

# Population & Societies

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## Admission to France of asylum seekers since 2000

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What happens to the people who apply for asylum in France? How many obtain protection? And what proportion of unsuccessful asylum seekers are admitted for residence on other grounds, such as employment or family reasons? Analysing data since 2000, Hippolyte d'Albis and Ekrame Boubtane calculate the share of asylum seekers admitted for residence in France and describe the variations by year of application and by reason for admission.

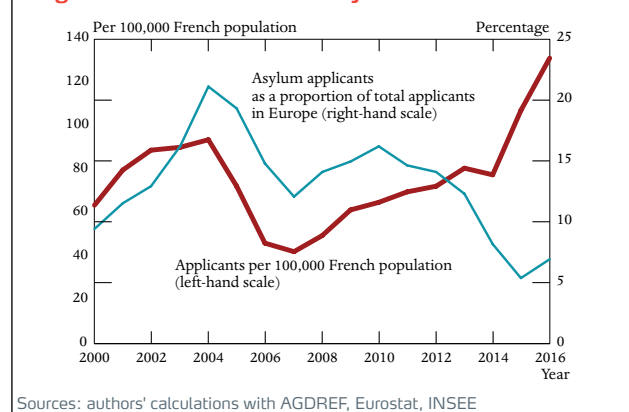
Public debate about immigration is clouded by the indeterminate use of the terms "refugee" and "asylum seeker" which refer to individual situations that differ in both economic and legal terms. In France, asylum seekers are people who claim to be in danger in their country and who apply for international protection in France. The right of asylum laid down in the Preamble to the Constitution and in the 1951 Convention Relating to the Status of Refugees to which France was a party, guarantees that asylum seekers' applications will be examined impartially and that their basic needs will be met<sup>1</sup> in the host country until the procedure is completed. An asylum seeker claims for international protection, while a refugee already has this protection.

This article analyses the admission for residence in France of individuals who have requested asylum since 2000. In practical terms, this admission takes the form of a residence permit which may be granted because the French administration considers the asylum request to be legitimate, or for other reasons, such as family or employment reasons. The study thus covers individuals who have applied for asylum in France, excluding those seeking asylum in another country of the European Economic Area (EEA) or Switzerland<sup>2</sup>

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Figure 1. Annual inflow of asylum seekers to France



Sources: authors' calculations with AGDREF, Eurostat, INSEE

and those who travel through France illegally.<sup>3</sup> The administrative procedure begins with a registration in the prefecture where asylum seekers receive a temporary residence permit and submit their claim to the French Office for the Protection of Refugees and Stateless Persons (Office français de protection des réfugiés et apatrides, OFPRA), the public authority responsible for handling asylum applications.

<sup>1</sup> Asylum seekers in France are entitled to means-tested financial assistance (asylum seeker's allowance) and access to healthcare. Depending on availability, they may also be housed in an asylum seekers' accommodation centre or an emergency accommodation centre.

<sup>2</sup> According to the Ministry of the Interior [6], 7,846 people were in this situation in 2015. The Dublin Convention signed in 1990 and replaced in 2003 by the Dublin Regulation, stipulates that it is the state through which an asylum seeker first entered Europe that has to examine his or her application. The countries of the European Economic Area (EEA) and Switzerland are concerned.

<sup>3</sup> This is the case of the people wishing to cross from France into the United Kingdom, whose plight has been widely reported in the media.

## Asylum applications in France: a decreasing share of the European total

Using AGDREF data (Box) we calculated the number of applications submitted to OFPRA each year since 2000. They are shown in two different ways on Figure 1. As a proportion of the total population, the number of applications in 2015-2016 looks high, but is only slightly above the level recorded in the early 2000s, a period marked by conflicts in former Yugoslavia, Algeria and Chechnya. There were fewer than 88,000 asylum applications in 2016 (equivalent to 0.13% of the French population), compared with nearly 56,000 in 2003. As a proportion of the total number of claims submitted to EU-27 countries, however, there has been an overall downward trend since 2004 (Figure 1). With 7% of European asylum claims in 2016, the French share of the total is three times lower than in 2004, and France has been much less concerned by recent asylum seeker inflows than some of its partners.<sup>4</sup>

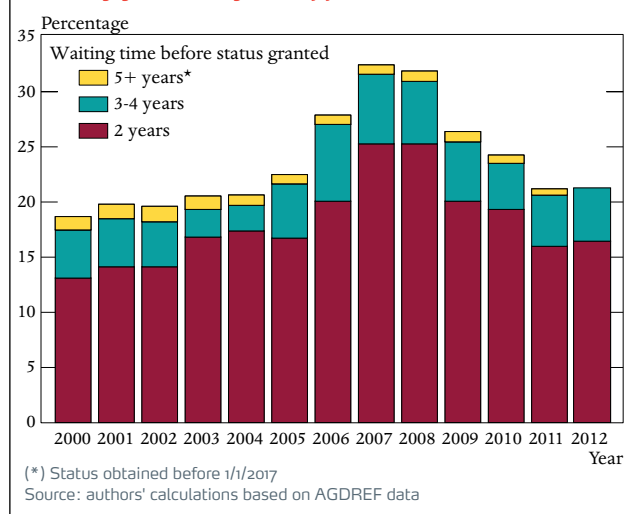
The OFPRA report [7] describes asylum seekers in detail. The majority are men, and their numbers are highest in the Paris region (Île-de-France). Over the years, it is mainly the countries of origin that have varied. When the procedure is complete, some asylum seekers obtain international protection in France and are placed under the legal and administrative protection of OFPRA. Individuals recognized as refugees are entitled to a ten-year residence permit, while those recognized as stateless receive a renewable one-year permit. They can apply for a ten-year permit after three years of continuous residence in France. The third type of protection provided by OFPRA is subsidiary protection, which gives the right to a renewable one-year residence permit.

Based on AGDREF data, we calculated protection rates defined as the proportion of asylum seekers who obtain a permanent residence permit as refugees, stateless persons or beneficiaries of subsidiary protection among the total number of individuals applying for asylum in a given year. For each asylum application year between 2000 and 2012, Figure 2 shows the protection rate 2 years later, 3-4 years later, and on 31 December 2016.<sup>5</sup>

## Around one quarter of applicants are granted asylum in France

Most people who have obtained OFPRA protection received a residence permit within two years of their asylum claim. However, between 3% and 8% of successful applications take more than three years to process. Overall, the protection rates vary substantially by year

**Figure 2. Share of asylum seekers admitted as refugees or beneficiaries of subsidiary protection, by year of asylum application to OFPRA**



of application (and the asylum seekers' country of origin), ranging between 18% and 38%. The application years with high protection rates correspond to years in which application numbers were small (2006 to 2008), and mainly concerned asylum seekers from Bangladesh, Armenia, Kosovo and Albania.

A breakdown of protection rates by sex reveals differences between men and women. Women account for a minority of asylum seekers, but their proportion increased over the period, rising from 31% to 37% between 2000 and 2012. Their protection rate moved closer to the average, however, falling from 40% above the average in 2001 to just 13% above in 2012. A breakdown by continent of origin is also instructive. Most applications are submitted by people born in a country of Africa (38% of the total), Asia (36%) or, to a lesser extent, Europe (21%). The breakdown also reveals a strong convergence of protections rates over the period, although they remain higher for Europeans. Since 2006, the protection rates of asylum seekers from the different continents have been close to the average of the year in question.

Once the procedure has been completed, unsuccessful asylum seekers must leave France within one month. Beyond that deadline they are considered as illegal aliens. In a recent report, the French Court of Auditors (Cour des comptes) stated that "despite being notified of their obligation to leave the French territory, only 1% of failed applicants actually leave the country. Most of them stay

<sup>4</sup> For more information on the management of asylum seeker inflows to Europe in 2015, see [4].

<sup>5</sup> On this date, the waiting time before granting of asylum differs from one application year to the next.

### The AGDREF database

The administrative database containing information on residence permits and their holders in France is called AGDREF, which stands for "Application de gestion des dossiers de ressortissants étrangers en France". Its purpose is to "manage the processing and issuance of residence permit applications of foreigners in France, to monitor the legal residency status of foreigners and to produce statistics on migration flows". The AGDREF database receives data from the prefectures in each French *département*. It was set up under the Decree of 29 March 1993 and is run by the statistics, research and documentation department of the Ministry of the Interior.

Under the Decree of 8 December 2009, INSEE and INED are authorized to use AGDREF data to compile statistics. INED uses the AGDREF database to calculate immigrant inflows from foreign countries [1]. It is well suited to our study as it contains information on both asylum applications and on residence permits issued. To determine the number of asylum applications in year N, we used the data transmitted to INED in June of the year N+1, except for the years 2000 and 2011, for which data from year N+2 were used.

in France, making use of other procedures such as admission as a "sick foreigner" to obtain a residence permit until they can apply to the prefect of the *département* for regularization after five years of presence, by virtue of the circular of 28 November 2012" [3].<sup>6</sup>

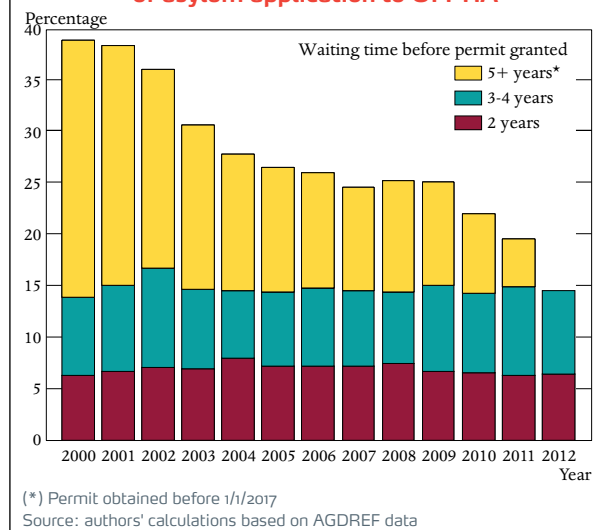
### More than a quarter are admitted for residence on other grounds

Based on AGDREF data, we calculated the number of asylum seekers admitted for residence in France on grounds other than protection as a refugee, stateless person or beneficiary of subsidiary protection.

For each application year between 2000 and 2012, Figure 3 shows the share of asylum seekers who obtained a residence permit of this kind within two years of

<sup>6</sup> Note that it is impossible to give precise figures for the number of persons who are refused asylum but remain in France. Like all undocumented foreigners in France, they are counted either when a deportation is executed, or when they receive a residence permit.

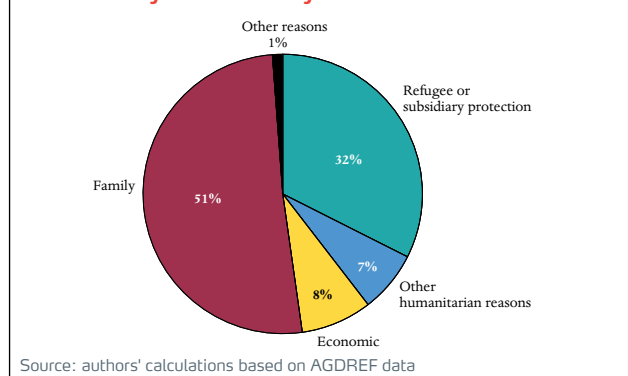
Figure 3. Share of asylum seekers who obtain a residence permit on other grounds, by year of asylum application to OFPRA



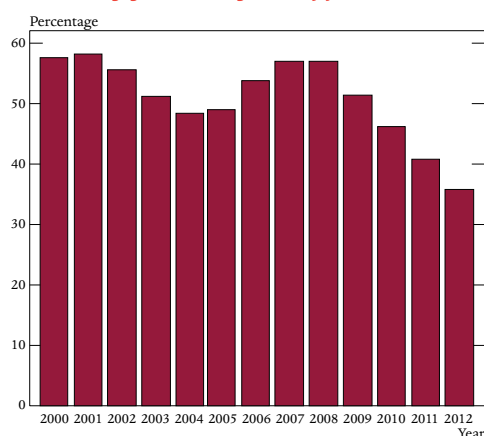
submitting their asylum application, within 3-4 years, and by 31 December 2016. The proportions are 7% on average within 2 years, and 8% in the two following years. The shares admitted after five years are higher, and the proportion of asylum seekers obtaining a residence permit increases with time spent on the French territory. It is close to 39% for people who applied for asylum in 2000 and 2001. We note that the share of individuals regularized by virtue of the circular of 28 November 2012 is very small, and concerns no more than 3.4% of asylum seekers in any one application year.

Overall, among persons admitted for residence in France, those admitted as refugees, stateless persons or beneficiaries of subsidiary protection become a minority over time. Figure 4 gives a breakdown of residence permits by major family of reasons for admission for persons who applied for asylum in 2000 and had been admitted for residence by 31 December 2016. Refugees, stateless persons and beneficiaries of subsidiary protection represent just one-third of the total, with the majority of applicants being admitted

Figure 4. Permits granted to asylum seekers who applied for asylum in 2000 by reasons for admission



**Figure 5. Share of asylum seekers admitted for residence\* by year of asylum application to OFPRA**



(\* Admitted for residence before 1/1/2017)

Source: authors' calculations based on AGDREF data

for family reasons. In 62% of cases, these admissions for family reasons are justified by the presence of personal and family links in France, and in 34% by the existence of a family member with French nationality.

Figure 5 shows the share of asylum seekers admitted for residence in France, whatever the reason for admission. Overall, this share increases with time spent in France, reaching 58% for persons who applied for asylum in 2000 and 2001. The shares are higher for the years 2007 and 2008, for which the protection rates are high. Over the entire observation period, 21,000 asylum seekers, on average, per application year are not admitted for residence.

A breakdown by sex of all permits granted shows that, unlike the pattern observed for protection rates, women's advantage is not weakening. Four years after submitting their asylum application, their admission rates are 23% above the average. For example, 70% of women who claimed asylum between 2000 and 2002 were admitted for residence, versus 52% of men. The acceptance rate by nationality is also highly variable from one continent to another. A breakdown of the admission rate by continent of origin shows that people born in African countries have above-average admission rates.

Analysis of residence permits granted to asylum seekers since 2000 shows that a large share are ultimately admitted for residence in France. Refugees, stateless persons and beneficiaries of subsidiary protection represent a minority of those admitted, suggesting that claiming asylum is one of the channels

used by immigrants coming to France for employment or family reasons. This type of immigration generally has positive economic effects [2], but processing asylum claims is more costly to the public purse than processing standard residence permit applications. Moreover, the admission procedure is relatively long for migrants, making it more difficult for them to integrate [5], notably because they are not allowed to work while their asylum application is being processed. Better coordination of migration and asylum policies is needed.

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## Abstract

While the number of asylum applications in France has increased in recent years, they account for a declining share of total claims across the European Union, as France has been less concerned by recent inflows of asylum seekers than some of its European neighbours. Around one quarter of applicants are granted asylum in France, although the proportion ranges from 18% to 32% depending on the application year. More than a quarter of applicants are unsuccessful, but are ultimately admitted for residence on different grounds (education, family, employment), often many years later. Among asylum applicants in 2000, almost 60% had been admitted for residence by 31 December 2016, one third as refugees, stateless persons or beneficiaries of subsidiary protection, and slightly more than half for family reasons.

## Keywords

Asylum, refugees, immigration, residence permit, France, OFPRA.