

Alien laws in France

Working Group 1

Roubaix-ADICE

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Legal basis for residence

- Any nationals from a country out of Schengen area, who wishes to stay longer than 3 months in France has to ask for a resident permit within the 2 first months after the entrance.
- law n° 2006-911 of 24 july 2006 modifies rules for the delivery of resident permits
- Code of entrance and stay of foreigners and asylum right

Various types of residence are possible (carte de séjour):

- Temporary with different type: max 1 year + + renewable: private and family life (need of a long term visa), student, worker, season worker, trainee
- Skills and talents: (ref to « immigration choisie »): project valuable for France and original country (exception ZSP); max 3 years renewable
- Long term residence: refugees (and family); spouse of a French person (min 2 years); service to France (army, police...). Validity 10 yrs, right to work
- Retirement: professional life in France (French pension) +living outside France

Process

- ANAEM: national agency for immigrants and migration
- Working: seasonal (PL, TU, Ma); ATP (temporary auth <1yr) workers ; permanent workers (acc. to local employment situation)
- Family: mb of a family (children and wife/husband) of a French person/legal resident: resources and housing checking + medical check and **Contrat d'accueil et d'intégration**: « to prepare the republican integration in the French sty »

Naturalisation

- Only for a major person
- Legal residence for more than 5 years before the demand (can be reduced for specific reasons)
- Morality: civism and loyalty
- Assimilation: French language + interview
- Children born in France from foreigners parents:
French nationality is automatic at 18 if the person was living in France for more than 5 years since he/she is 11.

Refugee and asylum seekers

A person is a refugee (legal status) if he/she gets asylum protection from the state:

2 organs responsible:

- **OFPRA:** *French Office for Refugee and apatride protection*: delivery of asylum+ legal and administrative protection
- **CRR:** *Commission de recours de réfugiés* :in case of denial of a demand

Problems:

- Very bad living conditions in « waiting areas » (for people not authorised to enter the territory/asylum seekers) - *high density (better from 2004); fundamental rights violation; asylum right*
- Reconduction à la frontières- mesure d'éloignement- centre de rétention: *in case of denial of resident permit/ illegal stay a person can be obliged to leave the territory (by himself or by force= retained in a center to wait for the expulsion)*
- Double peine: *in case of conviction, a foreigner can be sentenced to prison and then expulsion from national territory: in contradiction with penal law and European convention of HR- modified in 2003 but not abrogated*