

COUNTRY BRIEFING
August 2024

France



INTRODUCTION

The [Statelessness Index](https://index.statelessness.eu/) (<https://index.statelessness.eu/>) is an online comparative tool that assesses European countries' law, policy, and practice on the protection of stateless people and the prevention and reduction of statelessness against international norms and good practice. The Index was developed and is maintained by the [European Network on Statelessness \(ENS\)](#),¹ a civil society alliance of over 180 organisations and individuals in 41 countries working to promote the right to a nationality and ensure that stateless people in Europe access their rights.

ENS worked with Forum réfugiés² to research and compile comparative information on statelessness in [France](#).³ Since 1982, this French NGO has taken action to support the reception of asylum seekers and refugees and has defended the right to asylum in France. It also works in immigration detention centres where it informs and assists those detained by ensuring that they know their rights.

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

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

INTERNATIONAL AND REGIONAL INSTRUMENTS

Various international and regional treaties provide for the protection of stateless people and the prevention and reduction of statelessness.

France has signed and ratified the [1954 Convention Relating to the Status of Stateless Persons](#) but is not Party to three of the core statelessness instruments: the [1961 Convention on the Reduction of Statelessness](#) (has signed but not acceded, with reservations), the [European Convention on Nationality](#) (has signed but not acceded), and the [Convention on the Avoidance of Statelessness in Relation to State Succession](#), which protects the right to a nationality and obliges the State to prevent statelessness in cases of State succession.

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

STATELESS POPULATION DATA

States should collect reliable quantitative and qualitative data on statelessness and adopt and strengthen measures to count stateless individuals on their territory.⁴ Identification of stateless people is the first step to protecting their rights, but also leads to a better understanding of the challenges that need to be addressed. The availability of reliable data is linked to whether procedures to identify and determine statelessness exist.

Official statistics on statelessness relate to the statelessness determination procedure (SDP). In 2022, 503 new claims were lodged (89% increase compared to 2021, which follows three years of decrease).

The largest group of applicants were Saharawi (54%), followed by applicants from the rest of the African continent (8%) and people coming from the Middle East (8%), including those of Palestinian origin, people from the former Yugoslavia and the former Soviet Union (7% each). Applications from people born in Europe are mostly lodged by Romani people. 76% of applications are submitted by men.

In 2022, OFPRA issued 108 positive decisions out of 325, with an admission rate of a 33.3% (an increase of about 24% compared to 2021). At the end of 2022, 1,799 stateless people and 47 with 'undetermined nationality – other' were protected by OFPRA, as well as 103 'stateless-refugees' (up from 38 in 2021 and 74 in 2020).

Although France collects and publishes disaggregated data on its SDP, stateless refugees,⁵ and limited data on stateless people's acquisition of nationality and residence permits, it does not capture stateless people in the census. The census only allows for the selection of a specific nationality – all other responses are considered 'non-answers'. If the nationality question is not answered, the respondent is either assigned by the authorities the nationality of their country of birth, or the nationality of another respondent sharing similar characteristics. Moreover, there is no official data on stateless people in detention, and a comprehensive mapping study of statelessness in France has not been published.

This lack of key data contributes to misunderstandings of statelessness and results in an underestimation of the challenges that need to be addressed. Identification of stateless people is the first step to protecting their rights but also leads to a better understanding of the causes and solutions.

The French Government should collect reliable data on statelessness and implement measures to collect and publish both quantitative and qualitative data on stateless people on their territory,⁶ including a national mapping study of statelessness in France.

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



STATELESSNESS DETERMINATION AND STATUS

To be able to provide the protection and rights enshrined in the 1954 Convention, including a residence permit and the right to work, study and facilitated naturalisation, State parties need to be able to identify stateless people on their territory. UNHCR recommends that this is best fulfilled through a dedicated statelessness determination procedure.⁷

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

There is no quality audit of decision-making nor timeframe within which decisions must be made, but UNHCR provides training for decision-makers. The asylum procedure takes priority over the SDP and if OFPRA grants refugee status to someone who is stateless, they will grant them 'stateless-refugee' status without the need to formally initiate the SDP. However, if an asylum claim is refused, OFPRA will not be able to activate the SDP, even if there are indications that the person could be stateless, but it will inform the individual about the SDP. There is a right of appeal,

but appeals do not have suspensive effect. Positively, recognised stateless people are granted a multi-year residence permit valid for four years and can access a range of rights including a travel document and family reunion. They will have access to a resident permit valid for 10 years after four years of residence in France.

France has implemented the EU Temporary Protection Directive and extends temporary protection to some stateless people fleeing Ukraine (those who held international protection or equivalent national protection in Ukraine or a permanent residence permit and are unable to return to their country of origin, and their family members), but this leaves protection gaps for some stateless populations from Ukraine.

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

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

The French Government should ensure that all stateless people fleeing the war in Ukraine can access adequate protection.



DETENTION

Stateless people face a heightened risk of arbitrary detention particularly where procedural safeguards to identify and determine statelessness and related barriers to removal are lacking.⁸

Several provisions in French law contain safeguards to prevent arbitrary detention that are pertinent to stateless people, including the obligation that a country of removal must be set prior to detention and can be appealed separately from the decision to detain. A new law on immigration adopted in January 2024 prohibits children from being placed in administrative detention. However, it is reported that national policy is oriented towards more systematic detention in general. People who may be stateless or at risk of statelessness are reportedly detained and people may not be immediately released when there is no reasonable prospect of removal. Detention decisions must take vulnerability and disability into account, although vulnerability is not defined, and statelessness is not juridically relevant in detention decisions. As no official data is available on stateless people held in detention, this remains a key gap to identifying stateless people and protecting them from arbitrary or unlawful detention.

Procedural safeguards are set in law including a maximum time limit, free legal aid, judicial oversight, effective remedies and written reasons and information on rights granted to all detainees. Nevertheless, worsening reception conditions do not allow for individual and vulnerable situations to be adequately addressed. Identification and residence rights are not issued automatically to people released from detention, but if released due to cancellation of removal, temporary residence and some basic rights are granted, such as access to social services, healthcare (PUMA), and emergency accommodation.

A 2022 study by Forum réfugiés outlines significant gaps in how statelessness is addressed in the context of detention and removal

procedures in France. The existence of procedural safeguards and NGOs providing assistance in detention centres mean that some cases of statelessness are identified, but the study finds that judicial and administrative bodies generally fail to respond adequately to statelessness and do not provide guarantees on identification, referral to the SDP, and protection.

The French Government should implement procedures considering the specific circumstances facing stateless people and those at risk of statelessness when determining removal procedures and making decisions to detain. It should ensure that people are released when there is no reasonable prospect of removal and strengthen the protection of people released from detention.

Strong mechanisms should be implemented to identify and respond to situations of vulnerability, including statelessness, to collect data on stateless people held in detention and ensure clear referral routes to the SDP for people in detention and/or subject to removal proceedings.



PREVENTION AND REDUCTION

French law contains provisions to prevent and reduce statelessness, but there are gaps in implementation. There is no facilitated naturalisation procedure for stateless people (unlike for refugees for whom no qualifying period is required). Stateless people can naturalise after five years of lawful stay, shortened to two years if they have obtained a master's degree in France. The new law on immigration adopted in January 2024 has strengthened the requirements for naturalisation. Children born stateless on the territory are French by law, but in practice, they must make a request to the authorities and may need to go through the SDP to prove their statelessness. Under other provisions in French nationality law, young people acquire French nationality on reaching the age of majority (18 years-old) if they have been habitually resident on the territory for at least five years. Foundlings, adopted children, and children born to French nationals abroad are fully protected from statelessness in the law. However, there are some barriers to birth registration in that documentation is required to complete the registration, which may be difficult to produce for marginalised groups, and late registration is only possible through the courts. No provisions for deprivation of French nationality could render a person stateless. A naturalised French national can be deprived of their nationality including on national security and terrorism grounds under certain conditions.

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

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

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

SUMMARY OF RECOMMENDATIONS

The French Government should:

- Accede to the three other core statelessness Conventions: 1961 Convention on the Reduction of Statelessness, 1997 European Convention on Nationality, and 2006 Convention on the Avoidance of Statelessness in Cases of State Succession.
- Facilitate access to the statelessness determination procedure through targeted information campaigns, providing guidance on the procedure, and accepting applications for statelessness status in any language.
- Establish effective measures to improve stateless population data, including recording and counting stateless people in the census, population registries and an immigration database.
- Conduct and publish a national mapping study of statelessness in France.
- Introduce safeguards to enable State authorities to initiate a statelessness determination procedure (*ex officio*).
- Guarantee protection during the SDP including temporary lawful stay and access to assistance. Procedural protections should also be improved through access to free legal aid, compulsory interview, time limit for decisions and the right to suspensive appeal.
- Include the statelessness determination procedure in the quality assurance audits of OFPRA's work carried out by UNHCR.
- Ensure access to adequate protection for all stateless people fleeing Ukraine.
- Implement procedures considering the specific circumstances facing stateless people and those at risk of statelessness to identify and respond to vulnerabilities when determining removal procedures and making decisions to detain, collect data on stateless people in detention and ensure clear referral routes from detention and removal procedures to the statelessness determination procedure.
- Ensure that people are released when there is no reasonable prospect of removal and strengthen the protection of people released from detention.
- Facilitate the naturalisation procedure for stateless people so the timeframe for eligibility is at least the same as for refugees.
- Remove barriers to birth registration, including after the registration period has expired.
- Implement national campaigns and promotion activities on birth registration, focusing on vulnerable and high-risk populations.
- Collect and monitor data on stateless children, as well as access to birth registration and documentation for vulnerable groups and those at risk of discrimination.

ENDNOTES

¹ www.statelessness.eu

² <http://www.forumrefugies.org/>

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

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

⁵ OFPRA, Rapport d'activité 2021, <https://www.ofpra.gouv.fr/actualites/publication-du-rapport-dactivite-2021-de-lofpra>.

⁶ Conclusions of the Council of the European Union and the Representatives of the Governments of the Member States on Statelessness, 4 December 2015, <http://www.consilium.europa.eu/en/press/press-releases/2015/12/04/council-adopts-conclusions-on-statelessness/>.

⁷ UNHCR (2014) Handbook on Protection of Stateless Persons, available at:

<http://www.unhcr.org/uk/protection/statelessness/53b698ab9/handbookprotection-stateless-persons.html>.

⁸ ENS (2017) Protecting Stateless Persons from Arbitrary Detention: An Agenda for Change, available at:

<https://www.statelessness.eu/updates/publication/protecting-stateless-persons-arbitrary-detention-agenda-change>.

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