

COUNTRY BRIEFING
DECEMBER 2021

France



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 170 organisations and individuals in 41 countries working to end statelessness and ensure that stateless people in Europe access their rights.

ENS worked with [Forum réfugiés-Cosi](#)² to research and compile comparative information on statelessness in [France](#).³ Since 1982, this French NGO has taken action to support the reception of asylum seekers and refugees and has defended the right to asylum in France. It also works in immigration detention centres where it informs and assists those detained by ensuring that they know their rights.

To be stateless is not to be considered a national by any State under the operation of its law. It is a legal anomaly that prevents more than 10 million people around the world - and more than half a million in Europe - from accessing fundamental civil, political, economic, cultural, and social rights.

This briefing summarises the French legal framework and policy, its conformity with international norms, its practices on the protection of stateless people, and its approach to prevention and reduction of statelessness. Five thematic areas are covered by the Index: International and Regional Instruments, Statelessness Determination and Status, Stateless Population Data, Detention and Prevention and Reduction. This country briefing also proposes several recommendations to the French Government to better protect the human rights and dignity of stateless people.

INTERNATIONAL AND REGIONAL INSTRUMENTS

France has signed and ratified the [1954 Convention Relating to the Status of Stateless Persons](#) but is not Party to three of the core statelessness instruments: the [1961 Convention on the Reduction of Statelessness](#) (has signed but not acceded, with reservations), the [European Convention on Nationality](#) (has signed but not acceded, no reservations), and the [Convention on the Avoidance of Statelessness in Relation to State Succession](#) (neither signed nor acceded), which protects the right to a nationality and obliges the State to prevent statelessness in cases of State succession.

The French Government should accede to the three other core Conventions to protect stateless persons and prevent and reduce statelessness. Regarding the 1961 Convention, the national legal framework already integrates most of the provisions established in the Convention. Accession would, therefore, be straightforward and would contribute to the international campaign to end statelessness.



STATELESS POPULATION DATA

Official statistics on statelessness relate to the statelessness determination procedure (SDP). After a 22% decrease recorded in 2019, applications to the SDP in France continued to decline in 2020. 298 new applications to the SDP were filed, a drop of 9% compared to 2019

The share of applications submitted by people coming from Europe who usually form the majority, fell from 43% to 37%. Most come from the former USSR, former Yugoslavia, and Italy. The share of people from Africa fell from 42% to 38%, and the number of applicants from Asia increased from 13% to 23%. The Sahrawis still represent the largest percentage of applicants despite a slight decrease (23%), followed by Palestinians from Lebanon (15%). The share of people from the former USSR represents 10% of requests, followed by people from the former Yugoslavia (9%). The French Office for the Protection of Refugees and Stateless Persons (OFPRA) notes that applicants born in Italy, Germany or France are largely members of Romani communities originating from the former Yugoslavia. OFPRA has also highlighted several new applications from members of the Karan community from Madagascar.

In 2020, 317 decisions were issued by OFPRA, 48 of which were positive. The recognition rate is stable at 15%, after a drop recorded in 2019. 74 adults who applied for international protection were granted the status of "refugee-stateless person". 343 people were invited for an interview

and 259 interviews were held (76% attendance in comparison to 68% in 2019).

As of 31 December 2020, 1,606 stateless persons were protected by OFPRA, 34% of whom were women.

Although France collects and publishes disaggregated data on its SDP, stateless refugees,⁴ and limited data on stateless people's acquisition of nationality and residence permits, it does not capture stateless people in the census. The census only allows for the selection of a specific nationality – all other responses are considered 'non-answers'. If the nationality question is not answered, the respondent is either assigned by the authorities the nationality of their country of birth, or the nationality of another respondent sharing similar characteristics. Moreover, there is no official data on stateless people in detention, and a comprehensive mapping study of statelessness in France has not been published.

This lack of key information and data generates a misunderstanding of the problem and results in an underestimation of the challenges that need to be addressed. Identification of stateless people remains the first step to protecting their rights but also leads to a better understanding of the causes and solutions.

The French Government should collect reliable data on statelessness and implement measures to collect and publish both quantitative and qualitative data on stateless persons on their territory,⁵ including a national mapping study of statelessness in France.

The French Government should develop policies to improve stateless population data, including recording and counting stateless individuals in the census, and creating and maintaining population registries and an immigration database.



STATELESSNESS DETERMINATION AND STATUS

France has a clear and detailed SDP under the responsibility of OFPRA. Despite measures to facilitate access, including no fee nor residence requirement and a duty to examine all claims, key gaps remain in the procedure. An interview is not mandatory, the application must be made in writing in French, and it cannot be initiated by officials on behalf of an individual (*ex officio*). The burden of proof is shared but the standard of proof is higher than in asylum procedures. Legal aid is limited, and applicants are not granted residence rights while they wait for the outcome of their application, so may be subject to removal procedures. Consequently, many people potentially identified as stateless prefer to engage in an asylum procedure rather than the SDP, as it ensures more security and support for the applicant.

There is no quality audit of decision-making nor timeframe within which decisions must be made, but UNHCR provides training for decision-makers. There is a right of appeal, but appeals do not have suspensive effect. Positively, recognised stateless people are granted a multi-year residence permit valid for four years and can access a range of rights including a travel document, family reunion, and a route to naturalisation, though this is not accelerated (unlike for refugees). They will have access to a resident permit valid for 10 years after four years of residence in France.

The French Government should reinforce access to the procedure through targeted information campaigns, providing guidance on the procedure, and accepting applications for stateless status in any language.

French authorities should integrate safeguards to enable State authorities to initiate a procedure (*ex officio*). Protection during the procedure should be guaranteed including temporary legal stay and access to assistance. Procedural protections should also be improved through access to free legal aid, a compulsory interview, a time limit for decisions and the right to a suspensive appeal. The SDP should be included in the quality assurance audits of OFPRA's work carried out by UNHCR.

The French Government should facilitate naturalisation for stateless people within the same timeframe as refugees.



DETENTION

Several provisions in French law contain safeguards to prevent arbitrary detention that are pertinent to stateless people, including the obligation that a country of removal must be set prior to detention and can be appealed separately from the decision to detain. However, people who may be stateless or at risk of statelessness are reportedly detained. As no official data is available on stateless people held in detention, this remains a key gap to identifying stateless people and protecting them from detention.

Procedural safeguards are set in law including a maximum time limit, free legal aid, judicial oversight, effective remedies and written reasons and information on rights granted to all detainees. Nevertheless, the use of detention has dramatically increased in recent years, and the duration of detention has doubled from 45 to 90 days since 1 January 2019. Worsening reception conditions do not allow for individual and vulnerable situations to be adequately addressed. Identification and residence rights are not issued automatically to people released from detention, but if released due to cancellation of removal, temporary residence and some basic rights are granted, such as access to social services, healthcare (PUMA), and emergency accommodation.

In September 2021, Forum réfugiés-Cosi published a study which outlines significant gaps in how statelessness is addressed in the context of detention and removal procedures in France. The existence of procedural safeguards and NGOs providing assistance in detention centres mean that some cases of statelessness are identified, but the study finds that judicial and administrative bodies generally fail to respond adequately to statelessness and do not provide guarantees on identification, referral to the SDP, and protection.

The French Government should implement procedures considering the specific circumstances facing stateless people and those at risk of statelessness when determining removal procedures and making decisions to detain. Strong mechanisms should be implemented to identify and respond to situations of vulnerability, including statelessness, to collect data on stateless people held in detention and ensure clear referral routes to the SDP for people in detention and/or subject to removal proceedings.



PREVENTION AND REDUCTION

French law contains provisions to prevent and reduce statelessness, but there are gaps in implementation. Children born stateless on the territory are French by law, but in practice, they must make a request to the authorities and may need to go through the SDP to prove their statelessness. Under other provisions in French nationality law, young people acquire French nationality on reaching the age of majority (18 years-old) if they have been habitually resident on the territory for at least five years. Foundlings, adopted children, and children born to French nationals abroad are fully protected from statelessness in the law. However, there are some barriers to birth registration in that

documentation is required to complete the registration, which may be difficult to produce for marginalised groups, and late registration is only possible through the courts.

The French Government should address barriers to birth registration, including facilitating late birth registration, and implementing national campaigns and promotion activities on birth registration focusing on vulnerable and high-risk populations.

The French Government should collect and monitor data on stateless children, as well as access to birth registration and documentation for vulnerable groups and those at risk of discrimination.

SUMMARY OF RECOMMENDATIONS

The French Government should:

- Accede to the three other core statelessness Conventions: 1961 Convention on the Reduction of Statelessness, 1997 European Convention on Nationality, and 2006 Convention on the Avoidance of Statelessness in Cases of State Succession
- Widen access to the statelessness determination procedure through targeted information campaigns, providing guidance on the procedure, and accepting applications for stateless status in any language.
- Establish effective measures to improve stateless population data, including recording and counting stateless people in the census, population registries and an immigration database.
- Conduct and publish a national mapping study of statelessness in France.
- Integrate safeguards to enable State authorities to initiate a statelessness determination procedure (*ex officio*).
- Guarantee protection during the procedure including temporary legal stay and access to assistance. Procedural protections should also be improved through access to free legal aid, compulsory interview, time limit for decisions and the right to suspensive appeal.
- Include the statelessness determination procedure in the quality assurance audits of OFPRA's work carried out by UNHCR.
- Facilitate the naturalisation procedure for stateless people so the timeframe for eligibility is the same as for refugees.
- Implement procedures considering the specific circumstances facing stateless people and those at risk of statelessness to identify and respond to vulnerabilities when determining removal procedures and making decisions to detain, collect data on stateless people in detention and ensure clear referral routes from detention and removal procedures to the statelessness determination procedure.
- Remove barriers to birth registration, including after the registration period has expired.
- Implement national campaigns and promotion activities on birth registration, focusing on vulnerable and high-risk populations.
- Collect and monitor data on stateless children, as well as access to birth registration and documentation for vulnerable groups and those at risk of discrimination.

ENDNOTES

¹ www.statelessness.eu

² <http://www.forumrefugies.org/>

³ <https://index.statelessness.eu/country/france>

⁴ OFPRA, Rapport d'activité 2020, https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_de_lofpra_-_2020.pdf

⁵ Conclusions of the Council of the European Union and the Representatives of the Governments of the Member States on Statelessness, 4 December 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>

CONTACT

Cécile Quéval

European Advocacy Officer, Forum réfugiés-Cosi

cqueval@forumrefugies.org

www.forumrefugies.org



Nina Murray

Head of Policy & Research, European Network on Statelessness

nina.murray@statelessness.eu



London, United Kingdom
Media: +44 7522 525673
info@statelessness.eu
www.statelessness.eu

