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International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UNTC, 1954 Convention: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-3&chapter=5&Temp=mtdsg2&clang=en
IOB.1.b		If yes, when was ratification/accession?		On 8 March 1960	Idem
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Yes The provisions of article 10§2 (continuity of residency), are regarded by the French Government as applying only to stateless persons who were forcibly displaced from French territory during WWII, and who have, prior to the date of entry into force of this Convention, returned there directly from the country to which they were forced to proceed, without in the meantime having received authorisation to reside in the territory of any other State.	Idem
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes Decree N°60-1066 of 4 October 1960	Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000306218&dateTexte=20170614 (French – FR)
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	No	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=V-4&chapter=5&clang=en , 1961 Convention
IOB.2.b		If yes, when was ratification/accession?		N/A	Idem
IOB.2.c		Are there reservations in place? Please list them.	As above	Yes, at the time of signature but no ratification.	Idem
IOB.2.d		Does the Convention have direct effect?	As above	N/A	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	Signed but never ratified. No reservations.	Council of Europe: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166 , details of Treaty n°166
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Ratified on 3 May 1974, Decree n°74-360 of 3 May 1974. Two reservations in place but not strictly relating to statelessness: On right to liberty and freedom (article 5) and fair trial (article 6): those articles shall not hinder the application of the provisions governing the system of discipline in the armed forces, determining the general legal status of military servicemen, nor of the provisions of Article 375 of the Code of Military Justice. On derogation in time of emergency (article 15§1): Article 16 of the French Constitution on state of siege must be understood as complying with the purpose of Article 15 of the Convention and for the interpretation and application of the said Article 16, the terms to the extent strictly required by the exigencies of the situation shall not restrict the power of the President of the Republic to take the measures required by the circumstances.	Full list: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures?p_auth=NRdM5IAy , signatures and ratifications Full list: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/declarations?p_auth=NRdM5IAy , reservations and declarations Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000886019 , Decree n°74-360 (FR)
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	Not signed, not ratified, no reservations indicated.	Council of Europe: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200 , Details of Treaty n°200
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)?	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes, bound by Directive 2008/115/EC and fully transposed. No reservations in place.	Official Journal of the EU: http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1497280233964&uri=CELEX:32008L0115 , Directive 2008/115/EC

		Please list any relevant reservations.			Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000023444072 : Law n°2011-672 of 16 June 2011 on immigration, integration and nationality and Decree n°2011-820 of 8 July 2011 applying the law (FR)
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes, ratified on 7 August 1990 and Decree n°90-917 of 8 October 1990. Reservation confirmed on ratification (does not concern statelessness): (1) This Convention, particularly Article 6, cannot be interpreted as constituting any obstacle to the implementation of the provisions of French law relating to the voluntary interruption of pregnancy. (2) Article 30 is not applicable in France as it regards “States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist”. (3) Interpretation of Article 40, para. 2 (b) (v), establishes a general principle to which limited exceptions may be made under law. This is particularly the case for certain non-appealable offences tried by the Police Court and for offences of a criminal nature. Nonetheless, decisions handed down by the final court of jurisdiction may be appealed before the Court of Cassation.	UNTC: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en , Convention on the rights of the Child Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000716856 , Decree n°90-917 (FR)
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes, acceded on 4 November 1980, Decree n°81-76 of 29 January 1981. Yes, three reservations in place, none strictly relating to statelessness: ‘In case of conflict between its obligations under the Covenant and its obligations under the Charter of the UN, France’s obligations under the Charter will prevail.’ Plus two reservations similar to those made to ECHR regarding the state of emergency and the rules pertaining to the disciplinary regime in the army.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en , International Covenant on Civil and Political Rights 1966 Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000517071&categorieLien=cid , Decree n°81-76 (FR)
IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes, acceded on 4 November 1980, Decree n°81-77 of 29 January 1981. Three declarations but no reservations in place.	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&lang=en , International Covenant on Economic, Social and Cultural Rights 1966 Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000702224&categorieLien=cid , Decree n°81-77 (FR)
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes, ratification on 14 December 1983, Decree n°84-183 of 12 March 1984. Reservations were entered to Article 29 (“The Government of the French Republic declares, in pursuance of Article 29, § 2, of the Convention, that it will not be bound by the provisions of Article 29, § 1”) and to Article 9 (which “must not be interpreted as precluding the application of the 2 nd § of Article 96 of the code of French nationality”). It also declared the 11 th preambular § contains debatable elements. The term “family education” in Article 5 (b) of the Convention was specified as meaning “public education concerning the family” and in any event, Article 5 would be applied subject to respect for Article 17 of the ICCPR and Article 8 of the ECHR. France also declared that no provision of the Convention would be interpreted as prevailing over provisions of French legislation which are more favourable to women than to men. France also commented on reservations made by Saudi Arabia, Syria, Bahrain, South Korea, Oman, the UAE and Brunei Darussalam.	On ratification: Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000701382 , Decree n°84-183 (FR) On reservations: UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=fr , Convention on the Elimination of all Forms of Discrimination Against Women 1979
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984?	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes, ratified on 18 February 1986, Decree n°87-916 of 9 November 1987. Yes, reservation to Article 30§1 relating to settling disputes, including before the ICJ –	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en , Convention against Torture and Other Cruel,

		Please list any relevant reservations.		France declares it shall not be bound by those provisions	Inhuman or Degrading Treatment or Punishment 1984 Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006066243&dateTexte=20170321 , Decree n°87-916 (FR)
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes, acceded on 28 July 1971, Decree n°71-901 of 2 November 1971. No reservations but three declarations including one which may be relevant: with regard to Article 4, France interprets the reference made therein to the principles of the UDHR as releasing the States Parties from the obligation to enact anti-discrimination legislation which is incompatible with the freedoms of opinion and expression, and of peaceful assembly and association.	Legifrance: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000511187&categorieLien=id , Decree n°71-901 (FR) UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-2&chapter=4&lang=en , International Convention on the Elimination of All Forms of Racial Discrimination 1965
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	UNTC: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-13&chapter=4&clang=en , 1990
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities 2006	Yes. Signed on 30 March 2007 and ratified on 18 February 2010 (Decree no. 2009-1791 of 31 December 2009).	UNTC: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&clang=en , 2006

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>There is no data on statelessness in the census. According to INSEE, the category "stateless" is not foreseen by the Nationality Codes. The French population census considers that all individuals have a nationality. As INSEE cannot code this denomination, it is considered a non-answer (as are references to unknown nationality). The person is either assigned the nationality of their country of birth or INSEE looks up a respondent sharing similar characteristics where nationality is indicated and assigns them this nationality.</p> <p>Official statistics on statelessness relate to the statelessness determination procedure. In 2019, 328 new claims were lodged (down by 22% compared to 2018). This is the first decrease registered since 2012. 43% of claims were lodged by people from Europe, 42% from Africa, and 13% from Asia. The Saharawi still represent the majority of claimants (29% of the total) despite a small decrease compared to 2018, followed by people from the former Yugoslavia (14%) and Soviet Union (9%). 8% of requests were made by people born in Italy, mostly members of the Roma community descendants of people from former Yugoslavia. 43% of claimants are from the MENA region, including Bidoon from Kuwait (4%), a decrease compared to 2018 (11%), and people from Mauritania (4%). In 2019, 364 decisions were issued by OFPRA, including 56 positive decisions, meaning a decreased recognition rate of 15% (22% in 2018). This is mainly due to the refusal of applications by Saharawi claimants who are already protected or resident in Spain. As of 31 December 2019, 1,521 stateless people were protected by OFPRA (34% women).</p> <p>Another source of data is the acquisition of French nationality data in Eurostat, which is disaggregated by country of origin and includes "unknown" and "stateless". For 2018, 2,114 people who acquired nationality are listed under 'unknown' and 20 under 'stateless' (down from 117 in 2017).</p>	<p>INSEE: https://www.insee.fr/fr/information/2416930 (see p. 6 of leaflet where it is explained that the "country of birth" and the "current nationality" are asked for in the census). There is no box that people can check to indicate they don't have a nationality.</p> <p>Email exchange with INSEE where they explain how they integrate answers from respondents indicating no nationality in the census.</p> <p>Gábor Gyulai (2010), Country Report on France, Funded and supported by the Open Society Justice Initiative, unpublished (confidential to UNHCR)</p> <p>OFPRA, 2019 Activity report: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2019.pdf</p> <p>EUROSTAT, https://ec.europa.eu/eurostat/web/population-demography-migration-projections/data/database</p>
POP.1.b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	See above. Prefectures may deliver stay permits bearing "undetermined nationality".	Interview with a lawyer working on statelessness.
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR uses OFPRA statistic and indicated 1,521 persons under UNHCR's statelessness mandate in the 2019 global trends report. There is no estimation for persons at risk of statelessness in France.	UNHCR, Global Trends Forced Displacement in 2019, 18 June 2020: https://www.unhcr.org/See200e37.pdf
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	Not to our knowledge.	
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	

POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	As indicated above, the lack of a category to indicate the absence of nationality or the status of statelessness in the census is an issue. The way stateless people are counted by the Ministry of Justice (e.g. issuance of residence permits and acquisition of French nationality) is not explained. Further research should be done to better understand this. The situation in detention should be looked at more carefully. Based on informal discussions with people working in detention it seems there is a lack of understanding of the issue of statelessness and therefore possible under reporting. A further issue is the situation of undocumented migrants. Gábor Gyulai reported: ‘Several interviewees pointed to ... undocumented migrants who can neither be regularised, nor expelled, or as they are called in current French argot, the “ni-ni” (ni régularisable, ni expulsable). There is no reliable data about the number of undocumented migrants living in France; estimates often refer to hundreds of thousands.’	See POP1a Gábor Gyulai (2010), Country Report on France, Funded and supported by the Open Society Justice Initiative, unpublished (confidential to UNHCR)
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Government also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	In 2019, 59 adults who lodged an international protection claim were granted protection as ‘stateless-refugees’. This is a decrease compared to 2018 (122 stateless-refugees), 2017 (114 stateless-refugees) and 2016 (91 stateless-refugees). These statistics are counted separately.	OFPPA, Activity report 2019, June 2020: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2019.pdf OFPPA, Activity report 2018, April 2019: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2018.pdf.pdf
POP.2.a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	There are no official statistics on immigration detention centres, and on stateless people held in immigration detention. The only statistics are reported in NGOs' reports. The report provides details on nationalities of detained persons. Several centres indicate the presence of people with "unknown" nationality: G Bordeaux (4), Coquelles (1), Guyanne (1), Hendaye (9), Lille-Lesquin (2), Mesnil-Amelot (26), Paris-Vincennes (30), Plaisir (2), Oissel (1), Toulouse (3), 79 in total.	2019 NGO Report: https://www.forumrefugies.org/s-informer/publications/rapports/288-rapport-annuel-sur-la-retention-administrative (FR)
POP.2.b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	In the NGOs' report, there are statistics on individuals released from immigration detention due to expiry of the maximum duration of detention (90 days), meaning the authorities did not manage to remove them. In 2018, 5.5% of the total people detained were in this situation: 1,310 people in metropolitan France, and 353 in French overseas departments.	2019 NGO Report: https://www.forumrefugies.org/s-informer/publications/rapports/288-rapport-annuel-sur-la-retention-administrative (FR)

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	Yes. The legislation explicitly refers to the 1954 Convention: “Stateless status is recognised to every person who meets the definition of Article 1 of the New York Convention of 28 September 1954 [...]”. Exclusion provisions foreseen by the legislation are where a) the person has been guilty of acts contrary to the purposes, objectives and principles of the United Nations; or b) their activities on French territory constitute a serious threat to public order, public security or the security of the State.	CESEDA, Article L-812-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=CFD5BEC0FDEE5F80BB15121AD198C097.tplgfr29s3?idArticle=LEGIARTI000030950755&cidTexte=LEGITEXT000006070158&dateTexte=20180924 Code of Entry and Residence of Foreigners and of the Right to Asylum, as modified by Law No 2015-925 of 29 July 2015 on the reform of asylum law and Law No 2016-274 of 7 March 2016 on the reform of immigration law (FR)
SDS.1.b	Training	Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	UNHCR organises an annual course on refugee law with a component on statelessness. Two OFPRA staff members take part in this course each year. However, due to the Covid-19 pandemic, the 2020 course on refugee law did not take place.	Confirmed by UNHCR country office.
SDS.1.c		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (2016) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. UNHCR (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	Not to our knowledge. There is a lack of knowledge on statelessness in general and it is not perceived as an issue. There is no compulsory legal training for lawyers on statelessness and there are very few free trainings offered on this subject. Most of the time, it is only evoked during legal trainings on immigration law and it remains very theoretical.	Interview with asylum practitioners and lawyers. Forum Réfugiés-Cosi
SDS.1.d	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated stateless status (proceed to Question 2a). 2. There is no dedicated SDP leading to a dedicated stateless status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights (proceed to Question 10a). 3. There is a dedicated stateless status but no formal procedure for determining this (proceed to Question 16a).	UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR (2016) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 1 - There is a dedicated Statelessness determination procedure (SDP) established in law, which leads to a stateless status.	Articles L. 812-1 to 812-8 and Articles R. 812-1 to 812-7, Code of Entry and Residence of Foreigners and of the Right to Asylum, as modified by Law No 2015-925 of 29 July 2015 on the reform of asylum law and Law No 2016-274 of 7 March 2016 on the reform of immigration law. Law No 2015-925 on the reform of asylum law, Article 6: https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000030950755&idSectionTA=LEGISCTA000030950753&cidTexte=LEGITEXT000006070158&dateTexte=20170704 Decree No 2015-1166 of 21 September 2015, on the implementation of Law No 2015-925 on the reform of asylum law Article 23: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=B69F82BBC2E894813953F337C54333C1.tpdila12v2?idArticle=JORFARTI000031194754&cidTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id .
SDS.2.a	Access to procedure (Group 1)	Is the examination of statelessness claims conducted by a dedicated, centralised	UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are	Yes, the French Office for the Protection of Refugees and Stateless Persons (Office Français de protection de réfugiés et des apatrides – OFPRA) is the competent	CESEDA, Article L. 812-2: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v_3

		body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.	preferable as they are more likely to develop the necessary expertise. UNHCR (2016) : It is important that examiners develop expertise while ensuring that the procedures are accessible.	authority in charge of determining stateless status and providing protection.	<p>?idArticle=LEGIARTI000030950757&cidTexte=LEGITEXT000006070158&dateTexte=20150821 (FR)</p> <p>CESEDA, Articles L.812-1 to L.812-4: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000030950753&cidTexte=LEGITEXT000006070158&dateTexte=20150821 (FR)</p> <p>Gábor Gyulai (2010), Country Report on France, Funded and supported by the Open Society Justice Initiative, unpublished (confidential to UNHCR)</p> <p>OFPRA website: https://www.ofpra.gov.fr/fr/apatridie/procedure</p>
SDS.2.b		Are there clear, accessible instructions on how to make a claim of statelessness?	<p>UNHCR (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p>UNHCR (2016): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	Information on statelessness can be found on the OFPRA website in French, including definition, procedure, appeal and data. Information can also be found on the public website "service public". However, the website is only in French.	<p>OFPRA website: https://www.ofpra.gov.fr/fr/apatridie/procedure</p> <p>Updated Guide of Procedures, December 2019: https://www.ofpra.gov.fr/sites/default/files/atoms/files/guide_de_procedure_ext_decembre2019_vd02.pdf</p> <p>Website "service public": https://www.service-public.fr/particuliers/vosdroits/F15402</p> <p>General information on the Ministry of Interior / General direction of foreigners in France: https://www.immigration.interieur.gouv.fr/Asile/Les-differentes-formes-de-protection/Le-statut-d-apatride</p> <p>CESEDA, Article R.812-1: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v3?idArticle=JORFARTI000031194754&cidTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id (FR)</p> <p>Guide of procedures, 2018, p.44: https://ofpra.gov.fr/sites/default/files/atoms/files/guide_des_procedures_ofpra_-_juillet_2018.pdf (FR)</p>
SDS.2.c		Can submissions be made orally and/or in writing in any language?	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Only OFPRA is competent to receive an application for stateless status. It is explicitly stated on the OFPRA website that "the persons who want to introduce an application for statelessness status must contact OFPRA directly". The application form must be completed in French. Additional information can be provided orally during an interview, but this is not compulsory: "the Office may invite the applicant to a personal interview".	<p>CESEDA, Article R.812-2: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v3?idArticle=JORFARTI000031194754&cidTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id (FR)</p> <p>CESEDA, Article L. 812-2: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v3?idArticle=LEGIARTI000030950757&cidTexte=LEGITEXT000006070158&dateTexte=20150821 (FR)</p> <p>OFPRA website: https://www.ofpra.gov.fr/fr/apatridie/procedure (FR)</p>
SDS.2.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013) : Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	The application must be made on a specific OFPRA form delivered on request by the applicant. It must be written in French and signed. Two recent photographs must be attached as well as, if relevant, travel documentation, civil status documents and a copy of a valid residence permit. When the completed application is submitted, OFPRA immediately acknowledges receipt and issues a certificate of registration (not a residency permit).	<p>CESEDA, Article R.812-1: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v3?idArticle=JORFARTI000031194754&cidTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id (FR)</p> <p>See OFPRA website: https://www.ofpra.gov.fr/fr/apatridie/procedure for a screenshot of the form (FR)</p> <p>Guide of Procedures, December 2019: https://www.ofpra.gov.fr/sites/default</p>

					https://files.atoms/files/guide_de_procedure-ext_decembre2019_vd02.pdf (FR)
SDS.2.e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR (2016) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No.	Gábor Gyulai (2010), Country Report on France, Funded and supported by the Open Society Justice Initiative, unpublished (confidential to UNHCR)
SDS.2.f		Are there obligations in law on authorities to consider the application?	UNHCR (2016) : Access to the SDP must be guaranteed.	Yes. No decision can be derived from the absence of answer from OFPRA.	CESEDA, Article R.812-1: https://www.legifrance.gouv.fr/affichTexteArticle.do?sessionId=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v3?idArticle=JORFARTI000031194754&idTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id See OFPRA website: https://www.ofpra.gouv.fr/fr/apatridie/procedure for a screenshot of the form (FR) Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-ext_decembre2019_vd02.pdf (FR)
SDS.2.g		Is there an application fee?	UNHCR (2016) : Access to the SDP must be guaranteed.	No.	Nothing specified in the law. Lawyers and professionals asked informally for the purpose of this study confirm.
SDS.2.h		Is there a lawful stay requirement to access the SDP?	UNHCR (2016) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	No.	Nothing specified in the law. Lawyers and professionals asked informally for the purpose of this study confirm.
SDS.2.i		Is there a time limit on access to the SDP?	UNHCR (2016) : Access to the SDP must be guaranteed and not subject to time limits. ENS (2013) : There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.	No.	Nothing specified in the law. Lawyers and professionals asked informally for the purpose of this study confirm.
SDS.2.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR (2016) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	OFPRA may receive referrals from the Prefecture in cases where third country nationals have a residence permit but cannot get documents from the country of origin. OFPRA may receive referrals from the Ministry of Interior in cases where people are living as French nationals, but it is discovered do not possess French nationality. UNHCR may make referrals to OFPRA.	Interview with OFPRA, conducted on 14 December 2016. Confirmed by UNHCR country office.
SDS.3.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	UNHCR (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR (2016) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR Expert Meeting (2010) : Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence. Hoti v. Croatia ECtHR (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	OFPRA determines the various countries with which the applicant may have a nationality tie. This is usually done through a personal interview which OFPRA is however not obliged to conduct. Then there is an examination of any eventual entitlement to obtain the nationality of any of these states. OFPRA can approach the consular representation of the relevant states in France or its own consular representation abroad with queries regarding legal affiliation of the applicant to these states. OFPRA asks the applicant to sign a document allowing it to contact state authorities, provided that there is no fear of persecution identified. The guide of procedures never refers to the applicant's obligation to "prove" their statelessness; it rather talks about the authority's methodology to establish the facts. OFPRA requires the applicant to demonstrate they have taken the necessary steps to obtain the nationality they would be entitled to according to the relevant legal provisions (if there is such a country). A genuine	Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-ext_decembre2019_vd02.pdf (FR) Gábor Gyulai (2010), Country Report on France, Funded and supported by the Open Society Justice Initiative, unpublished (confidential to UNHCR) Interview with OFPRA, conducted on 14 December 2016. Confirmed by UNHCR country office.

				attachment to the country in question is not a requirement in this assessment. The burden of proof is shared: OFPRA is “not obliged to carry out an investigation to collect evidence; but if the applicant has made genuine efforts but cannot obtain sufficient evidence that we could possibly obtain, then we conduct our own investigation including to contact the authorities of the countries of origin”.	
SDS.3.b		What is the standard of proof? Is it the same as in refugee status determination procedures?	UNHCR (2014) : States are advised to adopt the same standard of proof as in refugee status determination (‘reasonable degree’). Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. Hoti v. Croatia ECtHR (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	In order to establish the fact of statelessness OPFRA considers all relevant evidence, which shall be “sufficiently precise and serious”. In practice, the standard of proof is slightly higher than in asylum applications. The SDP is based on the evidence the applicant can bring that they have performed official acts to claim a nationality that they have then been refused (and the proof of such refusal); or on objective elements demonstrating that the applicant is not eligible to any nationality. The decision issued in the SDP is objective and is not based on the intimate conviction as it is in the asylum procedure. The assessment is of a totally different kind.	Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-ext_decembre2019_vd02.pdf (FR) Interview with OFPRA, conducted on 14 December 2016. Confirmed by UNHCR country office.
SDS.3.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?	UNHCR (2014) : Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of the best interests of the child. Gen. Rec. 32, CEDAW : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women. Convention on the Rights of the Child, 1989 Convention on the Rights of Persons with Disabilities: Article 18	During the interview, if the person is a minor, they will be accompanied by their legal representative, and if the person is an unaccompanied minor, they will be accompanied by their guardian. OFPRA can authorise the person to be accompanied by a lawyer or an NGO representative.	Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-ext_decembre2019_vd02.pdf
SDS.3.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	No information available. OFPRA Guide of Procedures explains what procedures are applied by OFPRA but does not provide decision makers with guidance on how to determine statelessness.	
SDS.4.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	No. Applicants for stateless status are not entitled to free legal aid in this procedure, as the relevant provision only foresees this right as applying to lawfully and habitually resident foreigners (if coming from outside the EU). Applicants for stateless status (unlike e.g. asylum-seekers) are not mentioned among the exceptions to this rule. Nevertheless, the law stipulates that legal aid can be exceptionally granted to people who do not meet the required criteria when their situation appears worthy of special attention.	Law No 2014-1654 of 29 December 2014, Article 3: https://www.legifrance.gouv.fr/affichTexteArticle.do?cidTexte=JORFTEXT000000537611&idArticle=LEGIARTI00003022902&dateTexte=&categorieLien=id (FR)
SDS.4.b		Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	An interview is not compulsory by law: OFPRA may invite the applicant to an interview. OFPRA can also conduct the interview by audio-visual communication means.	CESEDA, Article R.812-2: https://www.legifrance.gouv.fr/affichTexteArticle.do?sessionId=DD467A870AFAE085AAA859A9FFF6EC04.tpdila12v2?idArticle=JORFARTI000030949518&cidTexte=JORFTEXT000030949483&dateTexte=29990101&categorieLien=id (FR) CESEDA, Article R.723-9: https://www.legifrance.gouv.fr/eli/decree/2015/9/21/INTV1519182D/jo/texte (FR)
SDS.4.c		Is free interpreting offered for statelessness determination interviews?	UNHCR (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	Yes, interpreters are provided free of charge for SDP interviews if needed: “the applicant is heard in the language of his choice, except if there is another language they understand and can use to communicate”.	CESEDA, Article R.812-2: https://www.legifrance.gouv.fr/affichTexteArticle.do?sessionId=DD467A870AFAE085AAA859A9FFF6EC04.tpdila12v2?idArticle=JORFARTI000030949518&cidTexte=JORFTEXT000030949483&dateTexte=29990101&categorieLien=id (FR)

					eTexte=29990101&categorieLien=id (FR)
SDS.4.d		Are there quality assurance audits of the SDP?	UNHCR (2016) : Quality assurance audits of SDPs are considered good practice.	UNHCR carries out quality assurance audits of OFPRA's work but these do not include the SDP for the time being.	Quality assurance audit OFPRA, Report 2016: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_du_2e_controle_qualite_ofpra.pdf (FR)
SDS.4.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	UNHCR intervenes when necessary in SDP proceedings and shares good practices with OFPRA.	Quality assurance audit OFPRA, Report 2016: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_du_2e_controle_qualite_ofpra.pdf (FR)
SDS.4.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	The law stipulates that decisions are given with reasons and in writing. The notification must be made by postal service attested by an acknowledgement of receipt. Anecdotal evidence indicates that the main reasons for refusals are "journey not established" and/or "vague statements from the applicant".	CESEDA, Article L.812-4 and Article R.812-3: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=DD467A870AFAE085AAA859A9FF6EC04.tpdila12v_2?idArticle=JORFARTI000030949518&cidTexte=JORFTEXT000030949483&dateTexte=29990101&categorieLien=id (FR) Interview with a lawyer providing support to applicants to the SDP.
SDS.4.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR (2014) : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	There is no timeframe defined in law or policy. In practice, verification with the consular authorities generates very long delays to the procedure (2-3 years in several cases reported).	Interviews with asylum practitioner and lawyers.
SDS.4.h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	UNHCR (2016) : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. ENS (2013) : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	If the same person submits an asylum claim and an application for stateless status, the asylum procedure will take priority. If the asylum request reveals a statelessness situation and OFPRA grants protection, OFPRA will grant a "refugee-statelessness" statute without the need to formally initiate a statelessness procedure. If OFPRA does not grant protection based on asylum grounds, OFPRA does not engage a statelessness procedure, they inform the person about the SDP.	Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-re-ext_decembre2019_vd02.pdf
SDS.5.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	UNHCR (2014) : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence in the territory as well as 'lawfully in' rights (including identity papers, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that individuals receive the same treatment as asylum-seekers. ENS (2013) : States should refrain from expelling or removing an individual pending the outcome of the determination process.	No. Applicants have no right to legally stay on the territory. Expulsion is possible during the process. The Prefectures may admit applicants for temporary stay but have no obligation to do so. There are cases of people being issued with an obligation to leave the French territory while still being in the SDP. However, there is no information on actual expulsions.	Guide of Procedures, December 2019: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/guide_de_procedure-re-ext_decembre2019_vd02.pdf (FR) https://www.ofpra.gouv.fr/fr/apatridie/procedure Interview with a lawyer providing support to applicants to the SDP.
SDS.5.b		Do applicants for stateless status have permission to work and access to assistance to meet their basic needs?	UNHCR (2014) : Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.	No permission to work if they are not legally staying on the territory. Legal stay does not necessarily entitle someone to a right to work e.g. asylum seekers or those with temporary stay permit not necessarily permitted to work. As Prefectures are not obliged to allow applicants for stateless status to legally remain on the territory during the procedure, access to assistance to meet their basic needs varies. Where the Prefecture grants a temporary stay permit or when the stateless applicants also apply for asylum, the applicant can access Universal Healthcare Protection (Protection universelle maladie – PUMA) and be accommodated either in an emergency shelter for a maximum of 21 days or in accommodation and rehabilitation centers (centres d'hébergement et de réinsertion sociale – CHRS) where they can be accommodated for several months. Since the 30 December 2019 reform, asylum seekers also have to prove a 3 months residence in France before accessing PUMA. In case they are not granted temporary stay by the Prefecture, applicants in the SDP are considered irregular foreigners so can only access State Medical Aid (AME) if they can prove they have lived in France for three	https://www.service-public.fr/particuliers/vosdroits/F2728 (FR) Social care of foreigners in France, Legal analysis study, UNAF0 and ODTI, July 2016: https://www.gisti.org/IMG/pdf/unaf0-analyse_juridique_protection-toweb.pdf (FR) On PUMA: Social Security Code, Articles L.160-1 to L.160-7 : https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000031668689&cidTexte=LEGITEXT000006073189 (FR) On CHRS: Social Action and Families Code, Article L.345-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006074069&idArticle=LEGIARTI000006797708&dateTexte=&categorieLien=cid (FR) And Social Action Code, Article L.111-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT0000

				<p>months and are accommodated through the 115 emergency schemes. However, since the 30 December 2019 decree, certain treatments considered as "comfort" are subject to prior authorisation from the health insurance fund (surgery, myopia operation, etc.) In cases where the applicant cannot access the AME, urgent healthcare needs will still be covered thanks to the Urgent and Vital Care Scheme ("dispositif Soins urgents et vitaux").</p> <p>In both situations, during the waiting period people can access the Urgent and Vital Care Scheme.</p>	<p>06074069&idArticle=LEGIARTI000006796413 (FR)</p> <p>On 115: Law No98-657, Orientations relating to fighting exclusion, 29 July 1998: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000206894 (FR)</p> <p>For more information see: Website of the DRIHL: http://www.drihl.ile-de-france.developpement-durable.gouv.fr/115-maraudes-urgences-la-veille-sociale-r769.html (FR)</p> <p>On AME: Social Action and Families Code, Articles L.252-1 to L.252-5: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157608&cidTexte=LEGITEXT000006074069 (FR)</p> <p>https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000812112 Social action and families Code, Articles L.254-1 and L.254-2: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157610&cidTexte=LEGITEXT000006074069 (FR)</p> <p>Circular, No DHOS/DSS/DGAS/2005/141, 16 March 2005 : http://circulaires.legifrance.gouv.fr/pdf/2009/04/cir_18852.pdf (FR)</p> <p>Social Security Code, Article D160, modified by the Decree n°2019-1531 of 30 December 2019: https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000039810099/</p>
SDS.5.c		Do applicants for stateless status face a risk of detention?	UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	As there is no right to stay on the territory during the SDP an applicant may be detained for the purpose of removal. The Ministry of Interior explicitly states: "Such an application [SDP] therefore does not prevent a removal order to be executed".	See the website of the Ministry of Interior: https://www.immigration.interieur.gouv.fr/Asile/Le-droit-d-asile/Le-statut-d-apatride (FR)
SDS.6.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	In case of a negative decision by OFPRA, the applicant can appeal before the local administrative court (tribunal administratif) in their place of residence within 2 months. A further appeal is possible before the geographically competent court of appeal (cour administrative d'appel) and as a final stage before the Council of State. Appeals do not have suspensive effect.	CESEDA, Article L.812-3: https://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v_3?idArticle=LEGIARTI000030950759&cidTexte=LEGITEXT000006070158&dateTexte=20150821
SDS.6.b		Is legal aid available for appeals?	UNHCR (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : Applicants should have access to legal counsel both at first instance and on appeal.	The same rules on legal aid apply as for any appeal before the administrative courts i.e. legal aid is not available ipso jure (de plein droit). It is possible to apply for legal aid which would suspend the two-month timeframe for the appeal. Any foreign national is eligible for legal aid provided they are legally and regularly staying on French territory. In practice, it seems at least in the Rhône that legal aid is never refused in these cases.	Administrative code of justice, Article R441-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006449979&cidTexte=LEGITEXT000006070933&dateTexte=20170705 (FR) <p>https://www.legifrance.gouv.fr/affichTexteArticle.do?sessionId=3A2DCF1732818140B20C81BD80A457FA.tpdila16v_3?idArticle=LEGIARTI000032171764&cidTexte=LEGITEXT000006077779&dateTexte=20170801</p> <p>Interview with a lawyer.</p>

SDS.6.c		Is there a fee for the appeal application?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	There is no fee.	French Civil Service Website: https://www.service-public.fr/particuliers/vosdroits/F2026 (FR)
SDS.6.d		Is there any evidence of significant errors in decision-making?		No. In 2019, 80 cases were before the Administrative Courts (81 in 2018, 77 in 2017). 70 decisions were taken by administrative tribunals, 9 by Administrative Courts of Appeal and one by the Council of State. There were no annulment overturning OFPRA's negative decision in 2019 (only 2 in 2018)	OFPRA, 2019 Activity Report, p30 https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2019.pdf (FR) Correspondence with OFPRA OFPRA, 2018 Activity Report, p26, https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2018.pdf.pdf
SDS.7.a	Stateless status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Yes. The recognition of statelessness leads to permission to stay with a four-year stay permit as a "beneficiary of statelessness statute". The stateless person can access a 10-year residence permit after four years of legal stay in France. Family members of stateless persons will access a four-year stay permit as a "family member of beneficiary of statelessness statute". The competent Préfet is informed by OFPRA of the decision in order to deliver the temporary stay permit.	CESEDA, Article L.313-26: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=3C5BAB21532B469BC45312F7B3D17236.tplgfr32s_1?idArticle=LEGIARTI000037398347&cidTexte=LEGITEXT000006070158&dateTexte=20190301&categorieLien=id&oldAction=&nbResultRech= (FR) https://www.service-public.fr/particuliers/vosdroits/F15402 CESEDA, Article R 812-3: https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v_3?idArticle=JORFARTI000031194754&cidTexte=JORFTEXT000031194603&dateTexte=29990101&categorieLien=id (FR) CESEDA, Article L.313-26: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=3C5BAB21532B469BC45312F7B3D17236.tplgfr32s_1?idArticle=LEGIARTI000037398347&cidTexte=LEGITEXT000006070158&dateTexte=20190301&categorieLien=id&oldAction=&nbResultRech= See explanation on the website of the Ministry of Interior: https://www.immigration.interieur.gouv.fr/Asile/Les-droits-des-beneficiaires-d-une-protection/Le-sejour-en-France (FR)
SDS.7.b		How long is initial status granted for and is it renewable?	UNHCR (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	A stay permit for up to four-years as a beneficiary of statelessness statute is delivered. The stateless person can access a 10-year residence permit after four years of legal stay in France. Family members (spouses, civil partner, children, parents if minor) of a stateless person will access a four-year stay permit as a "family member of beneficiary of statelessness statute". The four-year permit costs 25 EUR.	CESEDA, Article L.313-26: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=3C5BAB21532B469BC45312F7B3D17236.tplgfr32s_1?idArticle=LEGIARTI000037398347&cidTexte=LEGITEXT000006070158&dateTexte=20190301&categorieLien=id&oldAction=&nbResultRech= (FR) Service Public: https://www.service-public.fr/particuliers/vosdroits/F15402 OFPRA, https://ofpra.gouv.fr/sites/default/files/atoms/files/livret_daccueil_apatriides_juin2019_v2.pdf CESEDA, Articles L. 314-1: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=7699E4A2C343BB467588A19D64B31AFD.tplgfr32s_1?idSectionTA=LEGISCTA000006163232&cidTexte=LEGITEXT000006070158&dateTexte=20190301 and L.314-11 9°: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=7699E4A2C343BB467588A19D64B31AFD.tplgfr32s_1?idSectionTA=LEGISCTA000006180202&cidTexte=LEGITEXT000006070158&dateTexte=20190301 (FR)

SDS.7.c		Is a travel document issued to people recognised as stateless?	UN Convention Relating to the Status of Stateless Persons, 1954 , Article 28.	Recognised stateless persons may request a travel document (document de voyage pour apatride) unless their presence constitutes a threat to public order. For a stateless person with a temporary multi-annual permit, the TD is valid for four years and costs 40 EUR. For a stateless person with a residence permit of 10 years, the TD is valid for five years and costs 45 EUR.	CESEDA, Article L.812-7: https://www.legifrance.gouv.fr/affichCideArticle.do?sessionId=B1E0F0868A5C1DBC97FB577DF50889E3.tpdila23v_3?idArticle=LEGIARTI000030950767&cidTexte=LEGITEXT000006070158&dateTexte=20150821 (FR) General Tax Code, Article 953 (modified by the Law 2010-1657 of 29 December 2010): https://www.legifrance.gouv.fr/affichCideArticle.do?cidTexte=LEGITEXT000006069577&idArticle=LEGIARTI000006311166&dateTexte=&categorieLien=cid (FR)
SDS.7.d		Do people recognised as stateless have a right to family reunification?	UNHCR (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised stateless status in their territory with their spouses and dependents.	Individuals recognised as stateless (whatever the type of permit they have – residence permit or stay permit) can ask to benefit from family reunification, under the same conditions as refugees.	CESEDA, Articles L.812-5: https://www.legifrance.gouv.fr/affichCideArticle.do?sessionId=934A9FD0A7573DEBB446828267397279.tpdila23v_3?idArticle=LEGIARTI000030950763&cidTexte=LEGITEXT000006070158&dateTexte=20150821 and L. 752-1: https://www.legifrance.gouv.fr/affichCideArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000030952593&dateTexte=&categorieLien=cid
SDS.7.e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR (2014) : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention. This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.	If the person acquires the French nationality, if the person renounces to the statutes. The statute can be withdrawn if the person acquires another nationality. OFPRA should be informed with adapted documentation of the decision.	OFRPA, guide book for recognised stateless persons, https://ofpra.gouv.fr/sites/default/files/atoms/files/livret_daccueil_apatride_s_juin2019_v2.pdf (FR)
SDS.7.f		Do people granted stateless status have permission to work?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 17 UNHCR (2014) : The right to work must accompany a residence permit.	Yes, they have permission to work based on the rights guaranteed under the residence permit they hold and under the same conditions as third country nationals with a residence permit in France.	CESEDA, Article L.313-12: https://www.legifrance.gouv.fr/affichCideArticle.do?sessionId=D1D33BB3B754EABF58BDF4E9EF4D69B9.tpdila23v_3?idArticle=LEGIARTI000032171230&cidTexte=LEGITEXT000006070158&dateTexte=20170705 (FR) OFRPA, guide book for recognised stateless persons, https://ofpra.gouv.fr/sites/default/files/atoms/files/livret_daccueil_apatride_s_juin2019_v2.pdf (FR)
SDS.7.g		Do people granted stateless status have access to primary, secondary, and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 22	Yes. They have access to primary, secondary and higher education under the same common law rules and provisions as anyone else.	OFRPA, guide book for recognised stateless persons, https://ofpra.gouv.fr/sites/default/files/atoms/files/livret_daccueil_apatride_s_juin2019_v2.pdf (FR)
SDS.7.h		Do people granted stateless status have access to social security and healthcare?	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 23 & 24 UNHCR (2014) : The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	On the basis of their legal residency, individuals recognised as stateless have access to universal healthcare (protection maladie universelle - PUMA), covering basic medical expenses, if residing continuously and legally in France for at least 3 months. They also have access to social assistance depending on their level of income and can benefit from the Active Solidarity Income (Revenu de Solidarité Active). However, unlike refugees and those with subsidiary protection they cannot access integration programmes.	Social Security Act (Code de la sécurité sociale), L380-1: https://www.legifrance.gouv.fr/affichCideArticle.do?cidTexte=LEGITEXT000006073189&idArticle=LEGIARTI000006742757 (FR) https://www.gisti.org/IMG/pdf/unaf-analyse_juridique_protection-toweb.pdf OFPRA website on rights and obligations of people under its protection: https://www.ofpra.gouv.fr/fr/protecti-on-etat-civil/droits-et-obligations-des-protoges (FR)
SDS.7.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No. In France, the right to vote exclusively depends on nationality so only French nationals may vote.	Electoral Code (Code Electoral), Article L2: https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070239/LEGISCTA000006148454/#LEGISCTA000006148454 (FR)
SDS.8.a	Access to nationality (Group 1)	In what timeframe do stateless people acquire the right to apply for naturalisation and how	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended that States Parties facilitate, as far as	Stateless persons can naturalise if they can prove 5 years of stable legal stay in France. This is shortened to 2 years if they have obtained a master's degree in France. There	Civil Code, Article 21-17, 21-18, 21-19. https://www.legifrance.gouv.fr/affichCideArticle.do?sessionId=FFB74E8D65B9D4E03F297C71F19B513B.tplgfr43s_1?idSect

		does this compare to others with a foreign nationality?	possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	is no accelerated procedure for stateless persons unlike for refugees who can naturalise without any qualifying period.	ionTA=LEGISCTA000006165459&cidTexte=LEGITEXT000006070721&dateTexte=20170705
SDS.8.b		Are there requirements relating to ‘good character’ or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe.	Council of Europe Committee of Ministers (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Individuals recognised as stateless and applying for French nationality don’t have to produce any official records of criminal convictions, but criminal records in France and abroad are checked. A claim for French nationality might be considered ineligible if the applicant has been convicted for terrorism or any other crime threatening the interests of the Nation. The Prefecture conducts an inquiry to check the applicant’s civic conduct (for instance whether they pay their taxes etc.).	http://accueil-etrangers.gouv.fr/accue-a-la-nationalite-francaise/vous-souhaitez-demander-la-nationalite-francaise-vous-n-etes-pas-marie-e-a-un-e/article/liste-des-pieces-a-fournir https://www.gisti.org/IMG/pdf/noriocn111430c.pdf French public administration webpage on access to nationality: https://www.service-public.fr/particuliers/vosdroits/F2213 (FR)
SDS.8.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements? Please describe the requirements and cost of the procedure for stateless people. [Section complete, proceed to DET].	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.	There are no exemptions for stateless people from naturalisation requirements. They must produce all OFPRA civil status records. They must pass a nationality test, which takes the form of an interview and applies to all applicants for French nationality. They must prove language skills (B1 spoken), which is tested during the interview. Naturalisation costs 55 EUR (fiscal stamp).	https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=988FD88BC232F3E2EC41411A309C32FC.tpdila23v3?idArticle=LEGIARTI000030190586&cidTexte=LEGITEXT000006067966&dateTexte=20170705 French public administration webpage on access to nationality: https://www.service-public.fr/particuliers/vosdroits/F2213 (FR) https://www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=988FD88BC232F3E2EC41411A309C32FC.tpdila23v3?idArticle=LEGIARTI000030190586&cidTexte=LEGITEXT000006067966&dateTexte=20170705 French public administration webpage on access to nationality: https://www.service-public.fr/particuliers/vosdroits/F2213 (FR)

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes, the law provides that the administrative authority can place third country nationals in administrative detention in several cases.	CESEDA, Article L.551-1 modified by Law n°2018-778 of September 10th 2018 https://www.legifrance.gouv.fr/affichCode.do;jsessionid=94C61D27640BFE90A10523D312D42C1C.tplgfr37s_1?idSectionTA=LEGISCTA000006147782&cidTexte=LEGITEXT000006070158&dateTexte=20191210 (FR) CESEDA, Article L.561-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000024197414 (FR)
DET.1.b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	According to the law, a foreigner can be placed or retained in detention only for the time strictly necessary until their departure from France, and for the time strictly necessary to determine the State in charge of their asylum request and the execution of the transfer decision. French law provides for foreigners to be placed in administrative detention when they: *must be handed over to another EU member state or are subject to a transfer decision. *are subject to a deportation order. *must be escorted back to the border following a legal interdiction from French territory. *are subject to a refusal of entry or an enforceable removal order. *are subject to an obligation to leave French territory issued less than a year ago and for which the voluntary delay to leave the territory has expired or not been granted. *must be escorted back to the frontier because of a ban on returning to French territory, a ban on movement on French territory, or an administrative ban to enter France. *were placed in detention for one of the above reasons but did not comply with the deportation order or did so but came back to France when the deportation order was still enforceable.	CESEDA Article L.554-1 modified by the Law N°2018-187 of March 20th 2018. https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=94C61D27640BFE90A10523D312D42C1C.tplgfr37s_1?idArticle=LEGIARTI000036730855&cidTexte=LEGITEXT000006070158&categorieLien=id&dateTexte= (FR) CESEDA Article L.561-2 modified by the Law N°2018-187 of September 10th 2018 https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000006335269&dateTexte=&categorieLien=cid (FR) CESEDA Article L.531-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000006335224&dateTexte=&categorieLien=cid (FR) CESEDA Article L.742-3: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000006335369&dateTexte=&categorieLien=cid Penal Code Article 131-30: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000006417294&dateTexte=&categorieLien=cid (FR) CESEDA Article L.531-3: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000006335228&dateTexte=&categorieLien=cid (FR)
DET.1.c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	Yes. The Law states that the decision issued to the person stating the obligation to leave the French territory (obligation de quitter le territoire – OQTF) must set the country of removal if the person is to be forcibly removed from France. The country of removal is set in a separate decision that can be appealed. In practice, the country of removal is set based on the information provided by the person (declared nationality and/or country of origin, documents shared etc.).	CESEDA, Article L.511-1§1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=A4E4FF0B68278EFC464EB63C97899BA8.tpdila07v_3?idArticle=LEGIARTI000032171754&cidTexte=LEGITEXT000006070158&dateTexte=20170731 (FR) CESEDA, Article L.513-3: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=A4E4FF0B68278EFC464EB63C97899BA8.tpdila07v_3?idArticle=LEGIARTI000032172250&cidTexte=LEGITEXT000006070158&dateTexte=20170731 (FR) Caselaw on the definition of country of removal and link with legality of detention: Decision Council of State, 14 December 2015: http://www.conseil-etat.fr/fr/arianeweb/CE/decision/2015-12-14/393591 (FR)

DET.1.d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	Not to our knowledge. No formal referral mechanism is defined in law and there is nothing in practice that would indicate there are referrals into the SDP from detention.	
DET.1.e		Are stateless people detained in practice?		There are no official statistics on immigration detention centres, and on stateless persons people held in immigration detention. The only statistics are reported in NGOs' report. The report provides details on nationalities of detained persons. Several centres indicate "unknown" nationalities: Bordeaux (4), Coquelles (1), Guyanne (1), Hendaye (9), Lille-Lesquin (2), Mesnil-Amelot (26), Paris-Vincennes (30), Plaisir (2), Oissel (1), Toulouse (3), 79 in total.	2019 NGO Report: https://www.forumrefugies.org/s-informer/publications/rapports/288-rapport-annuel-sur-la-retention-administrative (FR)
DET.1.f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014) : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)	No. French Law does not foresee any obligation to prove the impossibility of alternative measures before deciding to detain someone. If the person can present guarantees of representation and unless proved to the contrary, house arrest should be given priority but a necessity and proportionality test is not really implemented.	AIDA Report on France, March 2019: https://www.asylumineurope.org/reports/country/france
DET.1.g		Are individual vulnerability assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.	ENS (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive : Article 16(3) EU Returns Handbook (2017) : Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013) : European entities should assess the situation of LGBTI persons in detention.	No. However, on arrival to the detention centre, the person is informed of their rights, including the right to seek asylum. A vulnerability assessment is carried out by the French Office for Immigration and Integration (OFII) at the beginning of the asylum procedure, but stateless persons are not defined as a vulnerable group. Only health circumstances can constitute a reason for release after 48 hours of detention.	CESEDA Article L.551-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000026911140&cidTexte=LEGITEXT000006070158&dateTexte=20160325&oldAction=rechCodeArticle&fastReqId=383427106&nbResultRech=1 (FR) CESEDA Article L.551-3: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000030954350&cidTexte=LEGITEXT000006070158&dateTexte=20160403&oldAction=rechCodeArticle&fastReqId=1019101109&nbResultRech=1 (FR) CESEDA Article L.744-6: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000030952958 (FR) CESEDA, Article L.744-6: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000030952958 (FR)
DET.2.a	Alternatives to detention	Are alternatives to detention established in law and considered prior to any decision to detain?	ICCPR Article 9 FKAG v Australia HRC (2013) : Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009) : Calls upon all States to adopt alternative measures to detention. UNHCR (2014) : Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012) : The obligation to always consider alternatives before resorting to detention should be established by law.	Yes. The law foresees house arrest: *in case of an absence of reasonable prospects of removal. *as an alternative to administrative detention. *with electronic monitoring for parents of minor children residing in France for 45 days (this measure is not yet implemented according to AIDA Report on France). An instruction of the Interior Ministry of 19 July 2016 recommends Prefectures largely resort to house arrest for Dublin procedures. In theory, unaccompanied children cannot be returned and thus cannot be detained. However, in practice NGOs working in	CESEDA Article L.561-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?sessionId=F2D2F487F0A8C9C1762A3C9BC2861D7.tpdila18v3?idArticle=LEGIARTI000032171974&cidTexte=LEGITEXT000006070158&dateTexte=20170726 (FR) CESEDA Article L.561-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000024197414 (FR) AIDA Report on France, March 2019: https://www.asylumineurope.org/reports/country/france

			<p>EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive.</p> <p>International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>administrative detention centres reported cases of children being detained. On 12 July 2016, France was condemned by the European Court of Human Rights in 5 cases concerning children detained with their family.</p> <p>If the person can present guarantees of representation and unless proved to the contrary, house arrest should be given priority but a necessity and proportionality test is not really implemented.</p>	<p>Ministry of Interior, Instruction of 19 July 2016 relating to the application of the Dublin III Regulation: http://expat-elan.fr/images/10-textes-de-lois/instructions/2016/instruction_2016-07-19_NOR-INTV1618837J_assignment-a-residence-retention-administrative.pdf (FR)</p> <p>ECtHR: 12 July 2016 R.M. and Others v. France: http://hudoc.echr.coe.int/fre</p> <p>https://www.immigration.interieur.gouv.fr/Archives/Les-archives-du-site/Archives-Immigration/La-lutte-contre-l-immigration-irreguliere/Les-centres-de-retention-administrative-CRA (FR)</p> <p>AIDA Report on France, February 2018: https://www.asylumineurope.org/reports/country/france</p>
DET.2.b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Yes. The 2019 annual report on detention elaborated by NGOs underlines that there is a national policy orientation to detain more systematically and a more restrictive legal framework. There are more than 53,000 persons detained in 2019 (an increase of 23%) and 174 spaces were created in detention centres.	2019 NGO Report: https://www.forumrefugies.org/s-informer/publications/rapports/288- rapport-annuel-sur-la-retention-administrative (FR)
DET.3.a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	<p>UN Human Rights Council (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released.</p> <p>UNHCR (2012): To guard against arbitrariness, maximum periods of detention should be set in national law.</p> <p>EU Returns Directive: Article 15(5) Equal Rights Trust (2012): Detention should always be for the shortest time possible.</p>	Yes, people can now be detained in administrative detention centres for 90 days. The person is first detained for 48 hours, then a request before the Judge of Freedoms and Detention can be lodged to suspend or extend the detention. The Judge shall hand down a decision within 48 hours. The Judge can order an extension of 28 days or release the detainee. A second prolongation of 30 days can be granted by the Judge. Moreover, the Judge can extend the detention no more than twice for a period of 15 days each if the foreigner has obstructed the expulsion order or asked for protection against expulsion.	<p>CESEDA Article L.552-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000032171959 (FR)</p> <p>CESEDA Article L.552-7: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024197518&cidTexte=LEGITEXT000006070158 (FR)</p>
DET.3.b		Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Yes, the administrative decision to detain shall be written and motivated and takes effect from its notification to the person concerned.	CESEDA Article L.551-2: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=57A64B5AF2CB8B3C12BE77D229FE058E.tpdila22v_2?idSectionTA=LEGISCTA000006147782&cidTexte=LEGITEXT000006070158&dateTexte=20170725 (FR)
DET.3.c		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	<p>French law provides that on arrival to the detention centre, the person shall be informed in a language they understand that they can:</p> <ul style="list-style-type: none"> *request the assistance of an interpreter, a counsel and a doctor; *communicate with their consulate or any person of their choice; *seek asylum and benefit from legal and linguistic assistance. <p>In mainland France, five NGOs (Assfam, Forum réfugiés-Cosi, France Terre d'Asile, La Cimade, and Ordre de Malte) are authorised to access administrative detention centres. The 27 administrative detention centres and 26 places of administrative detention are subdivided into 8 lots, with each accessible by one NGO. Solidarité Mayotte is authorised to intervene in detention centres in Mayotte</p>	<p>CESEDA Article L.551-2: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=70261485F03AA9827BEE914DDF44560F.tplgr38s_1?idSectionTA=LEGISCTA000006147782&cidTexte=LEGITEXT000006070158&dateTexte=20190325 & 551-3 (FR)</p> <p>https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000029136361&categorieLien=id</p> <p>http://www.gisti.org/IMG/pdf/circ_2014-10-28.pdf</p> <p>AIDA report on France, March 2019: https://www.asylumineurope.org/reports/country/france</p>

DET.3.d		Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>Yes. The initial decision to detain is taken by the Prefect for 48 hours. If the person is not expelled during this time, their detention can be extended initially for 28 days. The Judge of Freedoms and Detention can then either:</p> <ul style="list-style-type: none"> *order the extension of detention for a maximum period of 30 days; *decide to place the person under house arrest; *refuse the extension of detention. <p>If the Judge has ordered the extension of detention before it expires, they may decide to extend it twice for up to 15 days. The Judge checks if the police respected procedures, the legality of police custody and of placement into administrative detention. The Judge can also be seized at any moment by the person detained if they argue that new elements require that the detention ends. In practice these requests must be very solidly argued and are hardly ever considered admissible.</p>	<p>Service-public.fr website on detention centres: https://www.service-public.fr/particuliers/vosdroits/F2780</p> <p>CESEDA Article L.552-7: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024197518&cidTexte=LEGITEXT000006070158 (FR)</p>
DET.3.e		What remedies are available to challenge detention? Please mention any obstacles to accessing effective remedies in practice.	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>An individual can challenge the legality of decisions taken by the Prefect (removal orders or house arrests) before the administrative court within 48 hours from the notification of the decision. The administrative court must make a decision within 72 hours. The Administrative Court can, only in cases of an asylum claim, control the lawfulness of the detention. If an asylum claim is submitted during detention, it is possible to challenge the decision of placement in detention within 48 hours after the notification of the detention. The claimant has to prove his or her claim has not been submitted in order for the removal measure to fail. The court has to make a decision within 72 hours after the claim has been lodged.</p>	<p>CESEDA Article L.512-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI00000635182 (FR)</p> <p>CESEDA Article L.556-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000032171863 (FR)</p>
DET.3.f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation.</p> <p>ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.</p>	<p>Not to our knowledge.</p>	
DET.3.g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p>UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means.</p> <p>EU Returns Directive: Article 13(3)</p>	<p>Yes, free legal assistance either from a lawyer or NGOs providing support in detention centres is available. Legal assistance is also available by law for detention appeals before the administrative court.</p>	<p>CESEDA Article L.551-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070158&idArticle=LEGIARTI000026911140 (FR)</p> <p>Service-public.fr website on retention centres and legal assistance: https://www.service-public.fr/particuliers/vosdroits/F18074 (FR)</p> <p>CESEDA Article R.552-6: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=547C800COD557105410B4A3CAE9ECDCE.tpdila18v3?idArticle=LEGIARTI000006335860&cidTexte=LEGITEXT000006070158&dateTexte=20100215 (FR)</p>
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention.</p> <p>ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention.</p> <p>Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>No, but their online dossier is updated. For example, when the person is released because removal could not be completed (whatever the reason), this is specified on their online dossier. If the judge cancels the decision setting the country of removal, the person can be issued with a house arrest.</p>	<p>Interview with professionals working in detention centres.</p> <p>http://www.justice.fr/fiche/obligation-quitter-france-ogtf</p>
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal	<p>Said Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009): After the maximum period of detention has</p>	<p>People released from detention because their removal has been cancelled by the judge are issued with a temporary stay permit, until a</p>	<p>CESEDA, Article L.554-2: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=EF98C80D8D489550A636009714A53ED9.tplgr43s</p>

		status and rights are provided to them in law?	expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	new decision from the judge on the case is made, granting access to: - social services - healthcare (PUMA) - emergency accommodation As it is not otherwise specified, they have the right to work.	1?idArticle=LEGIARTI000006335263&cidTexte=LEGITEXT000006070158&dateTexte=20111202 (FR) Social Action and Families Code, Article L.111-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006074069&idArticle=LEGIARTI000006796413 (FR) Social Security Code, Articles L.160-1 to L.160-7: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000031668689&cidTexte=LEGITEXT000006073189 (FR) Social Action and Families Code, Article L.345-2-2: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000020444502&cidTexte=LEGITEXT000006074069 (FR) CESEDA, Article L.311-4: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006335036&cidTexte=LEGITEXT000006070158 (FR)
DET.4.c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	No.	
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Yes. France has entered into bilateral readmission agreements with more than 50 countries, including around 20 European countries. In any case, in accordance with French law, a stateless person cannot be removed to another country if recognised as stateless and granted stateless status (unless they constitute a serious threat to public order, public security or the security of the State). For example, in the bilateral agreement with Austria, it is recalled that the obligation to readmit does not apply if the applicant country has recognised the status of stateless person pursuant to the 1954 Convention. Also, the obligation to readmit does not apply if the stateless person has a valid residence permit or temporary residence permit delivered by a contracting Party to the 1990 Convention implementing the Schengen Agreement.	About readmission bilateral arguments, see Migreurop: http://www.migreurop.org/article1931.html and Gisti: https://www.gisti.org/spip.php?rubrique135 (FR) CESEDA, Article L313-26: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=5A4835248F085705064EDF9EF05388B9.tplgfr36s_3?idSectionTA=LEGISCTA000037398351&cidTexte=LEGITEXT000006070158&dateTexte=20190301 (FR) Bill authorising the approval of the agreement between the Government of the French Republic and the Federal Government of Austria relative to the readmission of persons in an irregular situation : https://www.senat.fr/leg/etudes-impact/pjl16-528-ei/pjl16-528-ei.html (FR) Law authorising the approval of the agreement, 4 August 2018: https://www.legifrance.gouv.fr/eli/loi/2018/8/3/EAEJ1510183L/jo/texte (FR)
DET.5.b		Are you aware of cases of cases of stateless people being returned under such agreements?		No.	

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	UN Convention on the Reduction of Statelessness, 1961 : Article 1 European Convention on Nationality, 1997 : Article 2 Convention on the Rights of the Child 1989 : Article 7 Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. European Parliament (2018) : The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.	Yes.	Civil code Article 19-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=C494BDDA69E550B3B2162B3A85B50346.tpdila07v2?idArticle=LEGIARTI000006419453&cidTexte=LEGITEXT000006070721&dateTexte=20170728 (FR)
PRS.1.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR (2012) : The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS (2015) : The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	The provision is ipso jure (de plein droit) so an otherwise stateless child born in France is French by law, but in practice a request must be submitted for the nationality certificate to be delivered. Children born stateless in France whose parents apply for their recognition as stateless under the SDP (e.g. if the parents have not been informed about Article 19-1 or the Prefecture has not recognised the child's right to French nationality), may acquire French nationality under the rules that apply to children born in France to foreign parents.	Civil code Article 19-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=C494BDDA69E550B3B2162B3A85B50346.tpdila07v2?idArticle=LEGIARTI000006419453&cidTexte=LEGITEXT000006070721&dateTexte=20170728 (FR) Civil code Article 31 and following: https://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006420768&idSectionTA=LEGISCTA000006149969&cidTexte=LEGITEXT000006070721 (FR) Civil Code, Articles 21-7 & 21-11: https://www.legifrance.gouv.fr/affichCodeArticle.do?idSectionTA=LEGISCTA000006165743&cidTexte=LEGITEXT000006070721 (FR)
PRS.1.c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	No, but in practice, for Article 19 to be applied, the situation of the parents must be proven (if they are stateless or cannot pass on their nationality) as well as the fact that the child was born in France (birth registration). There are other possibilities in law for the child to acquire French nationality: *if they were born in France to unknown parents; *if they were born in France to foreign parents whose nationality laws do not allow one of the parents to pass on their nationality (but the child shall be deemed never to have been French if, as a minor, they acquire the foreign nationality of one of their parents); *if the child was born on the territory, is living in France and has lived regularly in France for at least 5 years (with or without continuity) from the age of 11 (if they apply for French nationality at 16 or 18). The parents can ask for the child to acquire French nationality at the age of 13 if the child has regularly lived in France since the age of 8.	Civil code Article 19-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=C494BDDA69E550B3B2162B3A85B50346.tpdila07v2?idArticle=LEGIARTI000006419453&cidTexte=LEGITEXT000006070721&dateTexte=20170728 (FR) Civil Code, Articles 21-7 and 21-11: https://www.legifrance.gouv.fr/affichCodeArticle.do?idSectionTA=LEGISCTA000006165743&cidTexte=LEGITEXT000006070721 (FR)
PRS.1.d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	Not by law, but in practice, the situation of the parents and birth of the child in France must be proven. If the child goes through the SDP, they must meet the same requirements as for an adult applicant (see above under SDP).	Civil code Article 19-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=C494BDDA69E550B3B2162B3A85B50346.tpdila07v2?idArticle=LEGIARTI000006419453&cidTexte=LEGITEXT000006070721&dateTexte=20170728 (FR) OFPPA Website, section on «Enfants d'apatrides statutaires»: https://www.ofppa.gouv.fr/fr/protecti-on-etat-civil/les-mineurs (FR)

PRS.1.e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.</p> <p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>	There is no residency requirement under Article 19. If the French nationality of a stateless child born in France is not recognised under Article 19, Article 21 still applies. A person born on the territory and still residing there at the age of majority acquires French nationality under Article 21-7. The right to acquire French nationality by declaration due to birth and residence also applies to a minor child born to foreign parents. From the age of 16, every minor child may claim, without their parents, French nationality by declaration, if at the time of declaration, they reside in France. The minor shall fulfil the conditions of habitual residence for a continuous or discontinuous period of at least five years, from the age of 11 (Art. 21-11(1)). French nationality may also be claimed by the legal representative on behalf of the minor child born in France of foreign parents, from the age of 13, having habitual residence from the age of eight. Except in some cases of impairment of mental or physical faculties, the consent of the minor is required (Art. 21-11(2)). Law n° 2016-274 of 7 March 2016 introduced a new case of acquisition of French nationality by declaration at the age of majority for someone who, at the age of majority and by declaration before the administrative authority, has a sibling who has acquired French nationality under Articles 21-7 or 21-11. The person must prove habitual residence in France since the age of six and have followed compulsory schooling in France in schools supervised by the State. Unlike Articles 21-7 or 21-11, birth in France is not required.	<p>Civil code Article 19: https://www.legifrance.gouv.fr/affichC odeArticle.do;jsessionid=C494BDDA69 E550B3B2162B3A85B50346.tpdila07v 2?idArticle=LEGIARTI000006419403&c idTexte=LEGITEXT000006070721&date Texte=20170728 and Article 19.1: https://www.legifrance.gouv.fr/affichC odeArticle.do;jsessionid=C494BDDA69 E550B3B2162B3A85B50346.tpdila07v 2?idArticle=LEGIARTI000006419453&c idTexte=LEGITEXT000006070721&date Texte=20170728 (FR)</p> <p>Civil Code, Articles 21-7 to 21-11: https://www.legifrance.gouv.fr/affichC ode.do?idSectionTA=LEGISCTA000006 165743&cidTexte=LEGITEXT00000607 0721 (FR)</p> <p>“Every child born in France of foreign parents acquires French nationality at the age of majority when, at that time, he or she lives in France and has had his or her habitual residence in France for a continuous or discontinuous period of at least five years, from the age of 11”.</p>
PRS.1.f		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.</p> <p>ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No.	
PRS.1.g		What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.</p> <p>ENS (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	No age limit under Article 19 as the provision is automatic in law.	Civil Code Article 19.1: https://www.legifrance.gouv.fr/affichC odeArticle.do;jsessionid=C494BDDA69 E550B3B2162B3A85B50346.tpdila07v 2?idArticle=LEGIARTI000006419453&c idTexte=LEGITEXT000006070721&date Texte=20170728 (FR)
PRS.1.h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	Not to our knowledge.	
PRS.2.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 2</p> <p>European Convention on Nationality, 1997: Article 6(1)(b)</p>	Yes. The child born in France whose filiation is not legally established is deemed to be born a French national	Civil Code Article 19: https://www.legifrance.gouv.fr/affichC odeArticle.do;jsessionid=717F220C5D4 D7D82E4AD630837C51042.tpdila07v 2?idArticle=LEGIARTI000006419403&c idTexte=LEGITEXT000006070721&date Texte=20170728 and Article 58: https://www.legifrance.gouv.fr/affichC odeArticle.do?cidTexte=LEGITEXT0000 06070721&idArticle=LEGIARTI0000064 21034&dateTexte=&categorieLien=cid (FR)
PRS.2.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	Article 58 of the French Civil code expressly refers to a new-born, which implies an age limit. But there is no age limit under Article 19.	Civil Code Article 19: https://www.legifrance.gouv.fr/affichC odeArticle.do;jsessionid=717F220C5D4 D7D82E4AD630837C51042.tpdila07v 2?idArticle=LEGIARTI000006419403&c idTexte=LEGITEXT000006070721&date Texte=20170728 and Article 58:

					https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006421034&dateTexte=&categorieLien=cid (FR)
PRS.2.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	Yes, if the filiation is established while the child is a minor, but not if it results in statelessness.	Civil Code Article 19: https://www.legifrance.gouv.fr/affichCodeArticle.do?jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?idArticle=LEGIARTI000006419403&cidTexte=LEGITEXT000006070721&dateTexte=20170728 (FR)
PRS.3.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	There are two types of adoption under French law: full or simple. Full adoption replaces the existing filiation between the adopted person and the family of origin by a new relationship. Simple adoption makes it possible to adopt a person without breaking the links with the family of origin. Each type has a different effect on the nationality of the adopted person. Under Article 20, the French nationality of the child subject to full adoption as a minor is governed by the same rules that apply to children whose filiation is established by jus soli or jus sanguinis. Simple adoption does not affect the nationality. The adopted person shall retain the nationality of the family of origin, unless they claim French nationality under Article 21-12.	Civil Code, Article 20: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006419472 (FR) On full adoption, see Civil Code, Articles 356 to 359: https://www.legifrance.gouv.fr/affichCode.do?jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?idSectionTA=LEGISCTA000006150072&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) On simple adoption, see Civil Code, Article 363: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150076&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) Civil Code, Article 21-12: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006419872 (FR)
PRS.3.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes (as above). In the case of a simple adoption, a foreign child adopted by national parents does not automatically acquire French nationality - the child must apply for it through a declaration. If the simple adoption was realised abroad, an exequatur procedure is necessary. In the case of a full adoption, the child acquires nationality by filiation. If the adoption was realised abroad, it must be comparable to a full adoption under French law. There is no risk of statelessness during the adoption, but the child must be under 18.	Service-public.fr, website on nationality for adopted children: https://www.service-public.fr/particuliers/vosdroits/F3070 (FR) Civil Code, Article 20: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006419472 (FR) On full adoption, see Civil Code, Articles 356 to 359: https://www.legifrance.gouv.fr/affichCode.do?jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?idSectionTA=LEGISCTA000006150072&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) On simple adoption, see Civil Code, Article 363: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150076&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) Civil Code, Article 21-12: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006419872 (FR)
PRS.4.a	<i>ius sanguinis</i>	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. Children are French if at least one of their parents is French wherever the place of birth. If only one parent is French, and the child is born outside the territory, they can renounce French nationality during the six months preceding their 18 th birthday and the 12 months following.	Civil Code, Articles 18 & 18-1: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006149907&cidTexte=LEGITEXT000006070721 (FR)
PRS.4.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality	Genovese v. Malta ECtHR (2011) : The state must ensure that the right to nationality is secured without discrimination.	No.	

		by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	CEDAW Gen. rec. No. 32, 2014 : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR (2014) : Action 4		
PRS.5.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	Convention on the Rights of the Child, 1989 : Article 7 International Covenant on Civil and Political Rights, 1966 : Article 24(2) Council of Europe (2009) : Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR (2012) : Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR (2014) : Action 7 UN Sustainable Development Goal 16.9	Yes. The required documents to register the birth of a child are: * birth certificate issued by a doctor/nurse * declaration of the child's name * identity documents of the parents * recognition act if done prior to birth * family record book if parents have one. There is nothing in law forbidding undocumented and irregularly residing persons to declare the birth of their child and in principle all children born in France must be registered. In practice the fact that the parents must prove their identity can constitute an obstacle to register the birth (although this is meant to protect the child and not as a discriminatory practice).	Civil Code, Article 55: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v2?idArticle=LEGIARTI0000033460908&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) French Civil Service official website: https://www.service-public.fr/particuliers/vosdroits/F961 (FR)
PRS.5.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	UN Human Rights Council, Resolution A/HRC/RES/20/4 : Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.	All children born on French territory have to be registered regardless of the nationality of the child. The birth certificate is immediately issued following the declaration and registration of birth which must be made 5 days after the birth (the birthday is not included in the period). If this deadline is missed, a judicial declaration is necessary to elaborate the birth certificate and the applicant risks a term of imprisonment of 6 months and a penalty of 3,750 EUR. The following documentation is requested: - birth certificate from doctor or midwife - proof of address - identity card of parents - family record book For refugees and migrant families, OFPRA can deliver civil documents including birth certificates and family record books for events which took place before their protection. If the children are born in France, the French local authorities will be in charge of delivering the family record book and registering the birth. The protected person must inform OFPRA of this event.	Civil code, Articles 55 to 59: https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006420884&idSectionTA=LEGISCTA000006149970&cidTexte=LEGITEXT000006070721 (FR) Civil code, article 34 to 54, https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136100&cidTexte=LEGITEXT000006070721 (FR) Penal Code, article 433-18-1 to 433-21-1: https://www.service-public.fr/particuliers/vosdroits/F961 (FR) Décret n°2017-278 of 2nd March 2017 related to the period to declare a birth: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034133589 (FR) Circulaire of 28 October 2011 related to specific rules on acts for civil documentations related to birth and filiation: http://circulaires.legifrance.gouv.fr/pdf/2011/11/cir_34124.pdf (FR) Décret n°2004-1159 of 29th October 2004 modifying the Law n° 2002-304 du 4 March 2002: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000237596#LEGIARTI000034723992 OFPRA, Guide for refugees, https://ofpra.gouv.fr/sites/default/files/atoms/files/livret_daccueil_refugies_juin2019_v2.pdf Service publique: https://www.service-public.fr/particuliers/vosdroits/F961
PRS.5.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989 : Articles 3 & 7	The nationality of the child or of the parents is not recorded on the birth certificate, but the location of the birth is indicated. Administrative acts and declarations leading to the acquisition, loss of or reintegration of French nationality are recorded in the margins of the birth certificate. Nationality is determined based on the location of birth and the parent's nationality.	Civil code, article 28 and article 28-1: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150514&cidTexte=LEGITEXT000006070721 (FR) Civil code, articles 55 to 59: https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006420884&idSectionTA=LEGISCTA000006149970&cidTexte=LEGITEXT000006070721 (FR)

					<p>Circulaire du 28 octobre 2011 related to the particular rules on civil documentation related to birth and filiation http://circulaires.legifrance.gouv.fr/pdf/2011/11/cir_34124.pdf</p>
PRS.5.d		<p>If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.</p>	<p>Convention on the Rights of the Child, 1989: Articles 3 & 7 UN Convention on the Reduction of Statelessness, 1961: Articles 1 & 4 UNHCR (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years.</p>	<p>In addition to the birth certificate, the person can request a certificate of a French nationality. The certificate of French nationality can be delivered by the territorial court or the French Nationality Centre of Paris ("Pôle de la Nationalité Française"). The certificate is free of charge and issued by the court clerk's office. In case of refusal, the applicant can make a hierarchical appeal to the Ministry of Justice and/or a contentious appeal to the court.</p>	<p>Civil code, articles 30 to 30-4: https://www.service-public.fr/particuliers/vosdroits/F1051 (FR)</p> <p>Civil code, articles 31 to 31-3: https://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006420768&idSectionTA=LEGISCTA000006149969&cidTexte=LEGITEXT000006070721 (FR)</p> <p>Circulaire of 5th May 1995 related to the issuance of French nationality certificate: http://circulaires.legifrance.gouv.fr/pdf/2018/06/cir_43683.pdf (FR)</p> <p>Public Services site: https://www.service-public.fr/particuliers/vosdroits/F1051#:~:text=Nationalit%C3%A9%20fran%C3%A7aise%20Le%20certificat%20de%20nationalit%C3%A9%20fran%C3%A7aise%20%28CNF%29,de%20votre%20lieu%20de%20naissance%20et%20de%20domicile (FR)</p>
PRS.5.e		<p>Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?</p>	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2019): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p>	<p>The National Assembly's Report on Children without Identity (September 2020) mentions inequalities in access to public services including civil registration, especially in isolated areas of Guyana and Mayotte territories. The technical and human resources dedicated to civil status in French Guyana are insufficient, unsuitable, and often saturated. In metropolitan France, the report mentions cases of children from the Roma community and children born in Syria or Iraq to French 'foreign fighters'. In the case of asylum seekers, a birth certificate can only be issued at the end of the procedure, if the asylum application is accepted by OFPRA. In the north of France, cases were reported of refusal to record the father and/or mother during the birth registration because of their irregular residence status.</p>	<p>National Assembly's Report on Children without Identity, September 2020: https://www.assemblee-nationale.fr/dyn/15/rapports/cion_afetr/115b3349_rapport-information.pdf (FR)</p>
PRS.5.f		<p>Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?</p>	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child, JGC No. 4 (2017) and JGC No. 3 (2017): Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes. Council of Europe: ECRI General Policy Recommendation No. 16(2016) on safeguarding irregularly present migrants from discrimination: States should clearly prohibit the sharing of information about migrants suspected</p>	<p>No.</p>	

			of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.		
PRS.5.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4 : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	All children must be registered within 5 working days after birth (not counting the day of birth) or within 8 days where the place of birth is far from the place of registration. If the child is born abroad, the deadline is 15 days for the birth to be declared at the Consulate or the Embassy. If the birth is not declared by the deadline, the civil servant at the city hall cannot register the birth and it can only be recognised by the High Court. If the birth is not declared by someone who attended the delivery (father, doctor, nurse etc.), the person can be convicted and sentenced to six months imprisonment and a fine of 3,750 EUR.	Civil Code, Article 55: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?idArticle=LEGIARTI000033460908&cidTexte=LEGITEXT000006070721&dateTexte=20170731 (FR) Decree No 2017-278 on declaration of birth, 2 March 2017: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000034133589 (FR) Civil Code, Article 56: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006421023&dateTexte=20170731&categorieLien=cid (FR) Penal Code, Article 433-18-1: https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070719&idArticle=LEGIARTI000006418585 (FR)
PRS.5.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	If the birth is not declared by the deadline, it can only be recognised by the High Court. No information is available on current practice.	
PRS.6.a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014) : Action 7	There are no national campaigns or promotion events for civil registration. In hospitals and maternity services, information leaflets on birth registration are provided.	
PRS.6.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961 : Article 9 UNHCR (2014) : Action 4 UN Human Rights Council (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	Sections of the population believed to be at risk of statelessness include Roma children and children of irregular migrants born in France.	Interviews with lawyers and professionals.
PRS.6.c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014) : Actions 1 & 8 UNHCR (2015) : States parties to the 1954 Convention are required to help stateless persons become naturalised nationals.	Not to our knowledge.	
PRS.7.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	UN Convention on the Reduction of Statelessness, 1961 : Article 8 & 9 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary : Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 Report of the Secretary-General on Human Rights and Arbitrary	No, there are no provisions on deprivation of nationality that could render a person stateless. French law distinguishes between annulment, withdrawal, and forfeiture of French nationality. For somebody who acquired French nationality, it can be challenged if legal conditions have not been fulfilled (e.g. lack of residence or integration in France) or in case of fraud (e.g. fake documentation, concealment of a child residing abroad). The declaration cancelling the declaration of French nationality or naturalisation has a retroactive effect. French nationality can be withdrawn if the individual has another	Ministry of Interior website, on loss or deprivation of nationality: https://www.immigration.interieur.gouv.fr/Accueil-et-accompagnement/La-nationalite-francaise/La-perde-ou-la-decheance-de-la-nationalite-francaise (FR) Civil Code, Article 23: https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006149955&cidTexte=LEGITEXT000006070721&dateTexte=20181015 (FR) Civil Code, Articles 25 & 25-1: https://www.legifrance.gouv.fr/affichCodeArticle.do;jsessionid=717F220C5D4D7D82E4AD630837C51042.tpdila07v_2?cidTexte=LEGITEXT000006070721&idArticle=LEGIARTI000006421023&dateTexte=20170731&categorieLien=cid (FR)

			<p>Deprivation of Nationality (2009): para. 23</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).</p>	<p>nationality, acts as a national of this country and has committed acts against French interests. It can also be withdrawn from a person who works in the army or public services of a foreign State and does not desist despite an order of the Government. This withdrawal is not retroactive. The forfeiture of French nationality can be decided in case of particularly serious acts against French interests (such as terrorism), only if the individual has acquired French nationality (i.e. is not French by birth) and has another nationality.</p> <p>Loss of nationality is often voluntary and can result from the exercise of this right under Article 23 of the Civil Code. In the case of deprivation of nationality, it is declared by decree following confirmation by the Council of State under Articles 25 & 25-1 of the Civil Code. A French person can be deprived of their nationality for the reasons described under these two articles, unless they would become stateless. Deprivation powers are applied in practice.</p>	<p>ode.do;jsessionid=8313CEC297CCA850659B769D4418E971.tplgfr26s_1?idSectionTA=LEGISCTA000006150513&cidTexte=LEGITEXT000006070721&dateTexte=20190301 (FR)</p>
PRS.7.b	Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 8(4)</p> <p>European Convention on Nationality, 1997: Article 11</p> <p>Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.</p>	<p>Deprivation of nationality is declared by decree following confirmation by the Council of State. A decree is an executory action taken by the President or the Prime Minister. The deprivation is only applicable if the alleged acts against the person were committed before they acquired French nationality or within 10 years of the date of acquisition; and can only be pronounced within 10 years of the perpetration of the acts. However, if the acts referred to relate to Article 25(1) – crimes against the fundamental interests of the Nation, or a terrorist act – the time periods are extended to 15 years.</p>	<p>Civil Code, Articles 25 & 25-1: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=8313CEC297CCA850659B769D4418E971.tplgfr26s_1?idSectionTA=LEGISCTA000006150513&cidTexte=LEGITEXT000006070721&dateTexte=20190301 (FR)</p>	
PRS.7.c	Are provisions on deprivation of nationality that may render a person stateless applied in practice?		<p>No, deprivation of nationality can be applied only if the person concerned has another nationality.</p>	<p>Civil Code, Articles 25 & 25-1: https://www.legifrance.gouv.fr/affichCode.do;jsessionid=8313CEC297CCA850659B769D4418E971.tplgfr26s_1?idSectionTA=LEGISCTA000006150513&cidTexte=LEGITEXT000006070721&dateTexte=20190301 (FR)</p>	
PRS.7.d	Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 7</p> <p>European Convention on Nationality, 1997: Articles 7 and 8</p>	<p>Yes. Voluntary loss of nationality is possible only if the person concerned has another nationality. In case of marriage with a foreigner, the French spouse may renounce French nationality only if they have acquired the foreign nationality of their spouse.</p>	<p>Civil Code, Article 23-4, 23-5: https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000006117612/#LEGISCTA000006117612 (FR)</p>	
PRS.7.e	Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p>	<p>Yes. Deprivation of nationality on national security grounds is permitted in cases of particularly serious acts against French interests (such as terrorism), and if the individual has acquired French nationality (i.e., is not French by birth) and has another nationality. It is not possible to deprive someone of French nationality if it could render them stateless, even if they have committed acts of terrorism.</p>	<p>Civil Code, Article 25: https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000006117612/#LEGISCTA000006117612 (FR)</p>	
PRS.7.f	Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p>ICCPR: Article 26</p> <p>UN Convention on the Reduction of Statelessness, 1961: Article 9</p> <p>European Convention on Nationality, 1997: Article 5</p> <p>Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	<p>Yes. Deprivation provisions apply only to naturalised French nationals and not to French nationals by birth. In the case of deprivation on grounds of national security, these provisions apply only to naturalised French citizens who are dual nationals.</p>	<p>Civil Code, Article 25: https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000006117612/#LEGISCTA000006117612 (FR)</p>	

Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Number of published judgments adjudicating statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		<p>27 published judgments adjudicating statelessness:</p> <ul style="list-style-type: none"> · 26 cases Administrative Court · 1 Court of Cassation 	<ul style="list-style-type: none"> · Case: https://www.legifrance.gouv.fr/ceta/id/CETATEXT000038530339?tab_selection=cetat&query=%7B(%40ALL%5B%22apatridie%22%5D)%7D&isAdvancedResult=true&dateDecision=10%2F01%2F2017+%3E+10%2F01%2F2020&jurisdiction=CONSEIL_ETAT&jurisdiction=COUR_S_APPEL&sortValue=DATE_DESC&pageSize=10&page=1&tab_selection=cetat#cetat Bordeaux Administrative Court, 23 May 2019 - confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/ceta/id/CETATEXT000037834425?tab_selection=cetat&query=%7B(%40ALL%5B%22apatridie%22%5D)%7D&isAdvancedResult=true&dateDecision=10%2F01%2F2017+%3E+10%2F01%2F2020&jurisdiction=CONSEIL_ETAT&jurisdiction=COUR_S_APPEL&sortValue=DATE_DESC&pageSize=10&page=1&tab_selection=cetat#cetat Lyon Administrative Court, 12 December 2018 - confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/ceta/id/CETATEXT000037534034?tab_selection=cetat&query=%7B(%40ALL%5B%22apatridie%22%5D)%7D&isAdvancedResult=true&dateDecision=10%2F01%2F2017+%3E+10%2F01%2F2020&jurisdiction=CONSEIL_ETAT&jurisdiction=COUR_S_APPEL&sortValue=DATE_DESC&pageSize=10&page=1&tab_selection=cetat#cetat Nancy Administrative Court, 18 October 2018 - confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000033858926&fastReqld=1311368353&fastPos=1 Nantes Administrative Court, 10 January 2017 – confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000032154089&fastReqld=1689360090&fastPos=7 Nantes Administrative Court, 1 March 2016 – confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000032613351&fastReqld=70653475&fastPos=8 Bordeaux Administrative Court, 22 February 2016 – confirms dismissal of stateless status · Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000031486400&fastReqld=651894992&fastPos=12 Nantes Administrative Court, 10 November 2015 – confirms dismissal of stateless status · Case: Administrative Court, 10 November 2015 – denies stateless status Nantes

				<p>Administrative Court, 10 January 2014 – denies stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000028313926&fastReqlD=258068760&fastPos=33 <p>Versailles Administrative Court, 19 November 2013 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000026567790&fastReqlD=258068760&fastPos=37 <p>Paris Administrative Court, 25 October 2012 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000026567789&fastReqlD=258068760&fastPos=38 <p>Paris Administrative Court, 25 October 2012 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000025366534&fastReqlD=258068760&fastPos=41 <p>Versailles Administrative Court, 19 January 2012 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000024225898&fastReqlD=1521015220&fastPos=42 <p>Versailles Administrative Court, 1 June 2011 – asks OFPRA to further study the case of the claimant</p> <ul style="list-style-type: none"> Cases N° 10BX00116: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023603891&fastReqlD=1521015220&fastPos=45, N° 10BX01106: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023603919&fastReqlD=1521015220&fastPos=46 ; N°10BX01073: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023603917&fastReqlD=1521015220&fastPos=47 ;N°10BX01072: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023603916&fastReqlD=1521015220&fastPos=48 <p>Bordeaux Administrative Court, 1 February 2011 – confirm dismissal of stateless status</p> <ul style="list-style-type: none"> Cases N° 09MA00321 : https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023218745&fastReqlD=1521015220&fastPos=50and N° 09MA00317: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000023218744&fastReqlD=1521015220&fastPos=49 <p>Marseille Administrative Court, 5 November 2010 – confirm dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000022329369&fastReqlD=1521015220&fastPos=53
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				<p>Marseille Administrative Court, 11 March 2010 – sets aside OFPRA decision to dismiss stateless status and asks OFPRA to recognize stateless status to the claimant</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000021646232&fastReqId=1521015220&fastPos=54 <p>Paris Administrative Court, 10 December 2009 – sets aside OFPRA decision to dismiss stateless status to the claimant</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000021646232&fastReqId=1521015220&fastPos=54 <p>Paris Administrative Court, 22 October 2009 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000027211340&fastReqId=1960419128&fastPos=14 <p>Court of Cassation, Civil Chamber, 20 March 2013 – confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case Versailles Administrative Court, 14 September 2017 – denies stateless status <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000038530339&fastReqId=1543630551&fastPos=4 <p>Bordeaux Administrative appeal court, 23 May 2019 - confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000037834425&fastReqId=1543630551&fastPos=5 <p>Lyon Administrative appeal court, 13 December 2018 - confirms dismissal of stateless status</p> <ul style="list-style-type: none"> Case: https://www.legifrance.gouv.fr/affichJuriAdmin.do?oldAction=rechJuriAdmin&idTexte=CETATEXT000037534034&fastReqId=1543630551&fastPos=7 <p>Nancy Administrative appeal court, 18 October 2018 - confirms dismissal of stateless status</p>	
RES.1.b		Number of published judgments mentioning statelessness (broken down by level of jurisdiction). Please list the most relevant ones.		<p>There is a discrepancy in the numbers of reported judgments on statelessness. Legifrance states 74 administrative judgments on statelessness. OFPRA mentions 80 administrative judgments in its annual report for 2019.</p> <p>Administrative caselaw:</p> <ul style="list-style-type: none"> 80 administrative judgments (as reported by OFPRA) <p>Judiciary caselaw:</p> <ul style="list-style-type: none"> 13 cases Court of Cassation 4 cases Court of Appeal 	<p>Jurisprudence database Legifrance: https://www.legifrance.gouv.fr/rechJuriAdmin.do?reprise=true&fastReqId=1656085846&navigator=naturenavigator&modifier=TOUS&page=1 (administrative caselaw)</p> <p>Jurisprudence database Legifrance: https://www.legifrance.gouv.fr/initRechJuriJudi.do (judicial caselaw)</p> <p>Keyword ‘statelessness’ not ‘stateless’ otherwise all references to OFPRA are returned.</p> <p>OFPRA, 2019 Activity report: https://ofpra.gouv.fr/sites/default/files/atoms/files/rapport_dactivite_2019.pdf (FR)</p>

RES.2.a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014) : Applicants must have access to legal counsel.	DLA Piper and Betto Seraglini Grant Fund support projects and activities on refugees and stateless people's rights, but they do not provide free advice to stateless persons or those at risk of statelessness.	Paris Bar Association, Pro Bono Trophy 2016: http://www.avocatparis.org/system/files/editos/brochure_trophees_pro_bono_2016.pdf (FR)
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		It is difficult to find domestic legal academic literature on statelessness. There are many articles and references on "nationality". On statelessness in particular, there is very little specific to France. It seems there is a general interest on the link between climate change and statelessness.	<ul style="list-style-type: none"> · Romuald Libiki, Le droit de l'apatridie, Pratiques et controverses, Paris, Publibook, 2013 · Report: http://www.avocatparis.org/mon-metier-davocat/publications-du-conseil/rapport-sur-la-decheance-de-la-nationalite from the Paris Bar Association on Deprivation of nationality, February 2016. · François Sureau, La déchéance de nationalité : deux catégories de Français, Article: https://www.cairn.info/revue-etudes-2011-4-page-475.htm de la revue Etudes, April 2011 · Emmanuel Decaux, « L'apatridie », Pouvoirs, vol. 160, no. 1, 2017, pp. 73-84. · Aline Angoustures, Dzovinar Kévonian, Claire Mouradian (ed.), Réfugiés et apatrides. Administrer l'asile en France (1920-1960), Rennes, Presses universitaires de Rennes, 2017, 312 pages