


# Examining the Efficacy of French Asylum Policies and Refugee Integration Effects

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EXAMINING THE EFFICACY OF FRENCH ASYLUM POLICIES AND REFUGEE  
INTEGRATION EFFECTS

by

ROBERTO F. CORDERO

A thesis submitted in partial fulfillment of the requirements  
for the Honors in the Major Program in French in the  
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at the University of Central Florida  
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Thesis Chair: Dr. Charlotte Trinquet

## **ABSTRACT**

This Thesis explores the asylum seeker legal framework of France through evidence of statistical reports and refugee feedback from databases and external sources. Specifically, the policies of the protected rights of asylum seekers from history to modern day in relation to its efficiency and respect to human rights. Despite the development of past models through reforms, some shortcomings and discrepancies still exist that adversely affect asylum rights and responsibility sharing among EU nations. A potential system that benefits the applicant in addition to the host country is possible by implementing a model that takes into consideration asylum preferences, socioeconomics, and ethics. My project aims to encourage everyone to advocate for human rights, be familiar with the asylum policies of the European Union and to educate others on a topic that is affecting many on a global scale.

## **DEDICATIONS**

To my parents, who have done and given up everything for me

For my friends, who always encourage me and are there for me when I need them the most

For my professors and the UCF faculty, whose mentorship, leadership and encouragement have  
shaped the person I am today

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## **INTRODUCTION**

This analysis will investigate the efficiency of French asylum policies as well as its refugee integration effects by using a practical approach that can be utilized by scholars and those wishing to do further research on the topic. The objective of this study is to review the efficacy of these policies based on registration to become a refugee, the application process, and integration of these asylum seekers into French society. With this in mind, pertinent questions such as the following will be addressed: Do asylum seekers go through a fair process during the application system? How does the government balance a medium between protecting human rights and enforcing a limitation on the number of refugees they accept? What is the involvement of non-governmental organizations in protecting and furthering the rights of refugees? What are the social, economic, and political impacts due to refugee integration in French society?

These aims will be accomplished by acquiring quantitative and qualitative data provided by the government database in addition to non-governmental organizations and outside sources. One must take into consideration the timeframe for asylum seekers trying to obtain the status of refugee and how the population size of these individuals are factors that may not result in a perfect application process. From a pragmatic point of view, we must look at the points of interest from those seeking asylum as well as the policies the French government establishes itself. In the future, further research can be applied to this topic to show any discrepancies within the French system in the hope that it can lead to reformed policies to alleviate the application process for asylum seekers becoming refugees.

## **CHAPTER 1: ASYLUM SEEKERS**

### **The European Union**

Established post-World War II as a result from economic downfall, the European Union was on its way in 1951 through the birth of the European Coal and Steel Community (ECSC). Robert Schuman being the French foreign minister at the time led France's proposal of the Shuman Declaration alongside other nations in order to achieve peace, unity and protection across Europe (European Union 2015). The founding nations that assimilated together started out with France, Italy, Luxembourg, Belgium, Germany, and lastly the Netherlands. After gaining much recognition from foreign countries such as the United States, the movement prospered into the signing of the European Economic Community (EEC) and European Atomic Energy community (EURATOM) in 1957 for the long term objective of solidifying the unification of Europe (European Union 2015). Almost a decade later and the integration of the ECSC, EURATOM and EEC is made possible through the Merger Treaty signed in 1965 to create a powerful single council. In 1972, the office of the European Commission established in Washington, DC earned diplomatic recognition on behalf of the Nixon (European Union 2015).

The growth of this union is catalyzed into nine nations in 1973 with the addition of Denmark, the United Kingdom and Ireland (European Union 2015). On account of environmental issues, the 1973 Arab-Israeli war in addition to the ending of the Portugal and Spain dictators were all factors in enlarging this community (European Union 2015). With the addition of Greece, Spain and Portugal, a single market is set up through the signing of the the Single European Act in 1986 (European Union 2015). This treaty leads to the fall of the Berlin



Wall three years later in 1989 opening up the borders between East and West Germany to reunify as a whole nation in 1990. In order to develop commerce and the industry among neighboring nations, the 1993 Treaty of Maastricht is brought into action as an essential component (European Union 2015). With the European Union growing stronger, Austria, Sweden and Finland are welcomed into the community (Council Regulation 2004). As a result, this paved the way to the 1985 Schengen Agreement signed in Luxembourg to grant travel access across the borders of Luxembourg, Belgium, France, Germany, Spain, Portugal and the Netherlands without the need of a passport check (Council Regulation 2004). The agreement served to eradicate internal borders within the European Union in order to secure a distinct external border (Council Regulation 2004). Abundant benefits came about such as a common visa policy, the Euro currency, and the act as a bridge for young European students to pursue their studies in other countries. In order to establish security, a governmental database in the mid 1990s known as the Schengen Information System (SIS) was implemented. It was later optimized and brought into action in 2007 as the Schengen Information System II (SIS II). The database consists of information on the population as well as objects (Council Regulation 2004). For instance, SIS II stores data on missing individuals, those who have infringed the law or are associated with a crime, along with biometric identifiers such as fingerprints and photographs (Council Regulation 2004).

## **Demographics**

To understand the context of the jargon used throughout this thesis, it is essential to differentiate the terminology asylum seeker and refugee. An individual who has solicited protection from the host country's government will wait through a period in the host country for his or her application to be processed and until then that individual will be granted asylum. (UNHCR 2016). Due to the mass movements of population occurring at that moment whether it is immigrants or people being displaced, there is a waiting period for these asylum seekers to determine if in fact they need to be provided sanctuary from persecution in their country (Mouzourakis 2016). On the other hand, those individuals that fled their country of origin with proof of persecution and completed the asylum seeker application process are known as refugees (UNHCR 2016). To be more concrete, those granted status of refugee are the individuals that are identified under the Geneva Convention (De Wenden 1994). The blueprints of the legal document laid the foundation of whom was considered to be a refugee as well as the rights that they are entailed and how each state handles the policies (De Wenden 1994).

According to the global trends data that the United Nations High Commissioner for Refugees provides annually, there were 21.3 million refugees and 3.2 million asylum seekers out of the total 65.3 million individuals were forcibly displaced in the year 2015 (UNHCR 2016). Worldwide, 54% of all refugees originate from the countries of Somalia, Afghanistan, and Syrian Arab Republic (UNHCR 2016). In France, 273,126 individuals reside as refugees while 74,200 asylum seeker cases remained pending in 2015 compared to 59,000 in 2014 (UNHCR 2016). In addition, the countries of origin with the highest amount of applications came from Sudan at 5,300 followed by Serbia, Kosovo, and the Syrian Arab Republic compared to the Democratic

Republic of Congo in 2014 being the highest recipient (UNHCR 2016). During the summer of 2015, Europe faced the worst immigration crisis in history most likely due to the armed conflicts in the Syrian Arab Republic, which have seen an exponential increase in its military activities (UNHCR 2016).

The goal of the Office of the United Nations High Commissioner for Refugees or the UNHCR is to provide international protection to these refugees and to aid the government to be able to host them by finding solutions so that they can rebuild their lives. In a broad sense, host countries such as France must have characteristics that are suitable for refugees which include the size of the economy, its development, and population size. This criterion is useful in foreseeing the short and long term impacts of hosting them (UNHCR 2016). Collectively, when it comes to developing nations such as Ethiopia, they hosted 13.9 million of the worldwide refugee population whereas developed countries hosted only 2.2 million (UNHCR 2016). As you can see, the responsibility is higher in less developed nations to have the resources and capability to host refugees.

### **The Role of the French Government**

The original member states of the EU created mechanisms and a criterion that investigates an asylum application to be held responsible by a member state in terms of lodging. This was signed at the Dublin Convention of 1990 (Guiraudon 2013). Subsequently, a reform is adopted known as the Dublin regulation of 2003, this established legislation presumes that all EU states share a common core of standardized procedures, laws and practices to ensure asylum seekers obtain an unbiased examination (Regulation EU 2013). In order to increase transparency, the Dublin II regulation becomes modified in 2013 to the Dublin III regulation which applies to

all 28 member states of the EU (Regulation EU 2013). Given these points, the reform is there to investigate whether the host country will take responsibility or transfer the asylum application to another 'Dublin country'. The determining factor of such decision is aided by the Eurodac system which identifies asylum applications on the basis of fingerprints and if they are already lodged in another EU member state. The database helps increase transparency by identifying individuals who have performed illegal border crossings (Regulation EU 2013). Proceeding this regulation is a new automated system proposed on March 2017 due to unfair distribution of asylum claims on a small number of EU member states. The new mechanism will factor in criteria such as population size and GDP of the host member state. In addition, each EU member state may have the option to opt out of the new provisions, however, if non-compliant the corresponding member-state must pay out 250,000 Euros for each applicant not met under the quota.

Under the European Union resettlement policy in 2015, France had to take in about 19% of the 160,000 applicants relocated from Italy and Greece to evenly distribute among all EU member states (OFPRA 2015). When outlining the distributions, France had an acceptance rate lower than the quota before the resettlement policy by almost half at 10% and alongside 13 other countries, therefore, it will have to accept more applications (European Commission 2016). The European Commission conducted a follow-up and only 8162 individuals have been relocated since the resettlement policy as of December 2016 (European Commission 2016). The EU as a whole has only relocated 5% of the original cohort with France accepting 29% of the 5% at 2373 applicants (European Commission 2016).

Back in October of 2013, France accepted 500 Syrian refugees but was skeptical as to how they were going to survive in the French atmosphere. A survey conducted by BFM TV informed that almost 50% of French nationals are for Marine Le Pen in which her party has anti-immigration policies. For those immigrants, this poses a threat of hostility towards them. According to some French Arabs already living in France, the Muslim and Arab community face problems and are discriminated against more than those immigrants from other countries such as Denmark. Furthermore, to the Arab community, it is difficult to find landlords for appropriate homes simply for having an Arab name (Prost 2009). Due to the failure of integrating foreigners, politics in that department have failed, and to the local French they are not accepted with ease, making it an unwelcoming environment (Prost 2009). The French government along with NGOs have attempted to economically integrate Muslim migrants through programs in the suburbs as well as incorporating education such as language training (Prost 2009). According to locals (to the law 1905 that separates religion and the state, however, there are numerous strict laws that do not allow Muslims to dress religiously in public institutions which further increases the tension between the local French and Muslims (Prost 2009).

Since Greece and Italy deal with the influx of refugees on a much larger scale and due to their anti-immigration policies, the Interior Minister of France agreed to accept an additional 400 refugees each month incoming from Greece. This may not seem like a lot but a total of 160,000 asylum seekers have to be distributed within the European Union, and France has already agreed to take in 30,000 (Sureau 2012). Many countries that signed the agreement have not lived up to their promise of taking their own share including France (Guiraudon 2013). Most of the refugees will be distributed to welcome centers for lodging until asylum is claimed. The problem with the

relocation camps is that most are makeshift meaning not permanent and of low quality. Anne Hidalgo, the Mayor of Paris, stated back in June that it was necessary to provide proper camps in order to diminish pressure in the welcome centers. The problem with makeshift camps is that they are closed down by police adding to more tension (Sureau 2012). Paris has been struggling with these camps thus building habitable ones that meet the UN standards is a must and an ongoing process (Sureau 2012). Due to overcrowding and other reasons that will be explained later, many asylum seekers still end up on the streets having to make their own camps around metro stations. As a result, the French police are called to shut them down which restarts the cycle again for these individuals.

## CHAPTER 2: THE APPLICATION PROCESS

### Registration

Prior to the application process, individuals seeking asylum may request registration either on French territory or the administrative detention center (AIDA 2016). The former will occur when receiving the forms from a prefecture or at the border if travel documents are not in possession (AIDA 2016). However, lodging an application from detention will happen if the person detained does not have valid documentation and cannot prove their request (AIDA 2016). The time-limit to solicit an application on French territory is 21 days whereas it takes five days if detained by officials (AIDA 2016). In an attempt to lessen the flow of requests in a given time, asylum seekers find a local organization in charge of the pre-reception (AIDA 2016). This step in the registration became established after the reform of the law in November 2015 (AIDA 2016). On behalf of the prefecture, an appointment must be set up within three days the applicant solicits an asylum claim (CESEDA 2004). During increased traffic of applications, the interview time-frame can reach up to 10 days (CESEDA 2004). The introduction of this new step has led to complications as external factors were not taking into account (CESEDA 2004). The 3-day and 10-day deadlines to offer an appointment were not followed by the prefectures in numerous sites (AIDA 2016). For instance, the delays in Paris were 30 days on average, 45 days in Lyon, and up to 2 months in Seine Saint Denis (AIDA 2016).

Suspending the registration process at locations that do not meet the deadline would ultimately lead to the turning away of vulnerable applications. Therefore, a more efficient method of processing is needed to combat the high influx of applicants. As of January 2016,

France has established the continuation of universal healthcare among its residents through PUMA or the Protection Universelle Maladie (AIDA 2016). For foreign nationals to have the social benefit of this plan, they must provide an address known as "domiciliation" (AIDA 2016). In spite of the advantage, providing an address is no longer necessary for registration (AIDA 2016). However, updates on their status are delivered by mail, so it is crucial to provide one for the procedure to run as smooth as possible (AIDA 2016). For individuals held at detention centers, the waiting zone can take up to 5 days considering officials need to analyze the intentions of the applicant (OFPRA 2015). Entry will not be granted to the applicant if the asylum claim is under the responsibility of another EU state, inadmissible, or falsely claimed (CESEDA 2004). The OFPRA yields the final decision for the latter two criteria. Applicants are informed within administrative detention centers of their rights and reasons of being there (OFPRA 2015). An amendment to the current law includes the notification of the legal support foreign nationals can receive in addition to linguistic services (AIDA 2016). After orally notifying the corresponding party, they have five days to submit their claim to prevent it from being deemed inadmissible (AIDA 2016). The exception to this condition pertains only to foreign nationals coming from a country listed by the French government as safe (AIDA 2016).

To ensure checks and balances are maintained within the administrative detention, judicial review from the civil court inspect the procedure explicitly (OFPRA 2015). Officials who have decided to remove a foreign national or place them on house arrest can be petitioned against by the claimant themselves (OFPRA 2015). The necessary steps to fulfill would have to take place within the next 48 hours (OFPRA 2016). A judge from the administrative court can check if an official has perpetuated an error or decision against the best interest of the claimant.



The judge has to check that administrators have respected the applicant and verify if their detention was even necessary (AIDA 2016). If the applicant has successfully lodged his or her request, then they will not be removed (AIDA 2016). Unfortunately, not all cases can reap the benefits of being able to defend their position during judicial review. Before March 2016, it was possible for the civil court to control the validity of detention rulings, however, due to changes in immigration laws, judicial reviewing has shifted to less involvement (AIDA 2016). Applicants that are the most vulnerable are the ones that are removed and sent back to their country of origin without any final decision from the OFPRA. The decisions OFPRA processes and defines are due to their competency on the matter (OFPRA 2016).

Vulnerable applicants such as children under the age of 18 cannot be detained if they are unaccompanied (AIDA 2016). In 2015, detention centers contained 280 people who were questioned by authorities for their age (AIDA 2016). NGO's working in detention centers have come across minors who were labeled as adults by authorities. After a medical examination, around 49% of those considered "adults" were cleared from detention by a judicial (AIDA 2016). As an alternative to administrative detention, house arrest is a more suitable option for placing families with children. These alternative measures are sought out more by the prefecture after the incident of Popov v France which resulted in violations of article 1,3,4,5, and 8 (AIDA 2016). This event was deemed inhumane and degrading on behalf of a married couple with two small children who were not only detained but separated in conditions that would cause the minors psychological stress (AIDA 2016). After 2011, families placed in administrative detentions has dropped. Subsequently, about 5,692 children were detained in 2014 with an 18% decrease to 4,811 in 2015 in the Mayotte detention center (AIDA 2016). The European Court of Human

Rights (ECtHR) has convicted France on multiple accounts for the detainment of minors (AIDA 2016). Detainment should be used as a last resort if no alternatives serve as a solution.

Unfortunately, at various detention centers, Prefectures are continuing to detain families and minor without seeking alternatives (ECRE 2017). Police officers and officials are focused on the administrative aspect of every applicant (ECRE 2017). Therefore, psychological repercussions on human trafficking victims and added protection are not in their best interest (ECRE 2017). As a result, you have vulnerable victims suffering throughout their detainment which affects their ability to express themselves through the application process.

## **Procedures**

Under the French government, there are cabinet positions, one of many including the Ministry of the Interior (Ministère de l'intérieur) (Mouzourakis 2016). Additionally, the jurisdiction of a prefecture (préfecture) is an administration under the Ministère de l'intérieur where it issues applications to register an asylum seeker (Mouzourakis 2016). Depending on whether or not the asylum seeker has valid documents, the application will be issued by border patrol (Mouzourakis 2016). The registration process was last updated on November 2015 by the French government to include a single desk that is guided by the préfecture and French Office on Immigration and Integration (Office Français sur l'Immigration et l'Intégration) (Mouzourakis 2016). It would seem that the purpose of this reform is to allow a more efficient way of registering the asylum claim on the same day so that they are told which procedure is best suitable based on their documents.

An asylum claim (attestation de demande d'asile) is issued to the individual once they have registered and can be granted under the many application procedures which include regular,

Dublin, admissibility, border, and accelerated depending on the case (Mouzourakis 2016). The authority in charge at the time of a regular procedure is OFPRA or Office for the Protection of Refugees and Stateless Persons (Office Français de Protection des Refugies et Apatrides) and their decision to accept the applicant is due in 6 months although decisions can even take up to 9 months depending on the circumstances (Mouzourakis 2015). In 2014, the average wait time for an asylum seeker was 203 days despite the type of procedure assigned (OFPRA 2015). The OFPRA accepted 24.3% of the applicant pool in 2015 (Ministry of Interior 2015). To generate a system of checks, a reform of OFPRA took place on September 2013 to monitor the decision-making process to improve efficiency (OFPRA 2015). Despite these improvements, there have been cases where valid arguments from the asylum seeker have been deemed unsatisfactory according to the OFPRA due to lack of training (Fassin 2012). If these decisions are being made poorly, it is imperative to add monitoring to check for quality throughout the process.

As of 2016, the average processing time was about five months compared to 7.2 months in 2015 and 6.8 in 2014 (AIDA 2016). Several accommodation centers such as the ones in Paris, Lorraine, and Picardie were seen to have variations in the length of procedures (AIDA 2016). Social workers collected data, and it showed discrepancies in applicants having their procedure completed in 5 months whereas other claimants took longer than six months to be interviewed (AIDA 2016). The verdict on the claim and the nationality of an applicant are factors that determine the duration of the process (AIDA). For instance, a high influx of applicants originating from Sub-Saharan, East, and West Africa will have a waiting period longer than someone who is from a country that has a lower influx of applicants (AIDA 2016). Say there are many applicants from Eritrea, a northeast African country, they will most likely be paired up

with an official placed in the Asia division due to lack of protection officers from Africa (OFPPRA 2016). To ensure quality control, French representatives from the UNHCR and the Director General of OFPPRA signed an agreement to evaluate the application process during the interviews, investigation, and decisions (OFPPRA 2016).

The purpose of quality checks is to standardize the examination process among examiners and diminish discrepancies among them. The OFPPRA evaluated all the data from 2013 up until present day and has published the quality control results which includes questionnaires asking the applicants feedback to the overall process (OFPPRA 2016). Although there was no significant difference when it came to OFPPRA treatment in the accelerated versus regular procedure, distinct concerns in 20% of the case files, led to individual reviews. Most notably, were the concerns in the conductance of interviews during the follow-up questions. Officials did not ask the questions necessary to complement the rebuttal of the applicant due to evidence not being sufficient or credible enough on the applicant's behalf. In fact, credible evidence in the proof of certificates or decisions assigned by the foreign court of the asylum seeker was sufficient enough as shown by legal analysis (OFPPRA 2016). A solution to increase positive feedback from applicant's, as well as optimal quality control, can be solved with the training of case workers, additional resources tailored to each applicant and more accurate assessment in credible documents.

Established by CESEDA in 2015, a reform to Article L.723-3 allowed for the prioritized examination to vulnerable persons. The terms identified in the change proposed specific procedures to vulnerable individuals that lasted an average of 97 days. There is currently no data on the prioritized examination. However, OFPPRA has administered missions to analyze claims in

Lyon, Paris, Bordeaux, and Grenoble to provide accelerated processing to individuals with certain nationalities and particular needs (AIDA 2016). For instance, the mission in Paris consisted of processing 240 applicants that were from Eritrean and Sudanese origins (AIDA 2016). Migrant camps are scattered spontaneously around the city of Paris, so the OFPRA intervenes by searching for asylum seekers meeting specific criteria (AIDA 2016). Migrants residing in Calais which is known as the Calais Jungle were also visited by OFPRA to educate people on the application process in addition to the criteria to be considered a refugee (AIDA 2016). In May of 2015, 111 individuals residing in Calais met the criteria of an asylum seeker; as a result, the OFPRA protection officers processed their application successfully (AIDA 2016). During the regular procedure, the French law grants a personal interview to all applicants (AIDA 2016). Providing an interview is one of the most important aspects to gather crucial knowledge of the applicant. Within the last couple of years, there have been diminished legal grounds for rejecting a candidate from an interview (OFPRA 2016). The remaining two legal grounds are as follow; status of health prevents attendance or an affirmative decision made by OFPRA based on available evidence (OFPRA 2016). Despite legal grounds, only 4.8% of applicants were not summoned for an interview in 2015 compared to 3% in 2014 (AIDA 2016). Given these numbers, the rate of interviews taking place reduced from 80% in 2014 to 76% in 2015 (AIDA 2016).

Interviews are conducted by OFPRA protection officers to each family member individually (OFPRA 2016). Minors, however, cannot be questioned alone unless officials believe there are external circumstances such as information not known to the rest of the family (OFPRA 2016). Even though the UNHCR offers training materials for interviewing applicants

for refugee status, the OFPRA has tailored their guidelines for managing interviews (UNHCR 2015). One of the possibilities that the guidelines offer is the assistance of a third party figure to accompany an asylum seeker (AIDA 2016). Accordingly, the OFPRA must be notified within a seven-day notice if processed under the regular procedure, although four days are only needed if in the accelerated version (AIDA 2016). Regardless if there is a third party or not, it does not affect the conductance of interview provided that the third party does not intervene. A third party is there for translation purposes and can convey observations and remarks to the applicant they are representing towards the conclusion of the interview. One must note that interviews are recorded and written on paper so that the third party can help the applicant in any way possible before any decisions made (UNHCR 2015).

Non-governmental organizations have solicited authorities for permission to be able to escort asylum seekers, and as of March 2016, 14 organizations have had the authorization (AIDA 2016). A notoriously requested group known as Forum réfugiés have had the most impact in the year 2016 by benefitting 6,000 asylum seekers (AIDA 2016). Despite having access to audio files, it is often difficult for asylum seekers to acquire them. According to the guidelines, recordings cannot leave OFPRA offices (AIDA 2016). The office location is in Fontenay-sous-Bois, so third parties and applicants residing outside the area have essentially no chance of making the trip (AIDA 2016). If the applicant has a lawyer, the recordings are retrievable through them during the CNDA stage of the process (CNDA 2014). The quality of recorded interviews varies on a case by case basis, so a standardized outcome is not feasible. When applicants receive their interview reports, they are only written in French and not translated for the applicant (AIDA 2016). There have been reports in which the translations have lost their

meaning due to reduced simplicity, the interpreters were inattentive and even of instances of the protection officer acting as interpreters themselves (AIDA 2016). Furthermore, applicants have complained of not being able to open up to interviewers who speak the language of the country that forced the interviewee to seek asylum in the first place (AIDA 2016). On the other hand, if the interviewer takes an interest in the origin of the applicant, then it serves as an advantage.

## **Appeals**

Following the interview process, if the protection officer does not grant the decision to accept the application, an appeal process can be pursued by the individual seeking asylum (CNDA 2016). An administrative court CNDA or known as the National Court of the Right of Asylum (Cour Nationale du Droit d'Asile) is responsible for the appeal process to administer the status of refugee to an asylum seeker (CNDA 2016). Time is crucial throughout the appeal process since it is necessary for the individual to submit the appeal within one month of being aware of their status by a protection officer (CNDA 2016). Under exceptional circumstances, the appeal process may be extended only up to 2 weeks (CNDA 2016). Once the appeal is in the hands of the CNDA, a ruling must take place within a 5-month period if the appeal is accepted however if it is not, then a decision must be made within five weeks (CNDA 2016). In 2015, the average wait time for a response from the CNDA was seven months and 17 days compared to a six month and four days' average delay in 2014 (CNDA 2016). If the CNDA issues a negative response, the asylum seeker has two months to go to the Council of State (Conseil d'Etat) to pursue another appeal that can be directly granted or refused (Conseil D'État 2016). As one can see, the process of being granted the status of a refugee can take anywhere from 18 to 24 months.

Processing documentation includes a series of steps with the interview being a central portion of securing a decision that determines the outcome of the asylum claim. The French government delegates officials within each phase in a systematic manner (Mouzourakis 2016). The only reasons that would prevent an individual from receiving an interview are evidence against their asylum claim or absence due to their well-being (OFPRA 2015). For example, in 2014 the OFPRA issued interviews to 97% to those seeking asylum whereas 94% were issued in 2013 (OFPRA 2015). The interview can be conducted with the entire family or individually by the OFPRA officer. Correspondingly, a 2015 reform to the asylum provisions made it possible for a family to be escorted by either a representative of an NGO or a lawyer provided that they do not intervene during the interview (Mouzourakis 2016). With this in mind, any statements are saved for after its completion. All interviews are recorded by the protection officer and any translations needed by those seeking asylum are recorded by the interpreter whom must be requested in the application before the interview (Mouzourakis 2016).



## CHAPTER 3: ASYLUM POLICIES AND HUMAN RIGHTS

### Past Policies

Theoretically, the term asylum is again someone who is fleeing their home country due to persecution, which for many means life or death. An international treaty back in 1951 was signed at the Geneva convention to protect the rights of refugees (Guiraudon 2013). These asylum policies were mandated on an international level whereas each country has their asylum policies that differ between one another (Sureau 2012). In the case of France, the OFPRA and CNDA are the decision-making process of granting the status of refugee to asylum seekers (Sureau 2012). This brings up the question, how are we certain that these policies are following a court style procedure in lieu of an administrative tribunal? To answer this question, it cannot be assumed that French asylum policies let alone any member-state are in the best interest of the country or those seeking asylum. Therefore, it is necessary to look at data and to analyze if in fact, the procedures controlled by the OFPRA and CNDA are court style or imitation.

It is without a doubt that the application process to be granted the status of refugee is a rigorous one due to the amount of investigation, appeals, and timeframe of the procedure. Although to receive national protection and up to par living conditions one must complete this process to prove the legitimacy of their claims (Sureau 2012). It is no wonder that the government must have such meticulous policies since we want to believe that everyone is claiming asylum is, in fact, fleeing persecution (Sureau 2012). These policies are there to protect human rights, and since France is a developed nation, it is not a surprise that it receives about 20% of asylum claims in Europe (Fassin 2007). Out of these applications that are processed,

about 20 to 30% of the 20% received are accepted which is on the larger end of acceptances compared to other developed nations (Fassin 2007).

### **Current Policies**

The French asylum system is complex, and areas that limit its potential can be overcome by reforming the administration (Sureau 2012). Regarding housing, CADA or Centre d'accueil de demandeurs d'asile provide lodging for those in the waiting period of being granted the status of refugee (Sureau 2012). The Ministère de l'intérieur funds the accommodation centers and provides the individuals with an address certification known as attestation de domiciliation (Ministry of Interior 2015). Depending what procedure during the application process was taken determines if the asylum seekers receive housing or not (Ministry of Interior 2015). In addition, shortages of lodging occur meaning asylum seekers must reside in places that could be dangerous for their well-being by setting up their camps. This is due to the fact that in 2014, out of the 64,811 application received, there were only 24,418 spots available for lodging (Mouzourakis 2016).

The Dublin Regulation of 1990 which later led to the Dublin II and III regulations were laws constructed by the European Union (EU) to set in stone which country was to be responsible for the individual applying for asylum (Guiraudon 2013). Since these individuals cannot simply just go to any country of choice, they must apply for asylum to the first host country they arrive at (Guiraudon 2013). To keep track of the country that the asylum seeker first reached is through the identification of fingerprints stored in the Eurodac database (Guiraudon 2013). Loyalty towards the Dublin II regulation was observed in France when they deported individuals claiming asylum back to Greece when they were fully aware that Greece was a

country that disrespected the asylum policies (Sureau 2012). As a result, this prolonged even further the timeline of those claiming asylum to years and jeopardized their safety by sending them back to a country that did not welcome them (Sureau 2012). It is also necessary to point out that France needs to increase efforts to create training that incorporates cultural sensitivity and measures to care for individuals with psychological trauma (Fassin 2007).

The French government views immigrants whose origin is from the Balkans not as refugees but rather economic opportunists (Fassin 2007). On the other hand, France has withdrawn Kosovo from the safe list of countries stating that it is socially and politically unstable for the sake of the security in France (Fassin 2007). Those families who are Kosovan are relying on this removal to give credibility to their asylum claims (Fassin 2007). There is no time frame for the appeal process so most families must go on with their lives and hope for the best in order to regain a normal life. Generally speaking, applying for asylum in France is a two-step process where the advantage is having the registration process done at the Prefecture prior to obtaining the status of refugee (Mouzourakis 2016). A disadvantage is when you register at the Prefecture and have the following cases in which you already applied for asylum in another European Union country, come from a safe country listed by the CNDA, have a criminal record or are a threat to French society as well as the government (Fassin 2007).

The French policies in place associated with asylum seekers are coded within the CESEDA (Code de l'entrée et du séjour des étrangers et du droit d'asile). CESEDA saw its last reform on March 7, 2016, that included the multi-annual residence permit and talent passport (CESEDA 2004). The latter is based on criteria dealing with post-secondary education and professional jobs (CESEDA 2004). Furthermore, there have been decrees added to the CESEDA

dealing with the monthly allowance for asylum seekers such as the ADA Decree (CESEDA 2004). Other main legislative acts include child protection laws added on March 14, 2016, social welfare laws, as well as administrative and labor codes (AIDA 2016). The main changes that have occurred in the past two years relevant to asylum seekers include the presence of a third party during a personal interview, reform to the identification of vulnerable groups and the addition of house arrest for missing appointments (AIDA 2016). Based on these policies mentioned, coercion is a recurring theme.

## CHAPTER 4: INTEGRATION INTO FRENCH SOCIETY

### Non-Governmental Organizations

I received an insider's view on this issue from a coordinator for health programs of the Croix-Rouge Française (NGO), Vincent Falgairou states:

It is not necessarily biased, but it is a very complicated process. It is a case by case basis for the asylum seeking process. Some are lucky, and some are not. You must have strong evidence of your own case to prove its qualifications for a refugee. The whole process takes a year though. Waiting is a big theme for many and dealing with the French bureaucracy also known as the administration plays a large role in the waiting game. To apply to be refugee takes a lot of time, paperwork, and endless questions but an insider view at testimonies from asylum seekers is that the heavy load of paperwork and documents begins after being granted the status of refugee. A disadvantage of this paper society is that unfortunately cases and important documents of these refugees are lost in the process by officials (Vincent Falgairou, Croix-Rouge Française, 7/29/16).

A disorganized refugee proves to be even more detrimental as the process has to be restarted if even one document is lost (Sureau 2012). The system is a maze according to some refugees, and the administration can have an effect on the decisions depending on external factors such as discrete decisions which determines the outcome of an asylum seeker (Sureau 2012). Many refugees feel dehumanize since they are given a number to replace their identity. In addition, having their insurance card and residence card on them at all times is very crucial. Once a refugee obtains their residency card (titres de séjour) which takes a long time to obtain, it is

still not easy to travel as they must have their travel documents on hand (Sureau 2012).

Depending on the location, you need a visa and must wait in theme park sized lines (Sureau 2012). One would think life would be easy, but it is an ongoing battle for many.

I interviewed a journalist from the the press l'express who discussed how politics can affect the current and future refugees. Geoffrey Bonnefoy states:

The Schengen area represents the European Union borders that allow immigrants and in this case, refugees to freely move from border to border without a passport. The National Front party of France which has a conservative viewpoint on immigration is led by Marine Le Pen who wants to eradicate the Schengen area. With the recent attacks in Paris and Nice, Marine Le Pen wants to suspend the area to control the borders for the safety of France against ISIS. Marine Le Pen's niece Marion has also joined in the fight against radical Islam by presenting a resolution that will suspend the Schengen area in France to control weapon trafficking and immigrants. Even more strict, she wants to submit a bill that expels any foreigner who has committed a crime.

Any anti-immigration political figure will use the argument that refugees brought in from a war zone are the reasons for these attacks. On the other hand, left party Jean-Luc Mélenchon states that it is the European Union's duty to uphold to its asylum policies and that it has no choice but to allow the thousands of refugees in since the reason of their fleeing is not their choice. Despite both party's policies, France has tightened its borders and control due to recent attacks which mean those applying for refugee status and fleeing will have a more difficult time doing so.

In another interview with an Al Jazeera English journalist, Ayache Derradji shares his viewpoints on the response the locals have if camps are built close to their homes due to the overflow of applicants:

The local French natives are not as welcoming when it comes to the relocation of asylum seekers, especially if planned shelters are built near their homes. In neighborhoods that are considered rich, having a camp near them is an eye sore to some, and their argument is that it will cause their home prices to decline and that it will eventually become like the Calais Jungle camp of northern France. An example of this would be the 50,000 citizens that have signed a petition to prevent the construction of the camp to spread.

### **Accessibility & Integration**

The treatment of asylum seekers starts with their accommodation in centers created by local organizations where they can receive social rights such as education, a wage, and social facilitation. The State is in charge of their accommodation fees. Thus, the State provides them with resources equivalent to no higher than the Revenu de Solidarité Active which is an Active Solidarity Income of 535 euros a month (CESEDA 2004). Although if the resources required by asylum seekers exceeds that amount, they must make up the difference financially. On December 31, 2016, reforms were established to provide monthly allowances to asylum seekers through the ADA or asylum reform decree (CESEDA 2004). The rate of the voucher that is attached to a card is dependent on the composition of the household. A single person household receives 6.80 euros whereas a home of 10 receives 37.40 euros (CESEDA 2004). Concerns presented by asylum seekers were punctuality of the ADA disbursement, not being able to use the actual card, and inequalities in the rate given to families in similar situations (AIDA 2016). Among asylum

seekers, the inequities in disbursement create tension and complex dilemmas for social workers (AIDA 2016).

Once granted international protection, refugees can have freedom of movement on French territory as no restrictions apply (Belorgey 2016). Travel documents in the form of written documentation are valid for two years and five years if in biometric form (OFPRA 2015). Often, the Prefecture will only offer the two-year validity of travel documentation (OFPRA 2015). It should be noted that despite having the freedom to move around French territory, there is a limitation to visiting countries not deemed safe. Failure to comply with the limitation mentioned above will result in the termination of protection (OFPRA 2015). The structure and methods of integration rely upon local officials and Prefectures to sign documentation with stakeholders (OFPRA 2015). Compliance on behalf of the beneficiary includes signing forms abiding by French law and national values (AIDA 2016). Assisting the refugees involves admission to French classes, funded by the State, and establishing a professional etiquette (AIDA 2016). The final portion to successful integration is finding housing through a private market (AIDA 2016). A period of 12 months is the time given for integration among refugees, yet, an extension is needed for many as 12 months is not enough time (AIDA 2016).

Organizations such as Forum réfugiés help the vulnerable population of refugees with the integration process, especially with secure housing (AIDA 2016). Regardless of whether you are a French citizen or an asylum seeker, the labor code is applied to everyone to access the job market (AIDA 2016). Despite the support, difficulties encountered with those seen in housing, are faced in employment. Legal framework, discrimination, and language serve as an obstacle in acquiring a job. As a result, many are not able to integrate by returning to their local



communities and seeking aid or connections from relatives. If living in the rural parts of France, a car is a necessity to travel long distances in search of a job. Since vehicle costs are rising, it is near impossible for a refugee to join the labor market due to lack of transportation, so you see higher concentrations of refugees in urban and metropolitan area (Belorgey 2016).

Education is an important aspect of full integration into French society. Having access to education is a necessity provided by the government. The French Education Code states children from the ages of 6 to 16 years of age are obliged to attend school (ECRE 2017). Teachers will integrate and evaluate their linguistic skills by issuing schemes such as training in French as a foreign language (ECRE 2017). Education can take place in facilities such as schools or reception centers (ECRE 2017). Limitations encountered to the enrollment into schools are the requirement of a personal address and restricted access to education if the minor is from 16 to 18 years of age as most schools are not required to enroll them (ECRE 2017). Work permits are necessary for access to internships, and since they are not available to asylum seekers, many face a loss of time and career opportunities in waiting to become a refugee (ECRE 2017).

Unfortunately, unaccompanied children face the worst integration as many are not literate, schools are unable to help them, and thus social workers take charge of them regarding an appropriate outcome (AIDA 2016). As of January 2016, France has implemented a universal health care policy through the Protection Universelle Maladie (PUMA). Non-asylum seekers are required to reside on French territory for three months before receiving health care (AIDA 2016). On the other hand, asylum seekers have access to treatment in hospitals if they are under the regular, accelerated and Dublin procedure process of their application (AIDA 2016). The social security services of France or CPAM are in charge of issuing PUMA to everyone, including

asylum seekers (AIDA 2016). Criteria to benefit from PUMA requires a yearly household income of 9,543 euros. A problem endured by asylum seekers under the outcome of PUMA is the refusal of care from physicians themselves (AIDA 2016). Discrimination is subject to punishment, but many of these cases go unnoticed as doctors refuse to deliver care due to language barriers (AIDA 2016). Illnesses regarding mental health disorders such as PTSD, anxiety, and stress are notorious consequences suffered by asylum seekers as a result of persecution or violence. NGOs and facilities in Paris, Marseille, Bordeaux and even Lyon provide counseling to victims. Despite their availability, there are only a few amount of centers spread out in France. The distribution for the mental facilities does not meet the demands, and the geographical locations prove an arduous trek (ECRE 2017).

### **International Protection**

After receiving the status of refugee, the "Carte de resident," also known as the residence permit, is given for ten years. One can also receive the subsidiary protection that is provided for one year (AIDA 2016). Subsidiary protection referred to as the "Carte de séjour temporaire" and can be renewed as long as the country of origin is not placed on the safe list (AIDA 2016). In the case that the female children of the parents under the age of 18 are subject to female genitalia mutilation if returned, French officials will grant them the residence permit for a decade (AIDA 2016). The parents, however, will only receive a 1-year permit since they are not subjected to persecution if returned (AIDA 2016). The challenges to subsidiary protection are the circumstances of type 1 and type 2 beneficiaries (AIDA 2016). Type 1 issues documentation to the applicant as they cannot obtain personal documentation from their embassy when escaping their country of origin or simply due to their embassy residing in a country where the

government is not in control (AIDA 2016). Type 2 falls onto victims whose perpetrators are not from the government themselves but rather a private organization in which authorities tolerate due to corruption (AIDA 2016). Most of the time, type 2 beneficiaries possess their documentation (AIDA 2016). Unlike subsidiary and the ten-year resident permit, long term residency in France is an option to particular cases of newly inducted refugees (AIDA 2016). For instance, refugees who have advanced proficiency in French and possess no threat to the public are beneficiaries to the long-term permit (AIDA 2016). In 2016 alone, 19,845 of the permits were granted to refugees (ECRE 2017).

Beneficiaries of international protection who reside in France for five years can be naturalized if they can prove their language skills and knowledge of the French culture and history (OFPRA 2015). However, this does not apply to asylum seekers as they can be naturalized when they are granted refugee status (OFPRA 2015). Submitting the naturalization forms occurs at the Prefecture where they have six months to decide on the claim outcome (OFPRA 2015). If it is approved, the process continues to a decree made on behalf of the Ministry which can take up to 18 months (OFPRA 2015). Difficulties encountered beyond linguistic skill is the ties to French society refugees have. If they claim high integration and the Prefecture deems a closer investigation, an assessment includes providing evidence through testimonies of professionals, associates, and documentation (OFPRA 2015).

Removal of international protection is possible for the following two reasons inducted in the asylum reform in 2015; officials believe the beneficiary is a threat to the public or commits a crime or act of terrorism that results in a ten-year incarceration (AIDA 2016). The Refugee Convention has crimes listed under Article 1F to inform officials of the severity of offenses in

case withdrawal of international protection takes effect. Once granted international protection, Article L. 752-1 listed under the CESEDA states the guidelines for family reunification. Newly reformed in 2015, family members residing outside of France are to prove ties to the corresponding refugee that lodged the claim (CESEDA 2004). Obstacles to family reunification depend on the country of origin as some nations do not provide birth or marriage certificates for the celebration. In cases such as these, application for a visa can take up to years (AIDA 2016).

Vulnerable groups are offered protection as stated in the 2015 reform in Article L.744-6 of the CESEDA. Interviews are conducted by the security officers from OFII to assess if the asylum seeker falls under vulnerable criteria (AIDA 2016). The guidelines enacted in July 2015 resulted in questionnaires from an objective standpoint (AIDA 2016). As of right now, the system does not monitor special treatment of vulnerable groups and assumes social workers will accommodate an outcome on behalf of the corresponding party. Vulnerable groups are prone to mental and social negative consequences. Therefore, the special reception needs should monitor with added control checks as there have been cases where disabled asylum seekers placed in facilities have no access to special services. At the moment, the vulnerability assessment occurs after an asylum seeker has gone through the asylum procedure (OFPRA 2015). One can see the consequences of an outdated system when seeing the outcome of statistical data. For instance, there was a group of 324 foreign nationals who were awarded a residence permit from 2008 to 2012 that had their applications initially rejected (AIDA 2016). Interestingly, these individuals went unnoticed as vulnerable groups, and all of them were victims of human trafficking before the procedure (AIDA 2016). Advocating for vulnerable groups, it would be more efficient if officials at the OFPRA and OFII assessed them during the asylum procedure and not after. In the

future, a reform to the guidelines of vulnerable groups would prove more comprehensive, especially if the information was computerized rather than on paper.

In France, the term "unaccompanied" is ambiguous, so it is implemented to protect children in connection with their level of risk despite their country of origin (OFPRA 2015). Financially, the State handles all of these particular cases (AIDA 2016). Authorities in departments are physically in charge of them whereas the role of the Ministry of Justice is to allocate them among different locations and authorities (AIDA 2016). When children approach none of the officials or departments mentioned above, they seek NGOs for protection. Most of the time this is due to the rejection of their application by the Prefecture in particular regions of France such as Occitanie, Bretagne, Rhône-Alpes, and Aquitaine (AIDA 2016). Attempts in the past to modify the handling of unaccompanied children occurred in May 2013 (CESEDA 2004). Theoretically, the reform states that the State prosecutor will communicate with the Ministry of Justice who will distribute a child to a particular department. However, departments often deny the request to admit an unaccompanied child and State prosecutors do not contact the Ministry (AIDA 2016). In reality, a quota should be met by each department to accept unaccompanied minors that are asylum seekers. Consequently, this is compensated to an extent with NGOs such as 'France terre d'asile' to manage the unaccompanied children (AIDA 2016). The NGO used to control a facility called Caomida which represented asylum-seeking unaccompanied minors (AIDA 2016). Now the facility can accommodate any minor, not just the asylum seeking ones. As a result, the lack of investment from French authorities often is relied on the legal help of NGOs. The Commission nationale consultative des droits de l'homme (CNCDDH) published an "avis" or opinion on the situation of unaccompanied minors stating their

concerns that the 2013 written protocol gives no actual support. Additionally, concerns within a research study by the UNHCR deemed France as having improper conditions to foster the care of such vulnerable group (UNHCR 2015). Insufficient reception to an asylum seeking minor, especially if they are 17 years of age, is often withdrawn from housing once they turn 18 with no support (AIDA 2016). Representatives of the Council of Europe Commissioner for Human Rights have addressed concerns by visiting the facilities that contain asylum seeking minors. The report deemed the facilities as unfit and inaccessible to children who often were left homeless as the outcome (OFPRA 2016).

## CHAPTER 5: PROPOSED SYSTEM

### **New Model**

The Dublin III regulation of 2013 provided clearer rules that promoted cooperation among states as well as an outcome for asylum seekers (ECRE 2017). Some countries seem to be entirely unwilling to respect the court ruling and would not implement the theories into practice (Belorgey 2016). The rulings should be standard and European as problematic cases should not be dealt with EU member states on their own, especially if they are not willing to support in the best interest of the asylum seeker. The existing Dublin system currently has an unfair distribution among member states and this leaves refugees in isolation which hinders their integration into French society (Moraga 2014). There should be a centralized European system to process asylum claims and to distribute refugees in a fair way. It is unfair that few countries handle most of the allocated refugees whereas the majority of the remaining countries are contributing less (OFPRA 2015). The centralized system is a way for refugees to have guaranteed access to asylum in the European Union rather than through an individual state. A potential two step approach implemented to where member states of the EU would voluntarily provide space is a possible scheme. However, if enough spaces are not available, they should work with national asylum authorities to distribute refugees among member states. Determining the number of allocations in each member state can be arranged through a standard distribution key. Currently, quantitative data such as population size, GDP, and other statistics are factors that affect distribution (Moraga 2014). However, member states should think long-term and of additional qualitative factors such as language, culture, and family.

It should be noted that despite the criticism of the Dublin system, it is only a small portion of asylum seekers that the system handles (ECRE 2017). Even before the establishment of the most recent Dublin regulation, the Dublin system was facing many criticisms (ECRE 2017). The biggest challenge resides in the frontline states due to their geographical position on the Mediterranean (Moraga 2014). The bordering states include Greece, Bulgaria, Italy, Cyprus, and Malta (Moraga 2014). There is a misconception that the Dublin regulation is a burden sharing mechanism in proportion to the received applications. On the contrary, the Dublin regulation is about determining responsibility among member states that are competent enough to host and provide equal treatment to the asylum seekers by having their claim heard (AIDA 2016). Having secondary movements and multiple applications for a single member state rather than several member-states are factors that need to be taken into consideration. Applicants processed under the Dublin regulation represent a few percent of all asylum seekers across the EU (AIDA 2016). Therefore, human transfer costs tend to be overestimated with the procedure. The five member states that dealt with most of the applicants are Germany, France, Sweden, and Italy which reside in the North of the EU and not the front-line states (OFPRA 2015). The criteria for establishing member state responsibility have a hierarchal order; family considerations, new possession of visa permit in a member state, or entering the EU legally. The entire criteria mentioned beforehand has to be considered first before the criteria declaring a country reached first by the asylum seeker should be the country held responsible (ECRE 2017).

The flaws of the Dublin regulation originate from the distinct asylum processing systems among each EU member state (AIDA 2016). Reforms have been made since 2015, however, to become applicable, it takes years to take effect (AIDA 2016). Ideally, we would



want fewer discrepancies among member state protection to avoid relocations. Although realistically, it is an illusion to achieve uniform protection standards across the EU in the short-term. It follows, then that quality control visits should suspend transfers if the member state does not meet the standards (OFPRA 2016). The provision could increase reception conditions by filtering out noncompliant systems. The Dublin system by no means encourages asylum shopping or multiple applications as critics may insinuate. On the contrary, these particular phenomena would occur with or without the Dublin procedure (ECRE 2017). Nevertheless, the Dublin system has fostered universal flaws such as a low level of implementation of the agreed transfers mentioned earlier, the high number of secondary movements through multiple application submissions, and a large number of retraction requests that serves as the greatest challenges to the EU asylum system at the moment (AIDA 2016). As you can see, the deficiencies are to a large extent linked to the insufficient implementation of transfers rather than to the Dublin regulation itself (ECRE 2017). While there is an adequate theoretical legal framework to allow efficiency, its guidelines have not taken effect. Evaluation and fitness checks will define objectively if the Dublin or other systems need revision. Creating a distribution key should be implemented so that data on it can serve as evidence to analyze its effectiveness.

The Dublin system, in theory, puts an end to the asylum "shopping" phenomenon as well as abuse of the system to filter out non-asylum seekers. In order to be an efficient system, it must work cohesively. Therefore, the process of fingerprinting, detention, enforced transfers, and mutual decisions has to work in harmony inside the member state (Gomart 2017). For example, the system in Greece experienced a total collapse whereas Italy endured a partial collapse due to mass movements (UNHCR 2016). As a result, this has placed human rights and the system into

question. Concerning cost, the Dublin system is on trial due to creating costs which have been overstated by its critics (Belorgey 2016). The attributed costs to the Dublin system, however, include economic, legal, and human costs (ECRE 2017). Added qualitative data to determine the distribution key should be unemployment rates and total contribution to international protection efforts. An accepted distribution key based on the needs, capacities, and preferences of member states and asylum seekers combined with a mutual recognition of free movement rights could potentially be adopted. Although ethically there is a limitation to this system regarding treatment of humans as a public good.

As an alternative, establishing a tradable quota system among EU countries combined with an optional matching system allows refugees to make a preference over relocation destinations (Moraga 2014). As of right now, the Dublin system does not take into consideration the preferences of refugees. From an economic perspective, these mechanisms have been applied in the past and proven its success in different fields such as in environmental policies and the physician residency matching system in the United States. As proposed by the scheme, the cost of hosting refugees can potentially decrease; therefore, countries are more likely to engage in the plan (Moraga 2014). The implementation of an incentive to treat refugees with respect, fairness, and equality seems relevant to add as there have been cases in France where discrimination to particular nationalities has occurred (Moraga 2014). Theoretically, the asylum seeker preference would start with ranking the relocation and being given their first choice until the corresponding member state meets their refugee quota (Moraga 2014). In effect, this improves the random allocation to be more compatible. The tradeable quotas among countries is suitable when relocations costs are low, and countries possess both objective and subjective costs that are

distinct among another (Moraga 2014). The tradeable quota mechanism can be effective if it equalizes marginal costs (Moraga 2014). Every EU member state has their application process system individually tailored which includes direct costs such as reception, removal, accommodation, and administrative procedures to name a few. On the other hand, there are indirect costs that are often overlooked such as monetary contribution and integration into society that can potentially improve social, cultural, and political costs. For example, if France needs to host fewer refugees whereas another member state requires more, cost reduction can become a reality. Eventually, in the long-term, integration costs will be lower and compatible if refugees can have an added preference in relocation.

### **Future Implications**

After analyzing each procedure, policy and taking into consideration the government and asylum seeker's viewpoint, it is no doubt that to foresee an efficient future model, it must be based on solidarity. Despite the different approaches that have its pros and cons, member states must be willing to make sacrifices for the model to take its effect. Otherwise, the model will only work theoretically and lack in practice. There have been reforms in recent years that have not had enough time to develop, therefore published data is currently unavailable. However, in order for the data to be useful, it is imperative to enforce checks, balances, and quality control checks in every aspect of the legal framework and procedure to prevent bias and injustice. The areas of weakness in the system become more apparent and easier to mend by reaching an agreement. Nevertheless, certain limitations will exist as the scale of the model incorporates all member states of the European Union and standardizing a system within unstandardized member states can be complex. As a result, solidarity has to be complimented with sacrifices and specific

criteria tailored to each country's potential. Overall this Thesis hopes to educate students from a wide-array of disciplines on asylum policies and the legal framework behind it not only within the French model but the European Union as a whole.

## CONCLUSION

A challenge faced in the administration for applying as an asylum seeker is the length of the process. For example, it takes anywhere from 1-2 years with the average being 16 months to achieve the status of refugee in France. With that being said, new legislations for the upcoming years are underway to shorten the process regardless of the final decision of asylum stated by the OFPRA (OFPRA 2015). A disadvantage of waiting to be a refugee is that finding a job for an asylum seeker is difficult if not impossible since an employer will not allow it unless they are aware that they can legally stay in France. The Eurodac system is used in all European Union countries so, for example, France can look up who has been where and can regulate if a migrant is illegally in that country or if an asylum seeker has applied for asylum elsewhere through the use of fingerprints. Regardless of this method, it still has loopholes as many are sent back to countries like France who have already applied for asylum in another country. Not all asylum seekers will register with border officials because they are in search of another country, so an asylum seeker in search of the UK, for example, will avoid officials in France and if they are without proper documentation it is even more difficult to prove which country they arrived at first.

In the French parliament, a new law was placed back in July 2015 with objectives to diminish bureaucratic obstacles for immigrants with the desire to reside in France (AIDA 2016). New policies are put into place to attract foreigners with potential skills to live and find jobs in France. The Interior Minister of France believes France is not up to the challenge of welcoming immigrants especially refugees when the system itself is sending thousands of individuals to the

Prefecture numerous times a year in a vicious waiting cycle (Ministry of Interior 2015). Despite criticisms, the new law has the following proposed points; multi-year residence permit, talent passport and access to data (Ministry of Interior 2015). The problem with this is that there's a fight between immigrants and asylum seekers both wanting to access shelter in France. This will not stop until a change in the administration in terms of stricter training of their officers, reform in policies, and unbiased measures throughout the application process will alleviate the crisis that is occurring in Europe at this moment.

As much as we want to perfect the current system, it is imperative to propose a realistic long-term strategy on a global scale. The current asylum system in France is efficient theoretically, yet in practice, it works in a manner that is meeting the minimum standards based on the data provided by the government and feedback from refugees. As a nation focused on tackling the refugee challenge, it is in its best interest to surpass minimum standards. Asylum seekers, in general, is a political topic discussed in every election. Newly elected French President, Emmanuel Macron, has declared his notion on asylum seekers by proposing a shorter application process of 6 months and decentralization of reception centers managed by OFPRA and the CNDA (Gomart 2017). Integration is a crucial part of improving the long term indirect costs of a refugee. Therefore, one of Macron's proposal is to develop stronger language training programs so that refugees can earn long-term resident permits (Gomart 2017). It is ludicrous to expect refugees to integrate into French society solely on their own, therefore increasing and strengthening current integration programs provides communities with a surplus labor force (Belorgey 2016). As stated in the previous sections, it is important to differentiate the term migrant from asylum seeker. To combat in practice, the complexity of this issue, France can

strengthen its borders, install additional check points and utilize data from quality check visitors to reform areas of weakness. Despite the costs, an allocated budget should incorporate not only short and long term costs but marginal and opportunity costs as well to approach the matter holistically.

## WORKS CITED

- AIDA, Asylum Information Database. *Country Report: France*, 31 December 2016.
- CESEDA, *Code de l'entrée et du séjour des étrangers et du droit d'asile*, 24 November 2004.
- CNDA, *2014 Activity report*, March 2014.
- Conseil D'État. *Conseil D'État Et La Justice Administrative*, 2015.
- Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, OJ L 349, 25.11.2004, pp. 1–11.
- De Wenden, Catherine Wihtol. “The French Response to the Asylum Seeker Influx, 1980-93.” *The Annals of the American Academy of Political and Social Science*, vol. 534, 1994, pp. 81–90.
- European Commission, *Relocation and Resettlement – State of Play*. 2016.
- ECRE, European Council on Refugees and Exiles. *Protection in Europe: Safe and Legal Access Channels*, February 2017.
- European Union, *The History of the European Union*. 2015.
- Fassin, Didier, and Estelle d'Halluin. “Critical Evidence: The Politics of Trauma in French Asylum Policies.” *Ethos*, vol. 35, no. 3, 2007, pp. 300–329.
- Fassin, Didier et al. “How Asylum Claims Are Adjudicated: The Institution as a Moral Agent.” *Revue Française De Sociologie (English Edition)*, vol. 53, no. 4, 2012, pp. 444–472.



Fernández-Huertas Moraga, J. and H. Rapoport, Tradable Refugee-admission Quotas and EU Asylum Policy. *CESifo Economic Studies*, 2014.

Guiraudon, Virginie. “The European Union and Asylum: A Problem of Solidarity.” *Pouvoirs* 144.1 (2013): 79-89.

Jean-Michel Belorgey, *Le Droit d’asile*, LGDJ, 2016.

Ministry of Interior, *Statistics*, 15 January 2015.

Mouzourakis, Minos. *Admissibility, Responsibility and Safety in European Asylum Procedures*. N.p.: European Council on Refugees and Exiles, n.d. 2016, 1-41. *Asylum Information Database*.

OFPRA, *2015 Activity report*, 10 April 2015.

OFPRA, *Contrôle Qualité*, 12 May 2016.

Prost, Yannick. “L’integration des immigrés en France.” *Études* vol. 410, no. 5, 2009, pp. 617-626.

Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013 Establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third-country national or a stateless person (recast), 2013 O.J. (L 180) 31.

Sureau, François. “La Politique de l’asile en danger.” *Études* vol. 416, no. 3, 2012, pp. 331-342.

Thomas Gomart and Marc Hecker (eds.), “Foreign Policy Challenges for the Next French President”, *Études de l’Ifri*, April 2017.

UN Refugee. United Nations High Commissioner for Refugees. UNHCR, 20 June 2016.