸ Article 3(1) of the International Convention on the Rights of the Child: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

⁸⁹ Council of State, 22 September 1997, n° 161364.

⁹⁰ Council of State, 25 June 2014, n° 359359.

⁹¹ Article L.752-1 II of the CESEDA.

⁹² Law n° 2007-1631 of 20 November 2007 on immigration, integration and asylum, Official Journal of 21 November 2007,
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000524004&categorieLien=id>

status documents, or where there is a doubt on the authenticity of the certificates, the person concerned could request genetic testing, whilst rejecting its systematic application and reserving it for establishing parentage between mother and child. This much contested DNA testing procedure never entered into force as the application Decree setting the modalities was not published after the end of the experimental 18 month period.

According to the judgement of the Nantes Administrative Court of Appeal of 27 February 2015, in the case of non-existent civil status documents or where there is a doubt on the authenticity of civil status certificates for family members, the results of a genetic fingerprinting identification test on a person may enable **proof of parentage** for foreign nationals who wish to legally immigrate as part of family reunification or family reunification of refugees, as long as they are obtained in compliance with the requirements stipulated in article 16-11 of the Civil Code. According to the article quoted previously, identification by genetic fingerprinting is only authorised in civil matters "in the execution of an investigatory measure ordered by a judge seized to either establish or contest parentage" (or obtain support). In this judgement the Nantes Administrative Court of Appeal also accepts as type of proof the results of identification tests of a person by their genetic fingerprints carried out in a foreign country, as long as this identification is carried out subject to the legal conditions in the country (expressly stipulated by the foreign law), and that these conditions present equivalent guarantees to those in French law.⁹³

Q16. Taking the different steps above into account, what is the duration of the procedure deciding on an application for family reunification/family reunification of refugees - both according to law and in practice?

- What is the **legal time limit for deciding upon an application** (if any)?

Article L.421-4 of the CESEDA stipulates a six-month time period for the assessment procedure for an application for family reunification from the date the full application is filed until the prefecture makes a decision. If there is no decision within this time period, the request for family reunification is considered to be rejected (article R.421-20 of the CESEDA). In application of article R.421-4 of the CESEDA, the Prefect informs the OFII of the decision and the date of notification of the decision to the applicant. The OFII services must transmit these elements "without delay" to the Mayor and the diplomatic or consular authorities. The Prefect's acceptance does not have a validity date. The family members are not subject to a deadline to apply for a visa after the Prefect's acceptance. From the time when the OFII sends the file to the consulate, the family members are "awaiting a visa" even if they have not made their application.

The time period for processing visa applications for family reunification or family reunification of refugees is two months. However, in application of article R.211-4 of the CESEDA, this time period may be extended to four months, renewable once, if required in order to carry out checks on the civil status documents.

⁹³ CAA Nantes, 5th chamber, 27 February 2015, n° 14NT00474.

- What is the average **duration** of the procedure **in practice**?

In practice, according to the consular posts and OFII territorial departments, the average duration for the family reunification procedure is from nine months to three years from the application's filing date to the OFII⁹⁴. The duration varies according to the reliability of civil status certificates and the response time from the local administration.

The family reunification of refugees procedure, limited to the visa application processing, is shorter. Except in the cases where additional information must be provided by the applicant, the application is complete when arriving at the consular post.

The application is processed in the days following the filing date. The visa is then issued after acceptance from the Office for Refugee Families. In practice, between the date of application and the issue of the visa, the time period varies from a few weeks to several months depending on the country.

The French Consulate General in Istanbul, for example, calculated the average duration of the procedure for the family reunification of refugees from April 2016 for applications processed. Applications being processed or prior to April 2016 were not included in the calculation to avoid distorting the results. The average duration of the procedure for the examination of visa applications takes at this Consulate General 3.8 months.⁹⁵

In general, the family reunification procedure is longer and more variable according to the OFII territorial departments than that of the family reunification of refugees.

- Have any specific measures been taken by France to shorten processing times?

Most diplomatic and consular posts have implemented specific measures to reduce the processing times of visa requests; some posts are, however, constrained by the human resources at their disposal.

With regard to family reunification, the French Consulate General in Istanbul collaborates closely with the OFII office located in Istanbul to implement good management of the documents in the family reunification application, with the aim of informing the prefecture and issuing the visa after the positive decision as fast as possible.

Similarly, with regard to family reunification of refugees, since 26 October 2016, this post rapidly transmits visa requests being processed to the Sub-directorate for visas and the Office for Refugee Families to allow it to process the application at the same time as the post's civil status verifications.

The French Embassy in Colombo reactivates pending applications for family reunification, although irregularly, with the OFII territorial departments. For family reunification of refugee applications, it sends a summary table of pending applications over eight months old, at least twice a year to the Office for Refugee Families.

The French Embassy in Amman also reactivates pending applications for the family reunification of refugees with the Office for Refugee Families. The French Embassy in Conakry systematically verifies civil status certificates when the application is filed.

⁹⁴ Interview carried out with OFII representatives, October 2016.

⁹⁵ Questionnaire completed by the French Consulate General in Istanbul, November 2016.

The French Consulate General in Dakar notes that the only way to reduce processing times is with a written reminder to the local departments concerned, on which the post has no other means of pressure.⁹⁶

Q17. a. Please indicate any **challenges** experienced by i) sponsors and/or family members throughout the above-mentioned procedure and/or ii) by France in the implementation of the examination procedure (e.g. based on existing studies/evaluations or information received from relevant authorities and stakeholders) and how these can be overcome.

i) Challenges experienced by the sponsor and/or family members

The processing time for applications remains the main source of concern for family members, both for family reunification and family reunification of refugee applications. The diplomatic posts note that family members are generally poorly informed and prepared for installation in France.⁹⁷

One of the main challenges identified is to **understand and accept the time periods**, particularly in the absence of a response in sometimes complex situations, for example, when families have been separated for many months. The absence of a response is not understood and sometimes encourages applicants to "force the hand" of civil status centres by paying to obtain the document requested, which is the opposite of the intended objective.⁹⁸

The posts must therefore explain the different stages of the procedure to family members. Furthermore, people without travel documents must also wait for an appointment to establish their *laissez-passer*.

This leads to even greater misunderstandings in the frame of the family reunification of refugees procedure as it concerns a vulnerable, dependent population. Consequently, some consulates recommend that the average duration of 3.8 months should be brought to the set objective of two months.⁹⁹

Finding family members separated due to conflict also represents a challenge for the family reunification of refugees: *Forum réfugiés-Cosi* works to re-establish family ties with the Red Cross to help refugees.

Lastly, **proving family ties** with the civil status documents available represents a recognised challenge for both the associations (*Forum réfugiés-Cosi* for example) and the French administrations. The fact that the refugee cannot contact the authorities in their country of origin complicates the procedure still further.

The associations would also like to obtain clearer information on the possibility of using the procedure of DNA analysis.¹⁰⁰

⁹⁶ Questionnaires completed by the French Embassies in Kinshasa, Dacca, Conakry, Colombo, Amman and by the French General Consulates in Dakar and Istanbul, November 2016.

⁹⁷ Questionnaire completed by the French Consulate General in Istanbul, November 2016.

⁹⁸ Questionnaire completed by the French Consulate General in Dakar, November 2016.

⁹⁹ Questionnaire completed by the French Consulate General in Istanbul, November 2016.

¹⁰⁰ Interview carried out with representatives of Forum réfugiés-Cosi, November 2016.

ii) ***Challenges experienced by France in the implementation of the examination procedure***

For most diplomatic posts, the verification of family ties to fight both against fraud and human trafficking is the main challenge.

A civil status document may seem authentic, when it is a fake, as the certificate is non-existent and/or the chronology is incoherent compared to the number of certificates issued during the year. Posts are confronted by different types of fraud, including the declaration of fictional spouses and/or children. Another modus operandi that has tended to prosper is marriage by proxy before the filing of the asylum application in France or during the procedure. These situations lead posts to refuse a high number of visa requests. Consequently, there are numerous appeals, to argue that the visa refusal constitutes a disproportionate infringement of the applicant's rights, despite the inquiries and verifications that prove the fraud. Certain posts deplore that the contentious appeals following visa refusals for family reunification of refugees often end with orders to issue them. Whether the fraud has been proven or that the child is over nineteen at the time of the visa application, article 8 ECHR is constantly advanced and often retained.

Lastly, the fact that the accommodation condition is not applied for family reunification of refugees may also lead to situations where the sponsor does not have accommodation suited to the size of his/her family when it arrives.

Please provide any examples of **good practices** that might help to overcome the above-mentioned challenges or otherwise.

Associations that help refugees and beneficiaries of subsidiary protection in their family reunification of refugee application would also like to have **better contacts with consular posts**, to accelerate the procedures, and even better, be able to explain the procedure and possible delays to the applicant and family members. Similarly, the externalisation of visa requests by the consular posts to exterior service providers makes it difficult to obtain information.¹⁰¹

In terms of "good practices", **strengthened collaboration is desired between consular services at the post, in particular those responsible for issuing visas and those dealing with civil status**, to review the coherence in the chronology of certificates and thus detect apocryphal certificates more easily. Sub-contracting of examination could also reduce authentication times.

With regard to family reunification, the French Consulate General in Istanbul considered it a priority to implement close, fluid collaboration with the OFII office in Istanbul, in order to simplify the procedure and enable applicants to identify the different stages, to avoid multiplying contacts and to reduce the number of appointments. Since 25 October 2016, this post has also implemented a steering table for the family reunification of refugees applications to better monitor processing times. A summary of applications processed and pending is sent monthly to the Refugee Families Office.¹⁰²

¹⁰¹ Ibid.

¹⁰² Questionnaires completed by the French Embassies in Kabul, Abijan, Conakry, Amman, Antananarivo and by the French General Consulates in Beirut, Istanbul and Dakar, November 2016.

SECTION 5: ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION AND FAMILY REUNIFICATION OF REFUGEES

This section provides a comparative overview of the rights that follow on from family reunification and family reunification of refugees, notably access to education, employment, vocational guidance and training, and the right to apply for autonomous right of residence. The aim of this section is to report on measures available specifically to persons admitted for the purpose of family reunification/family reunification of refugees.

Q18. Are family members entitled (in the same way as the sponsor) to access the following rights¹⁰³ in France:

a. Access to education? Yes

Article L.131-1 of the French Education Code stipulates that "education is compulsory for children of both sexes, French and foreign nationals, between the ages of six and sixteen". The status granted for residence has no consequences on access to education for children aged under sixteen years.

Consequently, from their arrival, all third-country nationals from six to sixteen years benefit from direct access to education. Young people over 16, who are no longer subject to an educational obligation, may nevertheless be received in professional, general or technological *secondary schools* and benefit from an individual professional project.¹⁰⁴

It is important to note that France has implemented special provisions for allophone pupils, although these are not only for allophone students that arrive in France through family reunification or the family reunification of refugees. The pupils are received at the Education Authority Centres for the Education of New Arrivals and Travellers' Children¹⁰⁵ in the relevant Education authority's catchment area, where they and their family meet with a career guidance counsellor, to assess the child's needs. This enables the Education Authority to allocate the child on the basis of his/her educational profile and the possibilities of suitable reception at a reasonable distance from their home.

Specific provisions exist in schools to facilitate the integration of allophone children into the education system on their arrival: UPE2A reception classes (educational units for newly arrived allophone children) or ordinary classes with language support.

¹⁰³ Article 14 of Directive 2003/86/EC stipulates that family members are entitled (in the same way as the sponsor) to access education, employment and self-employed activity, as well as vocational guidance and training. Article 15 of Directive 2003/86/EC additionally specifies that family members are entitled to apply for autonomous right of residence after no later than five years, independent of that of the sponsor (also in case of dissolution of family ties).

¹⁰⁴ See article L.122-2 of the Education Code: "All students who, at the end of their obligatory education, have not achieved a level of education attested by a national certificate or professional diploma recorded and classified at level V of the national directory of professional certification must be able to continue studies to acquire this diploma or certificate. The State provides the necessary means, within the exercise of its competencies, for the resulting extension to education".

¹⁰⁵ Ministry for National Education, Higher Education, Research, Education of Children, http://www.education.gouv.fr/pid25535/bulletin_officiel.html?cid_bo=61527

b. Access to employment and self-employed activity¹⁰⁶ ? Yes

Family members that have arrived in France through family reunification or family reunification of refugees may exercise the professional activity of their choice, both as an employed or self-employed activity. If they wish to exercise a regulated activity, they must provide the proof (diplomas, authorisations, etc.) that authorises them to exercise the profession.

Article L.431-1, 2° of the CESEDA stipulates that "the residence permit issued to a person authorised to stay under family reunification grants its holder, **from the issue of the permit, the right to exercise the professional activity of his/her choice**, subject to current legislation".

In accordance with the provisions of articles L. 431- and R. 431-1, 3° of the CESEDA, spouses and children over the age of 18, who have entered France as part of the family reunification procedure, are issued a VPF residence permit.

Similarly, family members who have arrived through the family reunification of refugees procedure receive a residence permit (refugees) or a temporary residence permit (beneficiaries of subsidiary protection or stateless persons) that **authorises them to exercise the profession of their choice**.¹⁰⁷

Article L.311-3 of the CESEDA allows minors aged between 16 and 18, who have declared that they wish to exercise a professional activity, to be issued either a VPF residence permit (for a minor who has entered France through the family reunification procedure) or a residence permit (for the minor who has entered France through the family reunification of refugees). Family members that have entered in the framework of simplified procedures to promote the territory's attractiveness also benefit from the VPF residence permit that authorises them to work (see Q 1.).

c. Access to vocational guidance and training? Yes

Access to vocational guidance and training offered to family members admitted for residence as part of family reunification or family reunification of refugees is identical to the common law provision in the CIR for newly arrived foreign nationals.

With regard to vocational guidance, as part of the CIR, an individual interview is carried out with the newly arrived foreign national to assess his/her personal situation and needs. This enables his/her professional situation to be assessed in order to "direct them to the local services that correspond to his/her needs".¹⁰⁸

As part of the civic training provided by the CIR, one of the modules entitled "Living and accessing employment in France" includes half a day dedicated to access to employment and

¹⁰⁶ In addition to Directive 2003/86/EC, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of European Blue Card holders or ICTs.

¹⁰⁷ Articles L.314-11, L 313-11, 10° and L 313-13 of the CESEDA.

¹⁰⁸ Ministry of the Interior, The individual Republican integration process, <http://www.immigration.interieur.gouv.fr/Accueil-et-accompagnement/Le-contrat-d-integration-republicaine-CIR>

business creation. This information is also supplemented by regional information sheets that present the economic situation and employment market on a local level.¹⁰⁹

With regard to vocational training, family members arriving in France through either family reunification or family reunification of refugees have access to common law measures. In France, vocational training is a right enshrined in the law. Article L.6111-1 of the French Work Code stipulates that "vocational training throughout a person's life is a **national obligation**. It aims to allow **each person, whatever his/her status**, to acquire and update knowledge and skills to promote his/her professional development, and progress by at least one level of qualification during his/her professional career". The person needs first to integrate the labour market in order to have access to this training (i.e. be registered unemployed or a salaried worker).

Once the third-country nationals are authorised to legally stay and work in France, whatever the grounds for residence, if they exercise salaried work, they have access to the company's training plan, individual training leave, individual right to training or professionalisation periods. The person can also request a leave for a skills assessment or to validate prior experience.

If they are unemployed and are registered at the French national employment agency, they have access to training as part of training actions financed by the *department*, region, State or the unemployment insurance regime. Beneficiaries of minimum social benefits may also have access to certain types of training.

These same provisions apply to family members who have entered France under simplified procedures to promote the territory's attractiveness (see Q 1).

d. Right to apply for autonomous right of residence independent from that of the sponsor (also in case of dissolution of family ties)? No

For family members admitted for family reunification, in accordance with article R.311-15 of the CESEDA, for the first three years after the authorisation to stay in France for family reunification has been granted, the residence permit issued to the spouse **may be withdrawn or a renewal refused if the family relationship has broken down**. However, these provisions "do not apply if one or several children have been born in the couple, when the foreign national holds a residence permit and he/she has effectively contributed, since the birth, to the upkeep and education of the child(ren) under the conditions stipulated in article 371-2 of the Civil Code¹¹⁰ or in the event of the death of one of the spouses.

This article stipulates, however, that "when the foreign national has been subject to domestic violence from their spouse and that family life has broken down, the administrative authorities may not withdraw the residence permit and will grant the renewal".

The law on equality and citizenship¹¹¹, adopted on 22 December 2016, also stipulates that if the spouse has been a victim of domestic violence, the administrative authorities may not withdraw the residence permit and must grant the renewal.

¹⁰⁹ Ibid.

¹¹⁰ Article L.431-2 of the CESEDA.

¹¹¹ Law no. 2017-86 on equality and citizenship,

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000033934948&dateTexte=&categorieLien=id>

The administrative authorities also have the obligation to renew the permit if the foreign national benefits from a protection order, unless there is a threat to public policy.¹¹²

The law of 7 March 2016 amended article L.314-9, 1° of the CESEDA which stipulates: "The residence permit is issued to the spouse and children (in the year following their 18th birthday or who come under the provisions of article L.311-3) of a foreign national who holds a residence permit, if they were authorised to stay in France in the frame of family reunification under the conditions stipulated in book IV, and if they can prove uninterrupted residence of at least three years in France, in accordance with the current laws and regulations".

Thus the first three years of stay in France following the admission for family reunification remain subject to compliance with a certain number of requirements regarding the renewal of the residence permit, in particular, a shared family relationship in the couple.

The family members do not have access to autonomous residence during this period, which may cause difficulties if the family ties break down (divorce).

Family members of certain categories of foreign nationals admitted under simplified procedures to promote France's attractiveness are not subject to the family reunification requirements as these procedures aim to simplify the rules and attract international talents to France.

These families have the possibility of arriving in France at the same time as the sponsor, without waiting for the legal 18 months residence criteria. They are also exempt from the accommodation and resources requirements as these international talents generally have remuneration that exceed the resources criteria for family reunification. The residence permits are issued for the same duration as that of the spouse (or parent) and their **renewal is subject to continued family life and the renewal of the spouse's 'talent' permit.**

Family members with the "talent passport family"¹¹³ residence permit are included in this procedure.

Family members admitted for the family reunification of refugees receive a residence permit ¹¹⁴ (except in the case of a threat to public policy) as soon as the sponsor has obtained refugee status and they fulfil the previously indicated conditions, particularly with regard to family ties.

"The principle of family unity enables the protection granted to a refugee to be extended to their close relatives, to enable them to carry out a normal family life and offer full and complete protection".¹¹⁵ However, the residence permit may be withdrawn if the third-country national loses his/her refugee status.¹¹⁶

¹¹² Article L.316-3 of the CESEDA.

¹¹³ Created by the law of 7 March 2016, this residence permit replaces the "employee on assignment", "scientist-researcher", "European Blue card", "skills and talents" residence permits.

¹¹⁴ Article L.314-11 of the CESEDA.

¹¹⁵ OFPRA, Family unity, <https://www.ofpra.gouv.fr/fr/unite-de-famille>

¹¹⁶ Articles L.311-8-1 and R.311-14 of the CESEDA.

- e. **Other right(s) granted to family members in France?** For example, healthcare, recourse to public funds, possibility for family members to apply for long-term residence status or naturalisation, etc.?

Family members admitted under family reunification or the family reunification of refugees have access to the rights granted to foreign nationals under common law (except for the right to vote, which is not granted to non-French nationals). They do not benefit from privileged access to certain rights.

Social Security

All foreign nationals legally living in France are covered by the French social security system. The conditions for cover vary depending on the grounds for residence (student, salaried worker, liberal profession, etc.).

Universal healthcare cover applies to applicants who have their legal and habitual residence in France, but who lack sufficient resources. This cover applies generally to people who do not exercise a professional activity, whatever the status under which they were admitted for residence purposes.

Family benefits

According to article L.512-1 of the Social Security Code (CSS), "all French or foreign persons residing in France, within the meaning of article L.111-2-3, and financially responsible for one or several children living in France, benefit from family benefits for these children under the conditions stipulated by this Code, as long as the children do not benefit personally from one or several family benefits, social housing benefit or individual housing assistance".

Thus, article L.512-2 of the CSS lists the categories of foreign nationals that can benefit from family benefits: they must prove that they are financially responsible for the children for whom the family benefits are requested, and that they meet one of the situations listed in the code. The family members who have entered France under family reunification or family reunification of refugees come under this system.

However, family members admitted through the simplified procedures to promote the territory's attractiveness are not included in this system as they do not intend to durably stay in France. They may not, therefore, receive family benefits, with the exception of scientists-researchers who are indicated in article L.5212-2 of the CSS.

Mobility

In accordance with article R.321-1 of the CESEDA, "foreign nationals legally staying in France have freedom of movement".

All foreign nationals legally staying in France have free intra-EU movement within the Schengen area for a period not exceeding three months. For a stay over 90 days, they must request a visa and/or residence permit in the country in which they wish to stay.

Long-term residence permit

A person may obtain a **long-term EU residence permit** after an **uninterrupted stay of five years** on the French territory subject to fulfilling the conditions of holding healthcare insurance

and proving his/her intention to durably stay in France, particularly with regard to his/her professional activity, if he/she has one, and means of existence¹¹⁷.

Citizenship

To have access to citizenship by decree according to the provisions in common law, third-country nationals legally residing in France must prove five years of habitual residence in France after the application has been filed¹¹⁸, and show that they are integrated into French society and adhere to its values. Family members of refugees benefit from the same rights as the sponsor under the principle of family unity, and are, therefore, exempt from the five year residence requirement¹¹⁹. This exemption does not apply to beneficiaries of subsidiary protection and their family members.

Q19. Are family members of refugees and/or BSPs granted refugee/BSP status in their own right or a derived permit (from that of the sponsor)?

Family members admitted for family reunification and family reunification of refugees have a **status derived** from that of the sponsor. They receive the same residence permit (VPF residence permit for beneficiaries of subsidiary protection, residence permit for refugees) and benefit, therefore, from the same rights attached to the residence permit issued.

For the **family members of refugees**, refugee status may be recognised under the principle of family unity¹²⁰.

¹¹⁷ Article L.314-8 of the CESEDA.

¹¹⁸ Article 21-17 of the French Civil Code.

¹¹⁹ Article 21-19 of the French Civil Code.

¹²⁰ Definition according to the OFPRA:

The principle of family unity enables the protection granted to a refugee to be extended to their close relatives, to enable them to carry out a normal family life and offer full and complete protection. However, the principle of family unity only applies to the spouse (married or cohabiting partner), minor children and individuals under guardianship. It does not apply to first-degree relatives in the ascending line nor to collateral relatives and may not be invoked for beneficiaries of subsidiary protection.

Costs¹²¹ :

The costs of residence permits issued on the grounds of family reunification or the family reunification of refugees are:

Family reunification:

	Spouse	Child	Spouse*/child admitted once in the country
Issue of the VPF residence permit	269 euros (250+19) * – 1st permit and renewal	Child 139 euros (120+19) – 1st permit and renewal	269 euros (250+19) – 1st permit
Issue of a residence permit	269 euros (250+19) – 1st permit and renewal	139 euros (120+19) – 1st permit if entry for family reunification / 269 euros (250+19) – renewal	
Issue of a multi-year "talent passport family" residence permit	269 euros (250+19) – 1st permit and renewal		

* exemption in the case of domestic violence experienced by the foreign spouse and relationship breakdown

Family reunification of refugees: issue of a residence permit:

- 1st permit: 19 euros;
- Renewal: 269 euros (250 euros +19 euros stamp duty).

Spouses, partners, children under subsidiary protection: issue of the VPF residence permit:

- 1st permit: 19 euros;
- Renewal: 269 euros (250+19).

Spouses and children of stateless persons: issue of a VPF residence permit and residence permit:

- 1st permit: 19 euros;
- Renewal: 269 euros (250+19).

¹²¹ Service public, First request for a temporary or multi-year residence permit, Cost, <https://www.service-public.fr/particuliers/vosdroits/F15914>

Q20: Do any conditions apply to sponsors and/or family members after admission for the purpose of family reunification/family reunification of refugees in France?

- At what stages after admission is examined whether these conditions have been fulfilled?
- Does not fulfilling one of these conditions constitute a ground for non-renewal or withdrawal of the residence permit¹²² ? Yes/No
 - o If yes, how are individual circumstances and interests¹²³ taken into account?
 - o If no, what are the consequences of not fulfilling the conditions (e.g. obligation to pay a fine, exclusion from the more favourable residence permits)?

After admission for residence, the **family ties** must last so that the family member can retain his/her residence permit which he/she obtained under the family reunification or the family reunification of refugees procedure. This condition is verified when the residence permit is renewed.

In the event of non-compliance, the residence permit may be withdrawn or not be renewed¹²⁴ (see Q 18d). Thus, article R.311-15 of the CESEDA provides for the withdrawal of the residence permit within three years after its issue on the grounds of family reunification in the event of a breakdown in the family relationship.

Conversely, the residence permit issued as part of the family reunification of refugees may not be withdrawn unless it is on the grounds of public policy.

Q21.a: Please indicate any **challenges** experienced by family members in France with regard to accessing the above-mentioned rights and how can these be overcome?

For FTDA, there is a lack of information on the specificity of the procedure for certain regional actors, due to the centralisation of the asylum services in the Paris region (OFII, OFPRA, associations, etc.). When refugees are required to leave Île-de-France (for example through the mobility programme implemented by FTDA), the different housing and civil society actors find it more difficult to complete the procedure.

The family reunification of refugees procedure remains poorly understood both by the refugees and the social workers and is often confused with family reunification.¹²⁵

b: Please provide any examples of **good practices** with regard to the provision of education, access to the labour market and vocational guidance and training, right to autonomous residence for family members in France, etc.

FTDA notes that it is important to use a more guarded, realistic language with the refugee, to enable him/her to understand the whys and wherefores of the procedure. The aim is to avoid putting the family in difficulty (question of accommodation, costs of visas and tickets). Lastly, in their opinion, it is important to raise the refugee's awareness on the profound housing crisis in Paris.

¹²² Article 16 of the Directive 2003/86/EC.

¹²³ Article 17 and Article 24 of the Charter of Fundamental Rights.

¹²⁴ Article L.431-2 of the CESEDA.

¹²⁵ Questionnaire completed by representatives of FTDA, November 2016.

It is important to explain the specificities of the procedure i.e. that it does not have accommodation or resource requirements and that it is up to the person concerned to take care of the reception conditions for his/her family. The refugee often believes that the State will take care of the family when it arrives.

Forum réfugiés-Cosi recognises that opening social rights from the arrival in France for beneficiaries of family reunification of refugees is a good practice, although the processing times for applications by the relevant administrative services could be shorter. This association works upstream before these people arrive in France with the different administrations (*French national employment agency*, social lessors, family benefit fund, primary health insurance fund, etc.) to better inform them of the legal status of these people and their associated rights.¹²⁶

¹²⁶ Interview carried out with representatives of Forum réfugiés-Cosi, November 2016.

SECTION 6: NATIONAL AND INTERNATIONAL CASE LAW

Q22. Has the following CJEU/ECtHR case law led to any changes in policy and/or practice in family reunification and family reunification of refugees in France?

Not all case law has had an impact on French legislation as the criteria or exemptions do not always apply in France:

- *C-540-03, European Parliament v Council of the European Union, ruling of 27 June 2006*: France does not have any legislative provisions that includes the three exemptions at issue in the dispute;
- *C-558/14 Khachab v Subdelegación del Gobierno en Álava*: not applicable to the family reunification of refugees in France as there is no resource requirement;
- *C-153/14, Minister van Buitenlandse Zaken v K and A, 9 July 2015*: not applicable to the family reunification of refugees in France as there are no prior integration requirements;
- *C-578/08, Rhimou Chakroun v Minister van Buitenlandse Zaken*: not applicable to the family reunification of refugees in France as there is no resource requirement;
- *CEDH, Biao v Denmark, application n°38590/10, 24 May 2016*: not applicable to the family reunification of refugees in France as there is no requirement of links with France (other than the protection obtained from the OFPRA).

In accordance with the *CJUE ruling C-540-03, European Parliament v Council of the European Union*, during the assessment of visa requests for family reunification and family reunification of refugees, the French administration, under the control of the administrative judge, takes into account both the general interest to carry out an effective control of immigration and the interest of applicants to obtain family reunification and family reunification of refugees. The French jurisdictions monitor the balance between society's demands and the fundamental rights in terms of family reunification.

With regard to the *CJUE ruling C-558/14 Khachab v Subdelegación del Gobierno en Álava*, on the possibility of basing a refusal of family reunification on the prospective change in resources of the applicant, it is difficult to assess the impact of this recent ruling (dated 21 April 2016). Up to now, the French jurisdictions recall the principle under which it is always possible for the Prefect to make a favourable decision by taking into account the applicant's change in resources, including after the application has been made¹²⁷. During interviews carried out for this study, it was confirmed that these favourable decisions may be made based on the future resources of the applicant, for example in the case of the signature of a permanent contract very little time before the application filing.

With regard to the ECtHR ruling, *Mugenzi v France, application no.51701/09, of 10 July 2014*, the ECtHR, in three cases judged on 10 July 2014 (*Mugenzi v. France, n° 52701/09*, *Tanda-Muzinga v. France, n° 2260/10*, *Senigo Longue and others v. France, n° 19113/09*), sanctioned the recurrent questioning of the authenticity of civil status certificates produced in support of family reunification of refugees applications by the French authorities. France was condemned as the Court considered that the implementation of the French procedure did not meet "the requirements of speed, efficiency and flexibility" expected as part of this procedure. In these affairs, a period of three to five years passed between the application for family reunification

¹²⁷ CAA Lyon, 28/06/2016, 14LY02500, CAA Lyon 09/06//2016, 15LY03336, CAA de Nantes, 13/10/2015, 14NT01128, CAA de Nancy 15/10/2015, 15NC00210.

for refugees and the visa issue or Council of State decision confirming the issue refusal. Since these condemnations constant reminders for diligence in verifying operations has taken place.

This ruling confirmed that the old French family reunification of refugees procedure was too complex, unsuited and long. However, without waiting for this ruling, France had committed to reforming the family reunification of refugees procedure, with an entry into force on 1 August 2009. Since this date, the procedure is initiated by a visa application by family members, without prior actions by the refugee.

With regard to the ECtHR ruling, *Tuquabo-Tekle and others v The Netherlands*, application n°60665/00, 1 March 2006, during the assessment of visa applications for family reunification of refugees, the French administration, under the control of the administrative judge, takes into account both the general interest to carry out an effective control of immigration and the interest of applicants to obtain the family reunification of refugees.

With regard to the ECtHR ruling, *Hode and Abdi v the United Kingdom*, application n°22341/09, 6 February 2013, as authorised by article 9(2) of the Family Reunification Directive, France has limited the family reunification of refugees procedure to refugees, beneficiaries of subsidiary protection and stateless persons whose family relationships predate their application for international protection.

If the union takes place after the asylum application, the refugee comes under the family reunification procedure applicable to all other foreign nationals residing in France. In this case, the conditions of duration of stay, resources and accommodation apply, unlike for people whose marriage takes place before the asylum request by the foreign national granted international protection.

- Other interesting case law? No

Q23. Has any national case law led to changes in policy and/or practice in family reunification or family reunification of refugees in France (since 2011 onwards)?

National case law has not led to changes in policy and/or practice in family reunification since 2011 onwards.

However, with regard to the family reunification of refugees, by judgement n°1110529 of 2 January 2014, the Nantes Administrative Court (competent in the first instance to judge all visa refusals) considered that the foreign national admitted to refugee status on the basis of the principle of family unity could not be excluded from the family reunification of refugees. He/she benefits from the same right to demand to be joined by his/her family member(s) (e.g. a child of a previous relationship) in the frame of the family reunification of refugees procedure as persons admitted to this status on a principal basis.

This case law led to a modification in the interpretation of the legal framework, and practice, thus allowing access to the family reunification of refugee procedure for all refugees, whatever the modalities of access to this status.

CONCLUSION

This study aims to present the **legal framework and practices in France in the area of family reunification (*regroupement familial*) and family reunification of refugees, beneficiaries of subsidiary protection or stateless persons (*réunification familiale*)** and to describe the regulations and identify the challenges and good practices.

In France, the main reason for residence remains family immigration¹²⁸, with 88,000 residence permits issued in 2016. This figure, however, concerns family reunification, family members of French nationals (spouses and children) and foreign nationals admitted as “international talents” (scientists-researchers, European blue card holders etc.) or on grounds of personal and family links established in France.

Family reunification is a procedure that has existed in French law since 1976 and has very little changed since then. The most recent changes were provided by the law of 7 March 2016, which introduced two new cases of exemption from the resource requirement in order to better take into account the situation of elderly foreign nationals or those suffering from disabilities, and extended the issue of a residence permit to certain categories of family members admitted under family reunification.

The law of 29 July 2015 and the application Decree no. 2015-1166 of 21 September 2015 recognised the **family reunification of refugees** as a specific right, different from family reunification.

The interviews and questionnaires collected within the framework of this study highlight that the **main challenge** for the sponsor in the case of **family reunification** is to fulfil the requirements, and particularly to prove accommodation corresponding to the criteria requested.

The prefectures interviewed regret the inconsistencies between the OFII opinions and those of the Mayors on the requirements, a lack of cooperation between the different administrations, lengthy delays and an increase in the number of administrative disputes on refusal decisions.

For the **family reunification of refugees**, the difficulty in providing "elements of possession of status", the language barrier and the lack of harmonisation in procedures were highlighted, amongst other things. Finding family members separated due to conflict is also a challenge for the family reunification of refugees, along with proving family ties with regard to the available civil status documents.

Other challenges encountered by the sponsor and/or family members are the processing times for applications, both for family reunification and the family reunification of refugees, and the lack of preparation for settlement in France.

With regard to the French authorities, checking the authenticity of family ties in order to fight both against fraud and human trafficking is the main challenge. For this reason, strengthened collaboration between consular services, in particular the visa and civil status departments, is desired.

¹²⁸ The number of residence permits issued in the frame of family reunification of refugees figures under “residence permits on humanitarian grounds” in the statistical data on migration and asylum.

The study highlights several **good practices**, such as measures to improve information to users and prefecture departments. Measures to simplify the family reunification application form, the on-line publication of a flow chart detailing the different stages in the procedure for the departments in charge of, the one-stop-shop for filing the application and the implementation of a telephone help line to rapidly answer prefecture questions and standardise application processing were also indicated. Similarly, the opening of social rights on arrival in France for the beneficiaries of family reunification of refugees is considered a positive step by the associations that work prior to the arrival of these people in France.

The Synthesis Report at European level, which is based on the national contributions from the EMN National Contact Points, aims to present an overview of the different measures implemented in Member States to allow family reunification and the family reunification of refugees, beneficiaries of subsidiary protection and stateless persons. It should highlight good practices, as well as identify obstacles.

ANNEX
ANNEX 1: STATISTICS

		Total number of family reunification applications ¹²⁹																	
Year		2011			2012			2013			2014			2015			2016		
		Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
<i>Status of the sponsor</i>																			
Beneficiaries of international protection: - Refugees - Beneficiaries of subsidiary protection; - Unaccompanied minors (UAMs).		2288	3144	5432	2288	3212	5500	1897	2876	4773	2453	3740	6193	2261	3500	5761	1962	2967	4929 as of September 30, 2016
All categories concerned by the family reunification process residing out of France, except BIP		11341	3652	14993	12271	3608	15879	11553	3420	14973	11426	3269	14695	11001	3216	14217	5560	1461	7021 (1st semester)
All categories concerned by the family reunification process residing legally in France, except BIP		1508	707	2215	1736	707	2443	1451	686	2137	1518	656	2174	1390	615	2005	660	254	914 (1st semester)
Persons admitted as talents* benefiting from a specific accelerated joining procedure		2023	312	2335	2022	302	2324	1810	235	2045	1678	273	1951	1063	179	1242	599	111	710 (1st semester)
	ICT and EBC	1300	176	1476	1329	168	1497	1053	112	1165	1097	163	1260	1050	179	1229	594	111	705
	scientists - researchers	610	122	732	584	115	699	649	101	750	527	97	624	13		13	5		5
	competence and talents residence permit	113	14	127	109	19	128	108	22	130	54	13	67						
Persons admitted for study purposes		NA																	
Other categories of migrants (please specify)		NA																	

(*) 'Persons admitted for remunerated activities' includes employed, self-employed, business owners, highly qualified workers under the Directive 2009/50/EC (Blue Card), highly qualified workers under national labour permits for (highly) skilled workers, and intra-corporate transferees. Regarding persons admitted as talents, please note that the medical exam is no longer required since August 2014. Consequently figures after that date are not reliable. Regarding family members of talents, their admission is automatic, consequently there is no refused decision

¹²⁹ Source: SDV/BFR, DIMM, DGEF, Ministry of the Interior and OFII.

Total number of successful family reunification applications ¹³⁰																		
Year	2011			2012			2013			2014			2015			2016		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Status of the sponsor																		
Beneficiaries of international protection: - Refugees - Beneficiaries of subsidiary protection; - Unaccompanied minors (UAMs).	1363	2086	3449	1215	1952	3167	1546	2561	4107	1656	2673	4329	1505	2645	4150	1083	1761	2844
All categories concerned by the family reunification process residing out of France, except BIP	7868	2386	10254	8506	2046	10912	8695	2369	11064	8256	2189	10445	7674	1996	9670	3854	1041	4895
All categories concerned by the family reunification process residing legally in France, except BIP	850	273	1123	900	295	1195	884	257	1141	758	224	982	691	212	903	353	110	463
Persons admitted as talents* benefiting from a specific accelerated joining procedure	NA since all applications are approved																	
Persons admitted for study purposes	NA																	
Other categories of migrants (please specify)	NA																	

Total number of rejected family reunification applications																		
Year	2011			2012			2013			2014			2015			2016		
	Male	Female	Total															
Status of the sponsor																		
Beneficiaries of international protection: - Refugees - Beneficiaries of subsidiary protection; - Unaccompanied minors (UAMs).	666	740	1406	626	614	1240	540	642	1182	548	554	1102	679	806	1485	562	832	1394

¹³⁰ Source: SDV/BFR, DIMM, DGEF, Ministry of the Interior and OFII.

All categories concerned by the family reunification process residing out of France, except BIP	2982	1137	4119	2784	1033	3817	2929	1044	3973	2698	939	3637	2501	903	3404	1116	452	1568
All categories concerned by the family reunification process residing legally in France, except BIP	443	290	733	529	320	849	563	354	917	506	237	779	491	311	802	297	182	479
Persons admitted as talents* benefiting from a specific accelerated joining procedure	NA																	
Persons admitted for study purposes																		
Other categories of migrants (please specify)																		

		Total number of residence permit issued (validity date starting this year)				
Year		2011	2012	2013	2014	2015
Status of the sponsor						
Beneficiaries of international protection: - Refugees - Beneficiaries of subsidiary protection; - Unaccompanied minors (UAMs).		spouse and children of - refugees: 1282 - BSP: na	spouse and children of - refugees: 1445 - BSP: na	spouse and children of - refugees: 1441 - BSP: na	spouse and children of - refugees: 2144 - BSP: na	spouse and children of - refugees: 2248 - BSP: 35 for spouse and companions / 18 for children
All categories concerned by the family reunification process residing out of France, except BIP		7295 ten year residence permit 1335 temporary residence permits for children	7762 ten year residence permit 1510 temporary residence permits for children	7149 ten year residence permit 1413 temporary residence permits for children	7839 ten year residence permit 1530 temporary residence permits for children	7528 ten year residence permit 1528 temporary residence permits for children
All categories concerned by the family reunification process residing legally in France, except BIP		2399 temporary residence permits for spouse	2787 temporary residence permits for spouse	2853 temporary residence permits for spouse	2884 temporary residence permits for spouse	2617 temporary residence permits for spouse
Persons admitted as talents* benefiting from a specific accelerated joining procedure		1630	1693	1548	1724	2218
	ICT	926	954	805	840 spouses and 2 children	893 spouses and 38 children
	European Blue Card				44	319 spouses and 14 children
	scientists - researchers	599	626	642	752	850 spouses and 6 children
	competence and talents residence permit	105	113	101	86	82 spouses and 15 children

Persons admitted for study purposes	n/a
Other categories of migrants (please specify)	n/a

Source: VSA/DSED, DGEF, Ministry of the Interior.

Year	Total number of persons applying for family reunification ¹³¹								
	2011			2012			2013		
	number of beneficiaries		Total of beneficiaries	number of beneficiaries		Total of beneficiaries	number of beneficiaries		Total of beneficiaries
<i>Status of the sponsor</i>	spouse	children		spouse	children		spouse	children	
All categories concerned by the family reunification process residing out of France, except BIP	11429	9828	21257	12273	10068	22341	11596	9242	20838
All categories concerned by the family reunification process residing legally in France, except BIP	1544	1184	2728	1806	1230	3036	1503	1243	2746
Total			23985			25377			23584
Persons admitted for study purposes	NA								
Other categories of migrants (please specify)									

¹³¹ Source: SDV/BFR, DIMM, DGEF, Ministry of the Interior and OFII.

Year	2014			2015			2016		
	number of beneficiaries		Total of beneficiaries	number of beneficiaries		Total of beneficiaries	number of beneficiaries		Total of beneficiaries
<i>Status of the sponsor</i>	spouse	children		spouse	children		spouse	children	
All categories concerned by the family reunification process residing out of France, except BIP	11510	8767	20277	11173	8336	19509	5777	3810	9587
All categories concerned by the family reunification process residing legally in France, except BIP	1569	1182	2751	1477	1049	2526	720	465	1185
Total			23028			22035			10772
Persons admitted for study purposes	NA								
Other categories of migrants (please specify)									

Total number of persons applying for family reunification whose applications have been successful ¹³²										
Year	2011			2012			2013			
	Number of beneficiaries who underwent a successful medical exam		Total of beneficiaries	Number of applications closed once the medical exam is passed	Number of beneficiaries who underwent a successful medical exam		Total of beneficiaries	Number of applications closed once the medical exam is passed		Total of beneficiaries
<i>Status of the sponsor</i>	spouse	children		spouse	children		spouse	children		

¹³² Source : SDV/BFR, DIMM, DGEF, Ministry of the Interior and OFII.

All categories concerned by the family reunification process residing out of France, except BIP	743 3	5309	12742	9137	7724	5102	12826	9340	7601	4811	12412	9110
All categories concerned by the family reunification process residing legally in France, except BIP	822	460	1282	1072	885	390	1275	1107	877	375	1252	1074
Total			14024	10209			14101	10447			13664	10184
Year	2014				2015				2016 (1st semester)			
	Number of beneficiaries who underwent a successful medical exam		Total of beneficiaries	Number of applications closed once the medical exam is passed	Number of beneficiaries who underwent a successful medical exam		Total of beneficiaries	Number of applications closed once the medical exam is passed	Number of beneficiaries who underwent a successful medical exam		Total of beneficiaries	Number of applications closed once the medical exam is passed
Status of the sponsor	spouse	children			spouse	children			spouse	children		
All categories concerned by the family reunification process residing out of France, except BIP	793 2	5251	13183	9718	7264	4973	12237	8935	3591	2267	5858	4427

All categories concerned by the family reunification process residing legally in France, except BIP	752	362	1114	937	663	357	1020	836	346	159	505	420
Total			14297	10655			13257	9771			6363	4847

year	2011		2012		2013		2014		2015	
Persons admitted as talents* benefiting from a specific accelerated joining procedure	number of residence permit issued as		number of residence permit issued as (temporary figures)							
	spouse	children	spouse	children	spouse	children	spouse	children	spouse	children
ICT	926		954		805		840	2	893	38
European Blue Card							44		319	14
scientists - researchers	599		626		642		752		850	6
competence and talents residence permit	105		113		101		86		82	15

ANNEX 2: LIST OF TRANSLATIONS AND ABBREVIATIONS

English term	English abbreviation or abbreviation used in the study	French term	French abbreviation
Charter of Fundamental Rights of the European Union	CFR	Charte des droits fondamentaux de l'Union européenne	-
civil solidarity pact	-	pacte civil de solidarité	PACS
Code on Entry and Residence of Foreign Nationals and Right of Asylum	CESEDA	Code de l'entrée et du séjour des étrangers et du droit d'asile	CESEDA
Constitutional Council	-	Conseil constitutionnel	-
Council of State	-	Conseil d'État	-
Court of Justice of the European Union	CJEU	Cour de la justice de l'Union européenne	CJUE
Department for Statistics, Studies and Documentation	-	Département des statistiques, des études et de la documentation	DSED
European Convention on Human Rights	ECHR	Convention européenne des droits de l'homme	-
European Court of Human Rights	ECtHR	Cour européenne des droits de l'Homme	CEDH
European Economic Area	EEA	Espace économique européen	EEE
European Union	EU	Union européenne	UE
French Office for Immigration and Integration	OFII	Office français de l'immigration et de l'intégration	OFII
French Office for the Protection of Refugees and Stateless Persons	OFPRA	Office français de protection des réfugiés et apatrides	OFPRA
General Directorate for Foreign Nationals in France	-	Direction générale des étrangers en France	DGEF
Regional Directorate for Business, Competition, Consumer Affairs,	-	Direction régionale des entreprises, de la concurrence, de la	DIRECCTE

Labour and Employment		consommation, du travail et de l'emploi	
Longitudinal Survey on the Integration of First-Time Arrivals	ELIPA	Enquête longitudinale sur l'intégration des primo-arrivants	ELIPA
Office for Family Immigration	-	Bureau de l'immigration familiale	BIF
Office for Refugee Families	-	Bureau des familles de réfugiés	BFR
Paris Regional Court	-	Tribunal de grande instance de Paris	
Reception and Integration Contract	-	Contrat d'accueil et d'intégration	CAI
Republican Integration Contract	CIR	Contrat d'intégration républicaine	CIR
Social Security Code	-	Code de la sécurité sociale	CSS
statutory minimum wage	-	salaires minimum interprofessionnel de croissance	SMIC
wanted persons file	-	fichier des personnes recherchées	FPR

ANNEX 3: LIST OF INTERVIEWS CARRIED OUT OR PEOPLE WHO HAVE CONTRIBUTED TO THE STUDY

The interviews and questionnaires were carried out between September and December 2016 by Christelle Caporali-Petit (policy officer within the EMN), Tamara Buschek-Chauvel, Anne-Cécile Jarasse (policy officers within the EMN) and Johanna Robion (intern within the EMN).

List of interviews carried out:

Ministry of the Interior, General Directorate for Foreign Nationals in France

Sub-directorate for residence and employment - SDST / Directorate for Immigration

- Marie-Frédérique WHITLEY, Head of the Office for Family Immigration
- Jean-Michel DURRAFOURG, Deputy Head of the Office for Family Immigration

Sub-directorate for visas - SDV / Directorate for Immigration

- Julie WINGTON, Head of the Office for Refugee Families

Department for Statistics, Studies and Documentation - DSED

- Thierry PATRON, Head of the Division for the Valorisation of Administrative Sources
- Philippe LAURAIRE, Analyst, Division for Valorisation of Administrative Sources

French Office for Immigration and Integration, OFII

- Bénédicte MAURICE, Head of the Department of Studies, Reports and Statistics
- Hélène HARRARI, Head of the Residence and Employment Department, Directorate for Immigration, Return, Reinsertion and International Affairs

Ministry of Justice, Directorate of Civil Affairs and Seals

- Guillaume MEUNIER, Deputy Director, Sub-directorate for civil law
- Virginie BROT, Head of the Office for the Rights of Individuals and Families, Sub-directorate for civil law

List of questionnaires completed

Prefecture of the Bouches-du-Rhône

- Emeline GUILLIOT, Head of Office, Directorate for Foreign Nationals and Nationality

Prefecture of Eure et Loir

- Jean-Baptiste LIONEL, Head of the Department in charge of Disputes and Removal Orders

Prefecture of the Nord

- Hélène DEBRUGE, Deputy Director for Immigration and Integration

Prefecture of Seine-Saint-Denis

- Anne-Laure FORET, Director for Immigration and Integration

Prefecture of the Val d'Oise

- Patrick CALVEZ, Director for Immigration and Citizenship

Forum réfugiés-Cosi

- Camille LAMBINON, Head of Service, Temporary Accommodation Centre Lyon 8ème/CADA-IR Vaulx-en-Velin/Reinstallation, Integration Directorate
- Charlotte FOUEL, Accommodation Support Officer

France terre d'asile (FTDA)

- Fatiha MLATI, Director for Integration, Coordinator on the question of gender and voluntary return

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