PATHWAYS AND POLICIES FOR RECEPTION OF ASYLUM SEEKERS IN THE EUROPEAN UNION

RÉPUBLIQUE FRANÇAISE
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CONSEIL ÉCONOMIQUE SOCIAL ET ENVIRONNEMENTAL

In its opinion of October 2015, *"International Migrations: a planetary issue"*, the ESEC made an initial pronouncement on the subject of migration. Following the recent conflicts on Europe's borders, it wanted to turn its attention to the issue once more, and specifically to those seeking asylum in the EU. Often termed the "refugee crisis", the situation is more the result of a crisis of intake policies implemented by member States, which have trouble in providing such people with a dignified reception, as well as in implementing the right to asylum guaranteed by the Geneva Convention and the UN Charter of Fundamental Rights and the principle of solidarity, which is nonetheless central to the common asylum policy under the terms of the Treaty on the Functioning of the European Union (TFEU).

The influx of refugees into Europe in 2015-2016 should be considered in the light of the structural phenomenon of exile, marked by recurrent crises, corresponding to the conflicts taking place in countries beyond the EU's borders and most of all in Syria. In 2016, the great majority of the 22.5 million refugees worldwide were taken in by Southern countries, in particular those bordering crisis areas, while there were only 1.2 million asylum seekers in the EU. The scale of the problem should therefore be put in perspective, both as regards forced migration at global level and the fact that the EU has some 511 million inhabitants. However, in the 1980s, international protection already granted began to step up overall demand for protection, evidencing a multiplication of reasons for exile that did not meet the criteria set down in the Geneva Convention or for subsidiary protection. This is particularly true of climate refugees.

A TOUGHENING-UP OF EU ASYLUM POLICIES

It has to be said that member States have not shown themselves to be up to this human challenge, in particular as they tend to leave it to States located on the EU's outer borders (Italy, Greece, etc.) to take responsibility for asylum seekers. Current proposals under consideration for reform of the Dublin system do not provide for a thorough revamping of the mechanism, except that put forward by the European Parliament, which has won wide consensus within the institution.

In addition, the externalisation of borders, given concrete expression, for example, by the EU-Turkey Statement of March 2016, raises questions, given that it acts as an obstacle to access to EU territory and consequently to the right to asylum.

RECEPTION AND INTEGRATION STREWN WITH OBSTACLES

Exiles are faced with a great many difficulties before they submit their requests as well as during and after these are examined: long waiting periods, access to healthcare and social rights further complicated by an uncertain administrative situation, risks of physical and psychological deterioration, often precarious accommodation, minimal subsistence conditions, physical violence, etc.

Access to language-learning and work have become essential vectors of integration. Yet, on the one hand, opportunities to learn French are provided for belatedly and inadequately; and, on the other, access to work is only authorised following a period of 9 months as from asylum seekers' registration and is conditional on the state of the employment situation.

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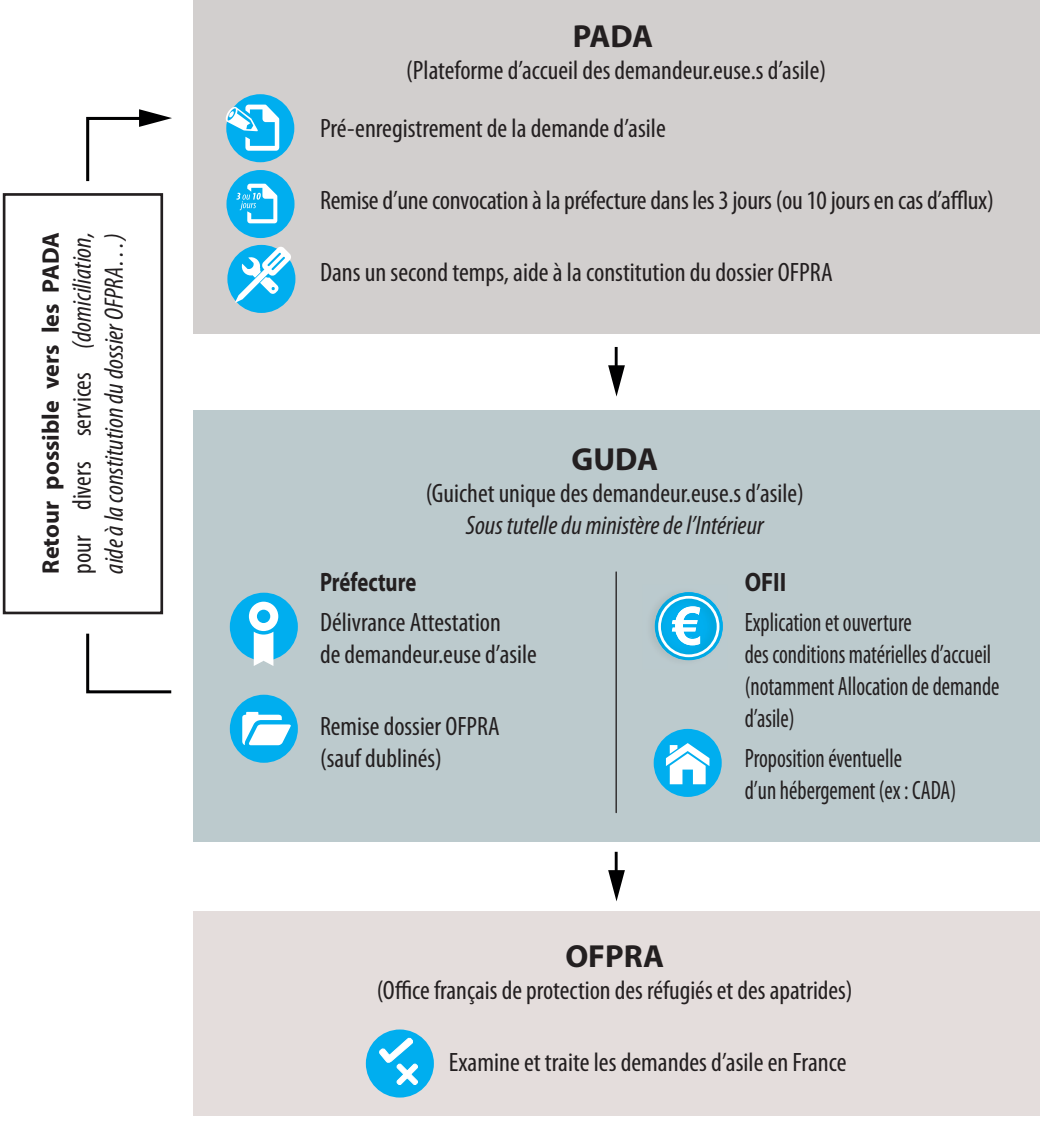
Schéma explicatif des évolutions qu'entr

Le système actuel de l'asile français présente deux inconvénients majeurs : les longs délais qui s'imposent aux demandeur.euses d'asile avant qu'ils.elles n'aient accès à leurs droits (allocation, hébergement…) ainsi que la multiplicité des acteurs qui interviennent dans le parcours d'accueil des exilé.es, parfois sans dialoguer.

C'est pourquoi le CESE préconise de changer le paradigme du système de l'accueil en France à travers trois mesures. Il prévoit tout d'abord la création de Centres d'accueil initial (CAI) qui concentreront l'ensemble des fonctions nécessaires à la prise en charge des réfugié.es, notamment concernant les conditions

Système d'accueil actuel



aîneraient les préconisations n° 6, 7 et 8

matérielles d'accueil. Le CESE préconise qu'une agence de l'accueil et de l'intégration des réfugié.es, à compétence interministérielle et sous tutelle du Premier ministre, coordonne les acteurs publics qui interviennent à titre divers dans le parcours des demandeur.euses. Le CESE recommande enfin de renforcer le rôle de l'OFPRA pour en faire un acteur unique de traitement administratif de l'asile, de façon à simplifier les parcours des personnes

Système d'accueil proposé par le CESE

Agence de l'accueil et de l'intégration des réfugié.e.s

Sous tutelle du Premier ministre
et à compétence interministérielle
(Affaires sociales, Intérieur, Logement, Travail…)

- Coordonne les acteurs publics qui interviennent dans le parcours des demandeur.euse.s d'asile et réfugié.e.s (OFII, DIHAL, AFPA, collectivités territoriales…)
- Organise le suivi intégré des personnes
- Supervise les CAI
- Lien avec le ministère de l'Intérieur

CAI

(Centres d'accueil initial)

- Enregistrement des demandeur.euse.s d'asile
- Information sur les démarches à effectuer dans les préfectures
- Orientation des personnes vers l'OFPRA
- Explication et ouverture des conditions matérielles d'accueil (notamment allocation…)
- Proposition d'un hébergement (ex : CADA)
- Accompagnement social et administratif des personnes

OFPRA

Acteur unique du traitement administratif de l'asile

- Information des personnes sur la demande d'asile
- Remise du dossier OFPRA
- Examine et traite les demandes d'asile en France

THE ESEC'S RECOMMENDATIONS

IMPROVING THE PRESENT ASYLUM SYSTEM AT EUROPEAN LEVEL

- 1: Calling into question the present determination mechanism employed by the State responsible for examining the request for asylum, in the light of the European Parliament's proposals.
- 2: Expressing member States' collective commitments on external border management concluded with third countries as agreements to which the EU itself is party.
- 3: Stopping EU aid dedicated to combating border crossing granted to third countries that do not guarantee respect of fundamental rights.
- 4: Opposing any strengthening of the "safe third country" concept in the Common European Asylum System (CEAS).
- 5: Ensuring convergence of EU reception policies by harmonising asylum request examination procedures and material reception conditions from the top down.

RECEIVING ASYLUM SEEKERS IN FRANCE IN COMPLIANCE WITH RESPECT OF FUNDAMENTAL RIGHTS

1. *Changing the French reception system's paradigm*

- 6: Opening initial reception centres (IRCs) able to ensure adequate initial accommodation and social and administrative support.
- 7: Entrusting a refugee reception and integration agency, under the aegis of the Prime Minister and endowed with interministerial competences, with the task of organising an integrated pathway for individuals from IRC reception onwards.
- 8: Making the Office français de protection des réfugiés et apatrides (OFPRA – French Office for the Protection of Refugees and Stateless Persons) the only actor in administrative processing of asylum requests, and increasing its resources in consequence, including in Overseas France.

2. *Taking individuals' vulnerability into account*

- 9: Guaranteeing refugees accommodated in IRCs effective access to primary healthcare.
- 10: Implementing Haut Conseil à l'Égalité (HCE – High Council for Equality) recommendations on the situation of asylum seekers in France.
- 11: Taking all necessary measures to ensure application of provisions on protection of human-trafficking victims, in particular in prostitution networks.
- 12: Granting départements supplementary resources for provision of care to unaccompanied minors and assessment of their rights of residence before reach the age of majority.

MAKING THE CHOICE OF AN OVERALL APPROACH TO INTEGRATION

- 13: Making learning the French language a structuring axis for integration of refugees from their time in IRCs onwards, with a minimum of 600 contact hours.
- 14: Ensuring that all young exiles have access to education, providing them with diversified tailor-made schooling solutions in the context of initial training.
- 15: Opening up more apprenticeship opportunities for young exiles, in liaison with the actors concerned (CFAs, Consular Chambers, associations, etc.).
- 16: Organising sectoral professional consultations on ways of fostering asylum seekers' and refugees' integration through work.
- 17: Authorising asylum seekers' access to work 3 months after their registration, and abolishing the employment situation criterion in examination of work authorisations.

FINDING LONG-TERM RESPONSES FOR FUTURE EXILES

- 18: Entrusting examination of asylum requests to an integrated European asylum agency and establishing uniform statuses between member States.
- 19: Inaugurating European-level discussion on development of new legal avenues for migration.
- 20: Anticipating the increase in numbers of climate refugees and putting such discussions on the agenda in France's and the EU's international relations.

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