

# Temporary Protection France

This annex on temporary protection complements and should be read together with the [AIDA Country Report on France](#).

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## Temporary Protection Procedure

### A. General

Council Directive 2001/55/EC of 20 July 2001<sup>1</sup> was transposed into French law in articles L581-1 and seq. and R581-1 and seq. of the CESEDA. These articles were created by Government Ordinance in 2004 and have largely been left untouched since.

Council Implementing Decision (EU) 2022/382 of 4 March 2022 on the existence of a mass influx of displaced persons from Ukraine (hereafter Council Implementing Decision)<sup>2</sup> established a situation of mass influx, making it possible to activate temporary protection and allowed States to broaden the categories of persons eligible to temporary protection in their country. The French Asylum and Immigration Code refers to potential Council of the EU decisions to define the scope of application of TPD.<sup>3</sup> Regarding the 2022 activation of TPD, the scope of temporary protection and the related rights were established by an inter-ministerial instruction of 10 March 2022.<sup>4</sup> Further instruments specified rights with regard to work, housing, etc.

#### Main legislative acts relevant to temporary protection

Title (EN)	Original Title (FR)	Web Link
Code of Entry and Residence of Foreigners and of the Right to Asylum	Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA)	<a href="https://bit.ly/3LCTSw4">https://bit.ly/3LCTSw4</a> (FR)
As amended by: Ordinance n°2004-1248 of 24 November 2004 regarding the legislative section of the CESEDA	Ordonnance n°2004-1248 du 24 novembre 2004 relative à la partie législative du CESEDA	<a href="https://bit.ly/3JV0MLV">https://bit.ly/3JV0MLV</a> (FR)

#### Main implementing administrative guidelines and regulations relevant to temporary protection

Title (EN)	Original Title (FR)	Web Link
Instruction regarding the implementation of the Council of the EU decision of 4 March 2022, taken under article 5 of Directive 2001/55/CE of the Council of 20 July 2001	Instruction relative à la mise en œuvre de la décision du Conseil de l'Union européenne du 4 mars 2022, prise en application de l'article 5 de la directive 2001/55/CE du Conseil du 20 juillet 2001	<a href="https://bit.ly/3n3OCHB">https://bit.ly/3n3OCHB</a> (FR)
Circular of 22 March 2022 on how to welcome university student beneficiaries of temporary protection displaced from Ukraine	Circulaire du 22 mars 2022 portant sur l'accueil des étudiants déplacés d'Ukraine bénéficiaires de la protection temporaire	<a href="https://bit.ly/3TsRwlv">https://bit.ly/3TsRwlv</a> (FR)
Circular of 5 July 2022 on how to welcome third country national university students displaced from Ukraine after 24 February 2022 and present in France	Circulaire du 5 juillet 2022, accueil des étudiants ressortissants de pays tiers présents en France et déplacés d'Ukraine après le 24 février 2022	<a href="https://bit.ly/3UtxmlE">https://bit.ly/3UtxmlE</a> (FR)

<sup>1</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12, available at: <http://bit.ly/409uJhu>.

<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection [2022] OJ L 71/1, available at: <https://bit.ly/3EztVsR>.

<sup>3</sup> Article L581-2 Ceseda.

<sup>4</sup> Minister of Interior and others, *Instruction regarding the implementation of the Council of the EU decision of 4 March 2022, taken under article 5 of Directive 2001/55/CE of the Council of 20 July 2001*, Instruction NOR INTV2208085J, 10 March 2022, available at: <https://bit.ly/3n3OCHB> (hereafter Instruction on TPD).

Decree No 2022-468 of 1 April 2022 regarding the right to work of beneficiaries of subsidiary protection	Décret n° 2022-468 du 1er avril 2022 relatif au droit au travail des bénéficiaires d'une protection temporaire	<a href="https://bit.ly/3Jz5OfA">https://bit.ly/3Jz5OfA</a> (FR)
Bylaw of 27 April 2022 regarding the required supporting documents for beneficiaries of subsidiary protection to pursue self-employed activities	Arrêté du 27 avril 2022 relatif aux pièces justificatives exigées pour l'exercice d'une activité non salariée par les bénéficiaires de la protection temporaire	<a href="https://bit.ly/3YXGVA4">https://bit.ly/3YXGVA4</a> (FR)
Decree No 2022-726 of 28 April 2022 regarding language instruction for beneficiaries of temporary protection	Décret n°2022-726 du 28 avril 2022 relatif à la formation linguistique des bénéficiaires d'une protection temporaire	<a href="https://bit.ly/403Er4B">https://bit.ly/403Er4B</a> (FR)
Bylaw of 3 May 2022 regarding language instruction for beneficiaries of temporary protection	Arrêté du 3 mai 2022 relatif à la formation linguistique des bénéficiaires d'une protection temporaire	<a href="https://bit.ly/3yT5Ee2">https://bit.ly/3yT5Ee2</a> (FR)
Instruction on access to housing and accommodation for persons displaced from Ukraine benefitting from temporary protection	Instruction sur l'accès à l'hébergement et au logement des personnes déplacées d'Ukraine bénéficiaires de la protection temporaire	<a href="https://bit.ly/3mZBL9f">https://bit.ly/3mZBL9f</a> (FR)
Circular on the situation of minors coming from Ukraine	Circulaire sur la situation des mineurs en provenance d'Ukraine	<a href="https://bit.ly/3n7zKYS">https://bit.ly/3n7zKYS</a> (FR)
Instruction on division of responsibility for the situation of minors coming from Ukraine	Instruction sur la prise en charge de la situation des mineurs en provenance d'Ukraine	<a href="https://bit.ly/3lwrrFm">https://bit.ly/3lwrrFm</a> (FR)
Decree No 2022-1441 of 17 November 2022 establishing an exceptional support measure for natural persons who have sheltered in accommodation or housing, one or more natural persons benefiting from temporary protection under Articles L. 581-1 et seq. of the Code of Entry and Residence of Foreigners and the right of asylum	Décret n° 2022-1441 du 17 novembre 2022 instituant une mesure exceptionnelle de soutien aux personnes physiques ayant mis à l'abri dans un hébergement ou dans un logement, une ou plusieurs personnes physiques bénéficiaires de la protection temporaire au titre des articles L. 581-1 et suivants du code de l'entrée et du séjour des étrangers et du droit d'asile	<a href="https://bit.ly/3z1YnbY">https://bit.ly/3z1YnbY</a> (FR)

Currently, are eligible to temporary protection in France:

- ❖ Ukrainian nationals residing in Ukraine who left Ukraine on or after 24<sup>th</sup> February 2022;
- ❖ Ukrainian nationals temporarily present in a Member State on 24<sup>th</sup> February 2022 and who able to establish that their permanent residence was in Ukraine on that date;
- ❖ Beneficiaries of international protection or equivalent national protection and recognised stateless persons residing in Ukraine and having left the country on or after that date;
- ❖ Third country nationals and stateless persons who are long-term residents of Ukraine if they are unable to return to their country of origin in safe and sustainable conditions.
- ❖ Family members of the four categories above, without it being required that they demonstrate an impossibility to return to their country in safe and sustainable conditions.

According to the media<sup>5</sup> and to the organisations hosting such people, hundreds of students mainly from African countries arrived from Ukraine without being eligible to protection.

<sup>5</sup> Infomigrants, 'En France, une année de lutte pour les étudiants étrangers qui ont fui l'Ukraine', 24 February 2023, available in French at: <https://bit.ly/3LtkqzV>.

Data on arrivals of Russian nationals is not available. However, numbers on asylum applications by Russians rose after the beginning of the war:<sup>6</sup>

- ❖ In January and February 2022, respectively 85 and 80 asylum applications were filed by Russian nationals;
- ❖ Between March and September 2022, between 155 and 200 applications were filed each month by Russian nationals;
- ❖ Between October 2022 and January 2023, applications per month further rose from 370 in October to 440 in January 2023, which is a 418% increase compared to January 2022.

According to a parliamentary report, requests between April and August contained grounds for requesting protection related to military issues (conscientious objection, desertion, etc.).<sup>7</sup>

According to the French border police, nearly 65,358 displaced persons were registered at the borders between 24<sup>th</sup> February and 1<sup>st</sup> December 2022, 98% of whom were Ukrainian nationals. Arrivals mainly occurred in Alpes Maritimes, Grand Est, Île de France and Auvergne Rhône Alpes.<sup>8</sup> Apart from this (partial, given the numbers of residence permits mentioned infra) number, there are no available statistics on the number of individuals potentially entitled to temporary protection present in France.

Numbers on persons having accessed temporary protection in France vary depending on the actor putting them forward, rendering them difficult to understand. It should be noted that temporary residence permits are not delivered to children, only adults.

- ❖ According to Eurostat,<sup>9</sup> in December 2022 68,430 beneficiaries of temporary protection (including 49,845 women, i.e. 71.7%) were registered by French authorities, but this figure seems to exclude children.
- ❖ According to the French office on integration and immigration (OFII), which is responsible for the distribution of the financial allowance, 81,885 beneficiaries of temporary protection benefitted from the dedicated financial assistance at the end of December 2022, and 82,809 in January 2023.<sup>10</sup>
- ❖ The ministry of Interior stated that 87,928 Ukrainian's first demand were made between the 10<sup>th</sup> March 2022 and 30<sup>th</sup> January 2023<sup>11</sup>.
- ❖ However, without justifying the number, the French secretary of State for citizenship, an entity attached to the ministry of Interior, declared in February 2023 that at the time of her statement '115,000 Ukrainians, 80% of which are women [...] benefit from accommodation and an allowance in France'.<sup>12</sup>
- ❖ According to the Court of Auditors, in a report published in February 2023, France had rather in total, since the start of the war end of February, welcomed a cumulated total of 115,000 persons, mainly women and children.<sup>13</sup> The report further specifies that 'end of December 2022, there were 86,000 active residence permits and 45,000 allowances were paid'<sup>14</sup> (one allowance is paid per household). Over 19,000 children benefitting from temporary protection were enrolled in school for the 2022-2023 year.<sup>15</sup>

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<sup>6</sup> Eurostat, 'Asylum applicants by type of applicant, citizenship, age and sex - monthly data', database consulted 20 March 2023, available at: <https://bit.ly/3lzbsX7>.

<sup>7</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273) – annexe 28*, 6 October 2022, available in French at: <http://bit.ly/3FJWC7h>.

<sup>8</sup> Ministry of Interior, 'Foire aux questions : accueil des réfugiés ukrainiens', available in French at: <https://bit.ly/3LESuZl>.

<sup>9</sup> Eurostat, 'Beneficiaries of temporary protection at the end of the month by citizenship, age and sex – monthly data', database consulted 20 March 2023, available at: <https://bit.ly/402poYE>.

<sup>10</sup> OFII, Publication on Twitter, 2 March 2023, available in French at: <https://bit.ly/3JDeeCP>.

<sup>11</sup> Ministère de l'intérieur, *Conflit en Ukraine : bilan d'un an d'engagement du ministère – chiffres clés*, available in French at: <https://bit.ly/3yYBtCo>

<sup>12</sup> France télévision, 'Guerre en Ukraine : "115 000 Ukrainiens bénéficient d'un hébergement et d'une allocation" en France, indique la secrétaire d'Etat chargée de la Citoyenneté', 24 February 2023, available in French at: <https://bit.ly/3TqFIA6>.

<sup>13</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022*, February 2023, available in French at: <https://bit.ly/3LwwKiD>, 7.

<sup>14</sup> Ibid, 11.

<sup>15</sup> Ibid, 23-24.

- ❖ Lastly, in its 2022 preliminary statistics, the Government mentions 65,833 active temporary protection residence permits held by Ukrainians at the end of 2022.<sup>16</sup> It however mentions that 86,285 adults were recognised as beneficiaries of temporary protection throughout 2022 in its response to the Court of Auditors report.<sup>17</sup>

No breakdown by basis of entitlement (Ukrainian national, family member, etc) is available.

## B. Qualification for temporary protection

French law on temporary protection refers to potential Council of the EU decisions to define the scope of application.<sup>18</sup> However, the law<sup>19</sup> also says that the state defines the categories of people eligible to temporary protection, and potentially adds other categories, in a decree to be taken by the Ministry of interior. This procedure was not followed and an instruction (administrative act in principle of a lower legal value, however it can under certain conditions be challenged in court) was taken instead. For this situation, and according to the instruction of 10 March 2022<sup>20</sup>, French state did not extend the benefit of the protection to other categories. Therefore, the scope of persons eligible for temporary protection in the context of the war in Ukraine was defined both by the Council of the EU decision of 4 March 2022 and by this instruction addressed to regional and departmental prefects, which specifies the modalities for implementing temporary protection at the national level. The EU framework lays down a minimum set of rules that Member States are obliged to apply, while allowing them to notably broaden the scope of application.

The Council Implementing Decision confers the benefit of temporary protection on:<sup>21</sup>

- ❖ Ukrainian nationals residing in Ukraine who left Ukraine on or after 24<sup>th</sup> February 2022;
- ❖ Beneficiaries of international protection or equivalent national protection and recognised stateless persons residing in Ukraine and having left the country on or after that date;
- ❖ Family members of the persons referred to in the two previous points.

The Council Implementing Decision also requested that States confer either temporary protection or adequate national protection on third country nationals and stateless persons who are long-term residents of Ukraine (permanent residence permit), if they are unable to return to their country of origin in safe and sustainable conditions. France granted these persons temporary protection.<sup>22</sup>

In addition to these persons, the French national framework further extended temporary protection to two categories of persons:<sup>23</sup>

- ❖ Ukrainian nationals temporarily present in a Member State on 24<sup>th</sup> February 2022 and who able to establish that their permanent residence was in Ukraine on that date;
- ❖ Family members also of the two categories above, without it being required that they demonstrate an impossibility to return to their country in safe and sustainable conditions.

Like in the Council Implementing Decision, the notion of family members only applies to family relationships already existing in Ukraine before 24 February 2022 and only applies to:

- ❖ The spouse;
- ❖ The unmarried partner in a stable relationship;
- ❖ The unmarried minor children of the eligible person or of their spouse, whether or not they were born out of wedlock or adopted;
- ❖ Other close relatives who lived within the family before 24 February 2022 and who were entirely or mainly dependent on the eligible person.

<sup>16</sup> Ministry of Interior, *Communiqué de presse : les chiffres 2022 (publication annuelle parue le 26 janvier 2023)*, available in French at : <https://bit.ly/3z2ampW>.

<sup>17</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022 – Réponse des administrations, organismes et personnes concernés*, February 2023, available in French at : <http://bit.ly/3K1bwZa>, 4.

<sup>18</sup> Article L581-2 Ceseda.

<sup>19</sup> Articles R581-18 and L581-7 Ceseda.

<sup>20</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>.

<sup>21</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>, 1-2.

<sup>22</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>, 2.

<sup>23</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>, 2.

The instruction of 10 March explicitly lists several categories of persons not eligible to temporary protection:

- ❖ Ukrainian nationals with a soon-to-expire residence permit in France, who should signal themselves to prefectures in order to have their individual situation assessed.
- ❖ Third country nationals who are able to return to their country of origin in safe and sustainable conditions: however, prefects are invited to examine their right to residence in France on other bases.
- ❖ Persons who were asylum seekers in Ukraine as of 24 February 2023 should be channelled into an asylum procedure in France.

The instruction also highlights the exclusion clause contained in French law:<sup>24</sup> persons regarding whom there is serious or concordant proof making it credible that they have committed a crime against peace, a war crime, a crime against humanity, actions contrary to the purposes and principles of the United Nations; or a serious common law crime outside of French territory before being recognised as a beneficiary of temporary protection can be excluded from temporary protection. The same goes for persons whose presence in France constitutes a threat to public order, public safety or state security.

People who arrived in France before 24 February are not eligible for temporary protection, with the exception of those who were temporarily present in a member state or an associated state before 24 February and can prove that they had their residence in Ukraine on that date. For Ukrainians residing in France before 24 February, they can apply for asylum (see [Access to asylum](#))<sup>25</sup> or apply for a residence permit on other grounds, such as for work, family – Ukrainian nationals married to French nationals are entitled to a residence permit and ultimately receive a 10-year residence permit – or studies, as student residence permits have been granted to certain Ukrainian nationals.

Regarding international protection, according to Ministry of Interior preliminary statistics, at the end of 2022 there were 702 Ukrainian beneficiaries of international protection in France, but it is not specified when they received such protection and it should be noted that the examination of appeals by Ukrainians before the CNDA were partly suspended in the first part 2022 to let the Court adopt and adjust its position.<sup>26</sup> However, in 4 decisions from 30 December 2022, the CNDA granted asylum to Ukrainians plaintiffs, due to situation of indiscriminate violence of exceptional intensity in certain identified regions.<sup>27</sup> From February until December 2022, the Ministry states that 2,187 asylum applications by Ukrainian nationals were registered.<sup>28</sup>

About third-country nationals, temporary protection is granted to beneficiaries of international or equivalent national protection in Ukraine or recognised stateless persons in Ukraine who left the country as a result of the conflict, as well as persons with permanent residence permits in Ukraine, who cannot return to their countries of origin in safe and durable conditions.

However, this inability to return is not further defined and is assessed on a case-by-case basis by the prefectures, normally through an interview with applicant,<sup>29</sup> which raises fears of unequal treatment of situations from one department to another. In the opinion of the French Coordination for the Right of Asylum, this concept should not be restricted solely to risks to life and liberty, but should also take into account whether or not it is possible to lead a "*normal existence*", including the possibility of working or studying.<sup>30</sup> According to the Instruction on TPD, prefectures should contact the General Directorate of Foreigners in France (DGEF), who may in turn rely on expertise from OFPRA, the asylum authority,

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<sup>24</sup> Article L581-5 Ceseda.

<sup>25</sup> CNDA, 'La situation de violence résultant du conflit armé actuel justifie l'octroi de la protection subsidiaire', 16 février 2023, available in French at : <https://bit.ly/3TEbNo0>.

<sup>26</sup> Observation by Forum Réfugiés, January 2023

<sup>27</sup> Communiqué de la CNDA, 'UKRAINE, la CNDA accorde l'asile à des ressortissants ukrainiens', 30 décembre 2022, available in French at : <https://bit.ly/3KG1rBi>

<sup>28</sup> Ministry of Interior, *Communiqué de presse : les chiffres 2022 (publication annuelle parue le 26 janvier 2023)*, available in French at : <https://bit.ly/3z2ampW>.

<sup>29</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available in French at: <https://bit.ly/3n3OCHB>, 2.

<sup>30</sup> Forum réfugiés, 'Protection temporaire pour l'Ukraine : encore des efforts pour être à la hauteur des enjeux', 18 March 2022, available in French at: <http://bit.ly/3FKoXKE>.



regarding country of origin information. In such a case, persons should be given a 1-month temporary permit while these investigations are conducted.<sup>31</sup>

Judicial attempts to extend the scope of temporary protection notably to third country nationals without a permanent residence permit in Ukraine have failed including before the Council of State.<sup>32</sup>

Other third-country nationals are invited to have their situation examined by prefects for other residence permits or to apply for asylum,<sup>33</sup> procedure under which they can benefit from refugee status or subsidiary protection. Regarding the application of the Dublin procedure, a few cases were observed, and no exception of the European procedure were made.

Third-country nationals, especially students, that were in Ukraine before 24 February and then fled to France, faced particular difficulties. They were initially invited to return to their native country and received orders to leave French territory (OQTF). However in July, the French authorities invited French universities to allow the remaining students still present in France to enrol and continue their studies in France, under the condition that they provide proof of registration in a university in Ukraine and of them leaving Ukraine after 24 February. The circular states that the majority of third country national university students who fled Ukraine to France were repatriated to their countries of origin, where solutions for them to continue their studies there were provided.<sup>34</sup>

According to the CNDA's 2022 activity report, the Court took 118 decisions on appeal regarding Ukrainian nationals asking for international protection. After examination, 24 decisions granted international protection (6 recognised refugee status, and 18 subsidiary protection).<sup>35</sup>

French law provides that the temporary residence permit is renewed as long as temporary protection remains in place.<sup>36</sup> However, despite the fact that EU law foresees temporary protection as a 1-year renewable protection for maximum 3 years (something that is reflected in French law),<sup>37</sup> French legislation restricted the temporal scope of temporary protection in that the residence permit only lasts for and thus must be renewed every six months<sup>38</sup> (not in line with European framework), for a maximum period of three years.

## C. Access to temporary protection and registration

### 1. Admission to territory

There are no reports of refusals of entry at the French border. There were however reports of a pushback in March 2022 by the British authorities at the border in Calais of at least 136 Ukrainian nationals wishing to travel to the United Kingdom.<sup>39</sup>

In order to be able to return to the Schengen area, it is preferable that the provisional residence permit still be valid when a person returns from a visit to Ukraine. Temporary trips to Ukraine have no impact on the status of beneficiaries of temporary protection. However, there is no harmonisation in terms of the duration of such trips. Prefectures usually mention that beneficiaries should return to France before the

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<sup>31</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available in French at: <https://bit.ly/3n3OCHB>, 2.

<sup>32</sup> Council of State, No. 465363 and 465365, 27 December 2022, available in French at: <https://bit.ly/42B2QQo> and <https://bit.ly/3Z3C9B2>; see also at the first instance level : <http://bit.ly/3TB9AJY>.

<sup>33</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available in French at: <https://bit.ly/3n3OCHB>, 2.

<sup>34</sup> Ministry of Higher Education and Research, *Circulaire du 5 juillet 2022, accueil des étudiants ressortissants de pays tiers présents en France et déplacés d'Ukraine après le 24 février 2022*, available in French at : <bit.ly/40vhS8K>.

<sup>35</sup> CNDA, *Rapport d'activité 2022*, available in French at : <https://bit.ly/40OuyrM>, 76.

<sup>36</sup> Article L581-3 Ceseda.

<sup>37</sup> Article L581-3 Ceseda.

<sup>38</sup> Article R581-4 Ceseda.

<sup>39</sup> Francebleu, '517 Ukrainiens sont arrivés à Calais pour rejoindre le Royaume-Uni, la moitié a été refoulée à la frontière', 6 March 2022, available in French at : <http://bit.ly/3z1Ttf4>.



expiration of their provisional residence permit. Only the prefecture of Aude specifies that the return must not exceed 3 months for every 6 month period.<sup>40</sup>

## 2. Freedom of movement

Ukrainians may move freely within Europe when they benefit from temporary protection. There have been no reports of persons not holding a biometric travel document experiences issues in moving either within France or attempting to continue their journey onwards. There have only been issues of persons denied entry into the United Kingdom when they have not requested a visa first.<sup>41</sup>

## 3. Registration under temporary protection

Upon arrival anywhere in France, persons displaced from Ukraine must go to the "Ukraine" one-stop shop, set up within each prefecture, to be issued a temporary residence permit marked "temporary protection". In some large cities such as Lyon,<sup>42</sup> Strasbourg,<sup>43</sup> the presentation before the prefecture must be preceded by a visit to an association in charge of making appointments before the Prefecture. This first Reception desk (usually the same one as for asylum seekers, a SPADA) is a place for them to put together their application file and take the necessary identity photos.

The person must go to the Prefecture of their place of residence. They must have the documents justifying the situation and be accompanied by their family members, including the children. After all the documents have been verified and the application approved, the Prefectures delivers a temporary residence permit to the adults (Autorisation provisoire de séjour – APS). Then, the person or family unit is directed to the French Office for Immigration and Integration (OFII) that oversees accommodation and distributing the financial allowance.

Persons fleeing Ukraine are allowed one free train ticket to the destination of their choice in France and to neighbouring countries, as well as a free return ticket to Ukraine.<sup>44</sup> Thus, people expressing their intention to apply for temporary protection at the border were informed of this possibility. In many train stations, "Ukraine" information points were set up by the Red Cross to ensure immediate assistance and inform persons about the procedure for temporary protection.<sup>45</sup>

There is no time limit laid down in law for individuals to make a temporary protection application.

In addition to a form that must be completed,<sup>46</sup> the person applying for temporary protection must put forward the following evidence:<sup>47</sup>

- ❖ For Ukrainians nationals residing in Ukraine before 24 February 2022:
  - Proof of nationality: passport, ID card (both may be expired by less than 2 years to be considered as evidence), consular statement, birth certificate.
  - For people who left Ukraine on or after 24 February, they must be able to prove that this left at or after this date, ideally through the stamp attesting of their entry into the Schengen space, or any other document proving their presence in Ukraine until that date and subsequent movement.
  - For people who were temporarily outside of Ukraine on 24 February 2022, proof of the trip and prior residence.

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<sup>40</sup> Préfecture de L'Aude, *Information à destination des ressortissants ukrainiens*, available in French at : <http://bit.ly/3z56rsE>.

<sup>41</sup> Ibid.

<sup>42</sup> Rhône Prefecture, 'UKRAINE : Protection temporaire des ressortissants ukrainiens (FR)', last updated 6 March 2023, available in French at: <http://bit.ly/40bqz8h>.

<sup>43</sup> Bas-Rhin Prefecture, 'Crise ukrainienne – Dispositif de protection temporaire', last updated 22 December 2022, available in French at: <http://bit.ly/3K3CCPz>.

<sup>44</sup> SNCF, 'Free rail travel for displaced persons from Ukraine', available at: <https://bit.ly/42CQyXN>.

<sup>45</sup> French Red Cross, 'Urgence Ukraine : Les gares de Paris sur le parcours de l'exode', 17 March 2022, available in French at : <http://bit.ly/3ng38MF>; France Bleu, 'La Croix-Rouge de Toulouse installe un stand à la gare Matabiau pour accueillir les réfugiés ukrainiens', 14 March 2022, available in French at : <http://bit.ly/3LESYiK>.

<sup>46</sup> Available in French here: <https://bit.ly/3ziViol>.

<sup>47</sup> Available in French here: <https://bit.ly/3FJPjwe>.

- ❖ For beneficiaries of international or equivalent national protection and recognised stateless persons:
  - Proof of identity: ID card, passport, or any other proof of identity (name, date of birth, etc).
  - Proof of their status in Ukraine: decision recognising protection, or residence permit as a refugee, beneficiary of subsidiary protection, stateless person.
  - Proof of leaving Ukraine on or after 24 February: same as above.
- ❖ For family members:
  - Proof of identity.
  - Proof of the family link: for unmarried partners, the relationship must be established by sufficient circumstantial evidence such as common children, proof of living together in Ukraine, etc.
  - Proof of leaving Ukraine on or after 24 February 2022.

A check is carried out by the authorities to find out if the person has committed a crime.

Persons who did not have a passport stamp from their entry into Schengen had to present further evidence of their lives in Ukraine before and after 24/02/2022 to obtain an APS. In practice, Ukrainians with a visa or residence permit in any other country are also denied temporary protection in France.<sup>48</sup> Lastly, persons without a passport and who only have the internal Ukrainian passport (movement document in Ukraine) were asked by prefectures to go to the Ukrainian embassy to receive a consular attestation that proves that they are indeed Ukrainian. Costs of travel, procedure to fulfil these requirements are borne by the applicants, or by the NGOs hosting them such as Forum Réfugiés.

Usually, the application is accepted on the day it is registered so no temporary documentation is needed. When complementary elements are requested, it may take several days between application and registration: in this situation, no documentation is provided to the applicant.

Once their application is accepted, beneficiaries of temporary protection receive an APS, which is a half-page paper document, rather than a plastic card as it is for 1-year residence permits, with their identity information, picture and the prefecture stamp and signature. This document mentions that they have a right to stay in France for the six months covered by the residence permit and that they are allowed to work in France.

Temporary protection registration is done by all 96 prefectures in mainland France, and so it is not possible to have an accurate picture of the practice in all of them. Nevertheless, Forum Réfugiés is not aware of any systematic problems and the procedure seems to work well in some prefectures.

Applicants may challenge a denial of registration in the same conditions as for any registration for a residence permit. Thus, applicants can file a free of charge *ex gratia* administrative appeal with the local prefect directly and after that they can challenge the refusal of registration at administrative court but the proof is sometimes difficult to provide. Plaintiffs can also contact the Défenseur des droits (national Ombudsman). However, before approaching the Ombudsman, they must have filed all the necessary procedures to the prefecture (e.g. the *ex gratia* appeal) and/or to the Minister of the Interior.<sup>49</sup>

#### 4. Legal assistance

There is no legal assistance at first instance foreseen in legislation. for persons entitled to temporary protection. The support available is that of NGOs such as [Forum Réfugiés](#), [France Terre d'Asile](#) or [Coallia](#), mostly in major cities, provided by NGOs usually involved in the field of asylum. If they are in a judicial procedure (appeal against denied registration for instance), only a lawyer is competent for legal assistance. In such case they may benefit from State subsidised legal aid, based on income.

#### 5. Information provision and access to NGOs

<sup>48</sup> Practice-based observation by Forum Réfugiés, January 2023.

<sup>49</sup> Service Public, 'Que faire en cas de difficulté lors d'une demande de séjour ?', available in French at : <http://bit.ly/417ApIn>.

The law<sup>50</sup> provides that as soon as the request for temporary protection is introduced, the beneficiary is to receive a document with all the information about how temporary protection works. This is complied with in practice. Moreover, the prefects are invited to ‘facilitate the information and orientation of the persons concerned towards the relevant reception and administrative care arrangements’.<sup>51</sup>

Information provided is not specifically tailored to the needs of vulnerable applicants.

The Ministry of Interior has put together short flyers about temporary protection available in French, English, Ukrainian and Russian.<sup>52</sup> Digital tools have also been deployed to enable displaced persons to find general information in Ukrainian on settling in France. For instance, a regularly updated welcome booklet<sup>53</sup> for displaced persons from Ukraine has also been produced by the Ministry of Interior and has been widely communicated both in State services such as prefectures and within local authorities.<sup>54</sup>

On 4 March 2022, the Inter-Ministerial Delegation for the Reception and Integration of Refugees launched a ‘For Ukraine’ platform, aimed at Ukrainians but also French citizens, organisations, local authorities and companies.<sup>55</sup> This platform presents administrative information in French and Ukrainian, registers all volunteer offers (translation, interpretation, citizen accommodation), lists mobilisation initiatives from certain local authorities and collects job offers. The first assessment of this platform is very positive since as of September 1, 2022 more than 3.5 million pages of this site had been viewed; about 40,000 proposals for citizen accommodation had been collected; 17,000 job offers had been submitted by more than 600 companies; 5,800 citizens volunteered.<sup>56</sup>

The authorities do not provide any particular information at border-crossing points on how to apply for temporary protection.

#### D. Guarantees for vulnerable groups

There is no specific identification mechanism in place to systematically identify persons in need of specific procedural guarantees, before or after registration as temporary protection beneficiaries. However, one may signal to the prefecture that a person has specific needs in terms of accommodation or support due to disability or loss of autonomy because of age.<sup>57</sup>

In practice, there is no specific identification but for independent housing orientations, vulnerable people are prioritised.<sup>58</sup>

No special procedure was introduced or adapted specifically to the needs of non-accompanied minors entitled to temporary protection. They are protected under the general child protection system as any other unaccompanied children.<sup>59</sup> Specific documents<sup>60</sup> were shared within the administration notably to

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<sup>50</sup> Article R581-3 Ceseda.

<sup>51</sup> *Idem*

<sup>52</sup> Ministry of Interior, *Information Ukraine*, 15 march 2022, available at: <https://bit.ly/3ZbEzh9>.

<sup>53</sup> Ministry of Interior, *Livret d'accueil en France pour les déplacés d'Ukraine*, available in French and Ukrainian at: <https://bit.ly/40ovy56>.

<sup>54</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273)*, 6 October 2022, available in French at: <https://bit.ly/3K1gaGD>, 20.

<sup>55</sup> <https://parrainage.refugies.info/>

<sup>56</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273) – annexe 28*, 6 October 2022, available in French at: <http://bit.ly/3FJWC7h>.

<sup>57</sup> Ministry of Interior, *Livret d'accueil en France pour les déplacés d'Ukraine*, available in French and Ukrainian at: <https://bit.ly/40ovy56>.

<sup>58</sup> Practice based observation by Forum Réfugiés, Janvier 2023.

<sup>59</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>, 5.

<sup>60</sup> Government, ‘La Dihal et ses partenaires se mobilisent pour prévenir les risques de traite à l'égard des personnes déplacées d'Ukraine’, last modified 18 October 2022, available in French at : <http://bit.ly/41layNa>.

alert on risks of trafficking and establish procedures of each scenario, such as an unaccompanied child on their way to reuniting with their family in another EU Member State.<sup>61</sup>

French authorities deployed numerous emergency units providing psychological help<sup>62</sup> as soon as the first Ukrainian nationals fleeing the war arrived. These units are available all over mainland France and are attached to the emergency services of each department. Ukrainian nationals can also rely on programmes available to all populations.

A circular of 22 March 2022 on the reception of displaced students from Ukraine benefiting from temporary protection provides that students may consult psychologists from University Health Services and that, in case of capacity need, especially in terms of psychologists speaking English, a further 160 English-speaking psychologists are available for online consultation and specialised university services should help students in accessing these resources.<sup>63</sup>

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<sup>61</sup> Ministry of Justice, *Circulaire situation des mineurs en provenance d'Ukraine*, 1 April 2022, available in French at: <https://bit.ly/3n7zKYS>; Ministry of Justice and others, *Instruction prise en charge de la situation des mineurs en provenance d'Ukraine*, 7 April 2022, available in French at: <https://bit.ly/3lwrrFm>.

<sup>62</sup> Ministry of health and solidarity, *Note d'information – cellule d'urgence médico-psychologique (CUMP)*, 14 mars 2022, available in French at : <https://bit.ly/42Fu34x>

<sup>63</sup> Ministry for Higher Education, Research and Innovation, *Circulaire du 22 mars 2022 portant sur l'accueil des étudiants déplacés d'Ukraine bénéficiaires de la protection temporaire*, 22 March 2022, available in French at: <https://bit.ly/3TsRwlv>.

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence permit

- |  |                      |
|--|----------------------|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection?   | 6 months             |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December year? | 86 000 <sup>64</sup> |

France decided to deliver temporary residence certificates, valid each time for six months,<sup>65</sup> contrary to other countries which deliver one-year certificates, in line with the timeframe for renewal of TPD at the EU level. This provisional residence permit will be renewed automatically every 6 months for as long as temporary protection is maintained at the EU level.<sup>66</sup> The duration of the temporary residence permit may be limited to the period remaining until the end of temporary protection at the EU level.<sup>67</sup>

The issuance of temporary protection and the ensuing temporary residence certificate is the prerogative of each department (96 prefectures in mainland France), so the procedure for granting the residence permit varies based on their internal organisation.

Some major cities (Paris, Lyon, Nice, Strasbourg) implemented multi-operator sites in which displaced persons can, in the same place, carry out administrative procedures (first administrative checks to ensure eligibility to temporary protection and deliver appointments to the prefecture, or in some cities the persons could obtain the temporary residence permit and the opening of their rights to the asylum seeker's allowance directly in the centre), social procedures (access to social security), medical procedures (the Red Cross was regularly present for immediate health checks including trauma, and the OFII organised vaccination sessions against covid in these places), receive assistance for initial emergency shelter and the satisfaction of other needs (e.g. provision of clothing). Despite some ad hoc difficulties, these centres have proved their effectiveness.<sup>68</sup>

In the Rhône department, from April to July 2022 everything was done in the same place: this meant the APS could be delivered in one day. Since July, it is first necessary to go to the SPADA (initial reception service for asylum seekers) to prepare the application, after which the appointment before the Prefecture is given, for the application to be approved and the residence permit, etc to be delivered. The appointments at the prefecture take place the same week, so the entire procedure takes about 1 week maximum. A negative decision can be appealed in the same manner as a refusal to register the application, see [Registration under temporary protection](#).

The permit is valid for 6 months and is renewed upon request. To renew their APS, temporary protection beneficiaries must have an appointment in their local prefecture between 3 weeks and 3 days before the expiration date of their previous APS. During this appointment, beneficiaries must present a civil status certificate and proof of nationality, a proof of address from less than 3 months, any document that will prove an evolution of their situation (such as a work contract for instance) and their previous APS. Then, they can retrieve the new one. If they fail to renew in time, they risk having their social rights at least temporarily interrupted.<sup>69</sup>

<sup>64</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022*, February 2023, available in French at : <http://bit.ly/3K1bwZa>, 10.

<sup>65</sup> Article R581-4 Ceseda.

<sup>66</sup> Articles L581-3 and R581-4 Ceseda.

<sup>67</sup> Article R581-4 Ceseda.

<sup>68</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273) – annexe 28*, 6 October 2022, available in French at: <http://bit.ly/3FJWC7h>.

<sup>69</sup> Ministry of Interior, 'Information Ukraine : vous souhaitez solliciter le renouvellement de votre document de séjour, délivré au titre de la protection temporaire', available in French at: <https://bit.ly/40wsK5Y>.

According to information provided in Parliament, of the 39,952 temporary residence permits delivered between 1<sup>st</sup> March and 12<sup>th</sup> April 2022, 34,164 were renewed 6 months later, i.e. over 85%.<sup>70</sup>

Several rights are connected to the temporary residence permit:

- ❖ Beneficiaries of temporary protection (BTPs) benefit from the allowance for asylum seekers (ADA),<sup>71</sup> awarded on a means-tested basis by OFII following the issuance of the APS, provided that they are of legal age and receive resources below the amount of the RSA. For Ukrainian BTPs, the ADA's amount was exceptionally raised by an additional 7,40€/day : for asylum seekers this additional amount is only provided when the applicant has no accommodation solution but here it was extended to all BTPs even when they are accommodated. For instance, the basic amount for a household with two adults would be 897,82€ per month, without the raise; a household with one adult and two children receives 1,281€ per month<sup>72</sup>. It is distributed through a payment card (money cannot be withdrawn with it). (for detailed information see [General report – Forms and level of material reception conditions](#)). However, since November 2022, the raise is granted only if BTPs pay for their accommodation, and no longer to those benefitting from a free of charge form of accommodation, such as free private hosting.
- ❖ BTPs are granted immediate access to public healthcare, through universal health protection, without being subjected to a 3 month waiting period (as asylum seekers are).
- ❖ BTPs are also entitled to receive certain measures of social welfare, such as housing allowances (APL).
- ❖ All BTPs must be able to benefit from language training to learn French,<sup>73</sup> which could be done through existing common law programmes for the integration of refugees. The modalities of practical implementation were clarified by a decree published 3<sup>rd</sup> May 2022. It states that the training will be provided by a dedicated organisation, designated by the OFII in the context of a procurement procedure. A first assessment of this measure was made during the examination of the budget law for 2023. From March to September 2022, 1,226 formations were opened while 5,500 were expected and prepared. The OFII's general director explains this low result by the fact that a lot of Ukrainian refugees are women with children. The problem may be related to the lack of child-care solutions. Another reason could be psychological. Learning French could mean for BTPs that they won't return to Ukraine.
- ❖ BTPs are allowed to work as soon as they obtain their temporary residence permit. Their right to work is specifically stated on the permit.
- ❖ Beneficiaries of temporary protection may travel on regional trains (TER and intercity) free of charge in the period between receiving their temporary residence permit and filing an application for State financial assistance (RSA, see [Social Welfare](#)). Once they receive RSA, they benefit from solidarity pricing, which may amount to free or very reduced travel depending on the region.<sup>74</sup>
- ❖ A BTP's driving licence is valid in France if the person benefits from temporary protection. However, the foreign license must be always be accompanied by an official translation into French.<sup>75</sup>
- ❖ Like all persons in France, BTPs are allowed to open a bank account and transfer funds to it. A specific guide was developed to help them in this regard.<sup>76</sup>
- ❖ BTPs also benefit from the right to family reunification with their family members who are not yet present in the territory of the European Union or who benefit from temporary protection in another Member State.

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<sup>70</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273)*, 6 October 2022, available in French at : <https://bit.ly/3K1gaGD>.

<sup>71</sup> Articles L581-9 and D581-7 Ceseda.

<sup>72</sup> Service public, *En quoi consiste l'Allocation pour demandeur d'asile (Ada) ?* available in French at : <http://bit.ly/3JKReBP>.

<sup>73</sup> Article R581-4-1 Ceseda.

<sup>74</sup> SNCF, 'Free rail travel for displaced persons from Ukraine', available at: <https://bit.ly/42CQyXN>.

<sup>75</sup> Article 3 of Bylaw of 12 January 2012, available in French at: <https://bit.ly/3Z9h1JC>.

<sup>76</sup> Interministerial delegation for the reception and integration of refugees, *Livret d'information à destination des personnes bénéficiaires de la protection temporaire: L'ouverture d'un compte bancaire*, last updated 14 April 2022, available in French at: <https://bit.ly/3ndeZuK>.



### Access to accommodation:

As beneficiaries of temporary protection are not covered by the asylum system, the instruction of 10 March 2022 specifies that they will not be accommodated within the national reception system for asylum seekers.

Accommodation for BTPs that do not have an independent solution can take several forms. First, they can be housed by operators specialising in the reception of asylum seekers or social emergencies (accommodation centres, opening of specific accommodation places) financed by State's authorities. This system is complemented by citizen hosting, many offers having been identified on a dedicated Internet platform.

If the applicant transfers to another EU member state, they must inform French authorities. The modalities depend of the prefecture. In practice, Forum Réfugiés is not aware of the use of such procedure.

To the best of knowledge of the author, there have not been any reports of persons being refused access to temporary protection in France after having already applied for it in another EU member country.

The APS obtained in France will then expire and consequently the benefit of the rights too. It should be noted that, for the moment, there is no real harmonisation of the procedure. For instance, the Orne's departement prefecture state that if the BTP wants to leave France permanently, they must return their APS and Ada's card at the prefecture<sup>77</sup>. Consequently, the absence of APS might have an impact on the BTP's freedom of circulation in the Schengen area.

## 2. Access to asylum

The existing legal framework provides the possibility for BTPs to exercise their fundamental right to seek asylum at the same time.<sup>78</sup> In that case, BTPs still benefit from the temporary protection regime while their application is being examined and, if international protection is not granted, they retain the benefit of temporary protection for as long as it remains in force. If they are protected at the end of an asylum (refugee status or subsidiary protection), it is this status takes over from that of temporary protection.<sup>79</sup> Like with the CNDA, it seems that the processing of applications by Ukrainian nationals was, at first, suspended at OFPRA level, mainly for the same reason.<sup>80</sup> Then, a few judgments by CNDA occurred end of 2022 – early 2023, all concerning applicants who were not eligible for temporary protection.

Regarding the CNDA's position on protection, the decisions taken end of 2022/early 2023 state that:

- ❖ The Court examines both refugee status and, if it finds the case does not meet the requirements, subsidiary protection. Regarding the latter, the situation is not uniform across the country and thus the court's caselaw may vary oblast by oblast. However, the internal flight alternative is not to be examined and used against applicants given the indiscriminate violence due to the war.
- ❖ In decisions from 30 December 2022, the Court determined that the situation in the oblasts of Donetsk, Louhansk, Zaporijia, Kharkiv was to be characterised as indiscriminate violence of exceptional gravity, assessment according to which subsidiary protection was to be granted to all persons originating from the oblasts.<sup>81</sup>
- ❖ Regarding the oblasts of Odessa,<sup>82</sup> Khmelnytskyï, Vinnytsia, Volhynie,<sup>83</sup> Jytomyr, Poltava, Soumy et Tchernihiv,<sup>84</sup> the Court determined that there was indiscriminate violence but not to a level that

<sup>77</sup> Prefecture de l'Orne, 'Instructions relatives aux retours en Ukraine des bénéficiaires de la protection temporaire', available in French at : <http://bit.ly/416sJpO>

<sup>78</sup> Article L581-4 Ceseda; Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>.

<sup>79</sup> Article L581-4 Ceseda.

<sup>80</sup> Practice-based observation by Forum-Réfugiés.

<sup>81</sup> CNDA, 30 December 2022, Nos. 21060196, 21063903 et 22002736, 21048216, 22001393, press release and cases available in French at: <http://bit.ly/3JvGbwk>.

<sup>82</sup> CNDA, 6 January 2023, No 21041482, press release and case available at: <http://bit.ly/3JvGbwk>.

<sup>83</sup> CNDA, 31 January 2023, Nos 21050761, 21056916, 21064954, 22009685, 22009721, press release and decisions available at: <https://bit.ly/3KuhGQt>.

<sup>84</sup> CNDA, 8 March 2023, Nos 21016856, 21057060, 22007730, 22006590, press release and decisions available at: <http://bit.ly/3GBQZbv>.



would lead to concluding that all persons returning there are at high risk of threats to their life or person. Thus, persons have to demonstrate that individual factors put them at particular risk of threats to their life or person. Individual factors considered sufficient by the Court include isolation with no possibility of receiving familial assistance, age, health conditions.

Out of the 12 decisions published by the Court (decisions by the Court are in principle not published, this only happens by exception, through a press release), the court granted subsidiary protection in 8 decisions are rejected the case in the 4 remaining decisions. The Court did not find grounds to grant refugee status in any of the cases. All these cases concerned Ukrainian nationals not eligible to temporary protection, having arrived in France prior to 24 February 2023.

## B. Family reunification

BTPs can ask the authorities to be joined by their family members currently living in another EUMS under temporary protection, or by a family member outside of the EU territory.<sup>85</sup> When the family member is the partner (married or not) or children, the authorities accept to protect them in France if the family agrees but the law specify that the State accept “depending on respective reception capacities of the Member State concerned”.<sup>86</sup> When other members of family are involved, authorities accept depending on reception capacities and emergency.

## C. Movement and mobility

BTPs are in principle not limited as to their freedom of movement within the State.

In accordance with the EU directive on temporary protection, BTPs also enjoy freedom of movement towards other EU Member States, under the same conditions as a European citizen. To the best of knowledge of the author, there have been no issues in this regard.

To the best of knowledge of the author, BTPs who wished to temporarily return to Ukraine did not experience any issues.

## D. Housing

### Indicators: Housing

- |   |   |
|---|---|
| 1. For how long are temporary protection beneficiaries entitled to stay in reception centres? | No time limit until access to private housing |
| 2. Number of beneficiaries staying in reception centres as of 12/22                           | Not available                                 |
| 3. Number of beneficiaries staying in private accommodation as of 12/22                       | 27,000 <sup>87</sup>                          |

Upon arrival, Ukrainian nationals are welcomed in an emergency reception site usually for a period of one to two nights. Depending on personal situations, including the composition of the household, capacity in the territory and following various assessments by social workers about the wishes of the family and material conditions provided, a referral to accommodation is made for a period of several weeks / months, before benefiting from more permanent housing. Depending on availability, it is possible to be accommodated in another city, another department, or another region than that of the place of arrival in France if BTPs wants to.<sup>88</sup>

<sup>85</sup> Article R.581-8 to R.581-12 Ceseda.

<sup>86</sup> Article R.581-8 Ceseda.

<sup>87</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 18.

<sup>88</sup> Ministry of Interior, *Livret d'accueil en France pour les déplacés d'Ukraine*, available in French and Ukrainian at: <https://bit.ly/40ovy56>.

Three steps are planned by the authorities:

- ❖ Step 1: Emergency reception on arrival.
  - Accommodation of one to two nights upon arrival in France, including for people in transit, near the main points of arrival (train stations, airports...).
  - Type of accommodation: hotel, gymnasium, conference centre etc.
  - Emergency humanitarian care.
- ❖ Step 2: Ad hoc accommodation of beneficiaries of temporary protection
  - Transitional accommodation, up to several months, time period during which orientation towards adapted housing is assessed and prepared.
  - Type of accommodation: collective accommodation (holiday centre for example).
  - Social support by an association, within the framework of an agreement with the State.
- ❖ Step 3: Access to more permanent housing
  - Housing for a minimum period of three months, in order to allow BTPs to integrate into their new environment.
  - Priority is given to independent housing. Accommodation with private citizens, in a supervised form, can be mobilised as a supplement.
  - Rental intermediation by associations under agreement is also a possibility, in social housing as well as in general private housing. The owner signs a lease with an association, which then subleases the accommodation to the BTP household.<sup>89</sup>
  - Social support by an association.

In practice, this scheme is applied.

BTPs do not benefit from the accommodation solutions contained in the DNA (national reception system for asylum seekers).<sup>90</sup> Solutions have been found outside of the DNA.

The Ukraine welcome centres themselves and prefectures in departments where there are no (or no longer) reception centres are responsible for the provision of reception to BTPs. Coordination between the various actors involved in housing and accommodation (associations, local authorities, companies managing subsidised State housing, etc) is carried out by the prefect of the department. Moreover, through an external operator, the prefect of the department assesses and makes use of proposed housing solutions and private hosting, and channels BTP households towards the available options, in cooperation with the relevant associations.<sup>91</sup>

87,000 places in reception centres have been created, of which nearly 60,000 remained active at the end of 2022.<sup>92</sup>

To avoid using the DNA, an instruction of 22 March 2022<sup>93</sup> identified ad hoc accommodation and housing schemes. The State thus set up a reception and support system specifically dedicated to the persons displaced from Ukraine. This collective accommodation park (holiday centres, hotels, etc.), financed in 2022, is now made up of approximately 20,000 places. In addition, there are about 13,000 places available in so-called "citizen" accommodation. These reception capacities are entrusted for management purposes to associations approved by the State, based on specifications defining the obligations that must be respected. Regarding collective accommodation, State services have endeavoured to carry out

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<sup>89</sup> Ministry of Interior, 'Foire aux questions : accueil des réfugiés ukrainiens', available in French at: <https://bit.ly/3LESuZI>.

<sup>90</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available at: <https://bit.ly/3n3OCHB>.

<sup>91</sup> Ministry of Interior, 'Foire aux questions : accueil des réfugiés ukrainiens', available in French at: <https://bit.ly/3LESuZI>.

<sup>92</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 7.

<sup>93</sup> Ministry of Interior, *Circulaire Accès à l'hébergement et au logement des personnes déplacées d'Ukraine bénéficiaires de la protection temporaire*, 22 March 2022, available in French at: <https://bit.ly/3mZBL9f>.

"loosening" actions in order to partially correct the unequal distribution of displaced Ukrainians within the territory.

The distribution of displaced persons by type of accommodation or housing is monitored by the Interministerial Delegation for Accommodation and Access to Housing (DIHAL). At the end of February 2023, the French Prime Minister Elisabeth Borne highlighted that 40% of BTPs currently in France are accommodated by their own means, independently from state housing facilities. The other 60% are divided in three housing solutions. About 27,000 BTP had access to independent housing, 18 000 are in a collective housing solution and around 12,000 benefits from citizen housing.<sup>94</sup>

The Court of Auditors also specified that at the end of December 2022, 4 250 social housing units were used (mainly vacant housing or empty housing due to rehabilitation operations) allowing more than 13 400 people to find somewhere to live. Further, 4 280 private housing units have been made available, slightly more than half of them by private owners.<sup>95</sup>

There have been no issues of BTP not being able to access reception conditions, either by law or in practice.

When Ukrainian nationals arrive, NGOs assist refugees regarding their administrative procedures but also provide first needs items (hygiene kits, catering or food aid, clothing, childcare equipment).<sup>96</sup>

When they obtain their status as BTP, multiple rights and conditions are provided. First, they have access to a financial allowance the amount of which is based on their household, meaning that they are considered as independent regarding their daily needs (food, clothes etc.). They also benefit from complete health insurance coverage. Regarding accommodation, BTPs will first be sent to collective accommodation for a period of 1 or 2 months. Then, they should have access to private accommodation or, if necessary, citizen accommodation. Private accommodation can be social housing or private rental accommodation. In the second case, BTPs can have access to financial assistance for housing (APL).<sup>97</sup> Also, numerous BTPs have found private housing solutions outside of state measures.<sup>98</sup>

## Private hosting

Private hosting is quantitatively very important in accommodation for displaced persons from Ukraine. Thus, more than half of BTPs are not accommodated in a system supervised by the State. The State has partially supervised this development by approving, through associations, 4,000 citizen accommodation solutions to ensure the adequateness and quality of reception conditions and to provide useful support to host families. Some of those housing solutions are supervised by a contract that involves three parties: the host, the BTPs and the referring association. The accommodation's modalities are detailed in the terms, and the association will stay in contact with the household to assist them, or in case of any trouble. At the beginning of September 2022, 14,000 displaced persons from Ukraine were hosted in approved citizen housing; an undetermined number are accommodated elsewhere.<sup>99</sup>

In November 2022, the State decided to provide financial support to individuals having accommodated, free of charge and for a minimum period of 90 days, beneficiaries of temporary protection, provided that these individuals justify this reception through an association financed for this purpose by the State or, where appropriate, through a local authority or a local public institution, competent in matters of social action, via its representative. The State offers individuals EUR 450 for the first 90 days of cumulative

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<sup>94</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 20.

<sup>95</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>.

<sup>96</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 20.

<sup>97</sup> Government, 'Pour l'Ukraine', available in French at : <http://bit.ly/3JUNvli>.

<sup>98</sup> Observation de Forum Réfugiés, Janvier 2023.

<sup>99</sup> Assemblée Nationale, *Rapport fait au nom de la commission des finances, de l'économie générale et du contrôle budgétaire sur le projet de loi de finances pour 2023 (n°273) – annexe 28*, 6 October 2022, available in French at: <http://bit.ly/3FJWC7h>.

accommodation and then EUR 5 per day for the following days of accommodation, ie EUR 150 per month. Applications are open until 30 April 2023.<sup>100</sup>

To participate in citizen housing, hosts must complete an application in order to provide clear information about their identity and their accommodation. If their application is chosen, an association will confirm that the conditions are available for welcoming a BTP. The association plays an important role in citizen housing. They provide a safety legal framework, and they are the main reference point in case of disagreements between parties.

In January 2023, an evaluation of the implementation and execution of the national action plan against human trafficking<sup>101</sup> was made public. One of the measures was to raise awareness among migrant populations of the risks of exploitation. The committee considers that it was “partially executed”. On this point, the evaluation mentions that the warning documentation made for migrants was only accessible in French, until displaced persons from Ukraine arrived in France. All the necessary documentation was then translated into Ukrainian, English or Russian, making the prevention easier.

To the best of knowledge of the author, BTPs who benefited from a private accommodation model did not experience any issues.

## E. Employment and education

### 1. Access to the labour market

Initially, BTPs were only authorised to ask for work permit but not immediately able to work due to the legal framework on the residence permit for BPT in France but it has been modified by a decree of the 1<sup>st</sup> of April 2022:<sup>102</sup> this section of the law on temporary protection was modified and requesting a specific authorisation to work is no longer necessary. The temporary residence permit mentions the person’s immediate right to access to labour market.<sup>103</sup>

Legislation regarding independent professions was also amended<sup>104</sup> in order to allow beneficiaries of temporary protection to apply for registration in the trade register (*registre des métiers*) as well as apply for registration in the Trade and Companies Register (*registre du commerce et des sociétés*) in order to exercise an independent profession.

To facilitate access to the labour market, Pôle emploi (the Employment Office) has developed an online questionnaire (in French and Ukrainian), in order to identify the wishes, diplomas, skills and professional experiences of persons with temporary protection. Depending on the assessment, Pôle emploi can provide support for the job search. For those under 25, la mission locale<sup>105</sup> can offer socio-professional support.

French law<sup>106</sup> provides that working as a civil servant is mainly reserved to French nationals, subject to exceptions. Nowadays, work in the public service is more open to individuals who don’t have French nationality. The remaining restriction concerns positions that are inextricably interlinked with “state sovereignty” i.e. defense, taxes, police, diplomacy etc. With the exception of these specific topics, beneficiaries are equal to nationals for all employment matters.

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<sup>100</sup> Decree No 2022-1441 of 17 November 2022 establishing an exceptional support measure for natural persons who have sheltered in accommodation or housing, one or more natural persons benefiting from temporary protection under Articles L. 581-1 et seq. of the Code of Entry and Residence of Foreigners and the right of asylum, available in French at: <https://bit.ly/3z1YnbY>.

<sup>101</sup> National consultative commission on human rights, *Evaluation de la mise en œuvre du plan d'action national contre la traite des êtres humains (2019-2021)*, available in French at : <https://bit.ly/3ZuhEhh>.

<sup>102</sup> Decree of 1st of april, available in french at : <https://bit.ly/3ZuhEhh>

<sup>103</sup> Article R581-4 Ceseda; article L5221-2 Labour Code.

<sup>104</sup> Bylaw of 27 April 2022 regarding the required supporting documents for beneficiaries of subsidiary protection to pursue self-employed activities, available in French at: <https://bit.ly/3YXGVA4>.

<sup>105</sup> For further information see: <http://bit.ly/3JGOrJS>.

<sup>106</sup> Article L321-1 of public service code.

At the end of 2022, 11,916 BTPs were registered with Pôle Emploi, including 2,820 who indicated that they were following training as of February 2023. Between March and December 2022, 12,893 Ukrainian nationals (it may include individuals arrived before the conflict) were employed in France for at least an hour per month. The major sector of employment is in catering and accommodation (27%).<sup>107</sup>

## 2. Access to education

According to the Education Code, all children between the ages of 3 and 16, regardless of legal status, must have guaranteed access to education<sup>108</sup>. Schooling between 3 and 16 is an obligation and not simply a right. Children between the ages of 16 and 18 must be able to access training<sup>109</sup>. They then have access to higher education.

Children of persons benefiting from temporary protection have access to the education system on the same basis as all minors present on the national territory. A specific leaflet was prepared by the Government in French and Ukrainian to explain the French education system to displaced persons from Ukraine.<sup>110</sup>

As of 31 March 2022, 6,873 students arriving from Ukraine had been enrolled in the French education system since 24 February 2022, including 43% in primary schools and 30% in secondary schools.<sup>111</sup> As of 27<sup>th</sup> May 2022, 17,677 students displaced from Ukraine were registered in a French school, including 18% in preschool, 39% in primary school, 33% in secondary schools and 10% in high schools. The 3 major academies where Ukrainians students are registered are Nice (1,515), Versailles (1,291) and Grenoble (1,182).<sup>112</sup> Nearly 19,236 Ukrainian students were enrolled in French schools as of December 1, 2022. 55% of these students were attending kindergarten and elementary schools.<sup>113</sup>

UP2A<sup>114</sup> (Unité pédagogique pour élèves allophones arrivants / pedagogical unit for incoming allophone students) are specific classes to support allophone children. Where this exists (these do not exist uniformly across the country), children can benefit from this specialised programme for children who do not speak French. In these programmes, children spend half of their time in UPE2A French classes, and the other half in their respective class level. This system covers elementary, middle and high school. Children in kindergarten only attend regular classes.

If a child has special needs, a request can be made to the MDPH (Departmental House for Disabled Persons) in case of disability. The average delay for examination of a request is 4 months.<sup>115</sup> After recognition of a disability by the MDPH, accommodation can be decided and implemented.

In any case, schools have been very accommodating regarding the reception of Ukrainian children. For example, students may follow both online school from Ukraine and in person school in France. A child with a disability can be accommodated in the regular education system with specific provisions; there also exist specialised educational facilities if proposed accommodation is the regular education system is not sufficient.

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<sup>107</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 28.

<sup>108</sup> Article L131-1 of the Education code.

<sup>109</sup> Law n°2019-791 of the 26th July 2019, Article 15.

<sup>110</sup> Ministry of Education and Youth, 'Accueil et scolarisation des enfants ukrainiens', available in French at: <http://bit.ly/3K3FEmY>.

<sup>111</sup> Ministry of Education and Youth, '[Archive] Accueil des enfants ukrainiens à l'école: point de situation au 1er avril 2022', available in French at: <http://bit.ly/3ICTtiw>.

<sup>112</sup> Ministry of Education and Youth, 'accueil des enfants ukrainiens à l'école : point de situation au 27 mai 2022', available in French at: <http://bit.ly/3zmHnh2>.

<sup>113</sup> Ministry of Interior, 'Foire aux questions : accueil des réfugiés ukrainiens', available in French at: <https://bit.ly/3LESuZl>.

<sup>114</sup> Ministry of Education and Youth, 'La scolarisation des élèves allophones nouvellement arrivés et des enfants issus de familles itinérantes et de voyageurs', available in French at: <http://bit.ly/3LL2lrH>.

<sup>115</sup> Government, 'MDPH : diminution de la durée de traitement des dossiers', 21 October 2022, available in French at : <http://bit.ly/3nSXmRo>.



For children beyond the age of 16 however, there have been issues in practice when they do not want to go to high school, especially if they had already stopped their schooling in Ukraine. Prefectures refuse to issue them temporary residence permits (APS) as they are minors;<sup>116</sup> however they need these to access vocational training in practice, as such programmes require the right to work.

There are no specific measures for Ukrainian child who might need alternative solution to the regular education system, however they may access all programmes regarding children's special needs in schools.<sup>117</sup>

## Higher education

Regarding access to higher education, the circular of 22 March 2022<sup>118</sup> clarified the modalities of reception of displaced students from Ukraine benefiting from temporary protection. A special system was put in place to support applications from students arriving during the academic year, as well as provisions for their integration into more traditional curricula for the 2022-2023.

After initially inviting third country national university students to return to their native country and taking orders to leave French territory (OQTF) against them, in July the French authorities invited French universities to allow the remaining students still present in France to enrol and continue their studies in France, under certain conditions (see [Qualification for temporary protection](#)).<sup>119</sup>

Thus, as a first step and pending the start of the new academic year in September 2022, the main priority was to include students immediately after arrival, in particular through FLE (French as Foreign Language) training, cultural activities, an adapted specialised teaching by degree speciality intended to prepare them for a university course in France.

All requests to enter higher education for displaced persons from Ukraine are centralised by Campus France through an email address in order to allow for follow-up and support of these students, and to facilitate their orientation and support by academic institutions.

The person is asked to describe their situation in a form and is informed that 'requests will be brought to the attention of institutions that have expressed their willingness to welcome via a networking platform. Institutions will then contact students.'

People who would benefit from enrolment into a higher education institution may be accommodated in public student accommodation available through the Crous (within the limits of existing capacities) and in Île-de-France by the CIUP (International Student Housing Centre of Paris) depending on available places. They are also able to benefit from housing allocations, APL.

A specific emergency aid of up to EUR 500 may also be requested from the CROUS. The latter is paid after a simplified social assessment by the social services. It is also understood that students benefiting from temporary protection are entitled to access State scholarships based on social criteria, subject to compliance with the conditions applicable to all students, and also (whether or not they benefit from State scholarships, contrary to other students) benefit from €1 meals in university cafeterias. The circular also specifies that institutions will be able to mobilize the CVEC (financial contribution from students claimed at registration, used for campus life) to contribute to a financial or material aid. If necessary, the students concerned can contact University Health Services to access psychologists.

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<sup>116</sup> Indeed, French law only foresees residence permits for adults, whether for beneficiaries of international protection, beneficiaries of temporary protection, or other third country nationals. For temporary protection, see article R581-1 CESEDA, which only invites persons over the age of 18 years old to go to the Prefecture to request a residence permit.

<sup>117</sup> Mon parcours handicap.gouv, *Ecole et handicap : les aménagements possibles*, available in French at : <http://bit.ly/3nNSFrP>

<sup>118</sup> Ministry for Higher Education, Research and Innovation, *Circulaire du 22 mars 2022 portant sur l'accueil des étudiants déplacés d'Ukraine bénéficiaires de la protection temporaire*, 22 March 2022, available in French at: <https://bit.ly/3TsRwlv>.

<sup>119</sup> Ministry of Higher Education and Research, *Circulaire du 5 juillet 2022, accueil des étudiants ressortissants de pays tiers présents en France et déplacés d'Ukraine après le 24 février 2022*, available in French at : [bit.ly/40vhS8K](http://bit.ly/40vhS8K).

Lastly, the circular clarifies the modalities of the PAUSE programme for Ukrainian researchers specifically. The PAUSE programme aims at allowing researchers from countries where they are unable to work freely and are forced into exile to be hosted in French higher education, research and cultural institutions.<sup>120</sup> This programme also benefits a researcher's family.

In a February report, the French Audit office indicate that 1 266 Ukrainian students were registered in French university at this moment, and the ministry of higher education added that 240 researchers are under the program PAUSE<sup>121</sup>.

In practice, BTPs face great difficulties in pursuing higher education due to language level, need for transcripts to enter university, etc. (see [General Report – Access to Education](#)).

## F. Social welfare

According to the TPD and to the instruction on TPD of 10 March 2022, BTP's enjoy access to some branches of social welfare. They mainly have access to a free healthcare financial housing help (APL), and allowances based on their family situation.

If third-country nationals are legally residing in France (including BTPs), conditions of access to social welfare are the same as nationals. This is the application of the fundamental principle of equality of treatment.

Housing and health benefits are granted by respectively the French benefit office (CAF) and the health care insurance fund (CPAM).

Social security institutions are reachable in every French department,<sup>122</sup> and there is no limit to mobility within the country thus there is no need for beneficiaries to live in a specific place to access social welfare.

Presently, there have been no issues reported of BTPs not being able to access social assistance, either by law or in practice.

The Court of Auditors estimated that the total financial cost of the state's expenses and social welfare expenses for the displacement from Ukraine in 2022 will amount around € 634 M. This includes € 25 M for health care and € 15 M for the family branches of social welfare.<sup>123</sup>

To the best of knowledge of the author, the exact number of BTPs who benefit from social welfare is not available.

## G. Health care

Once they have received their temporary residence permit, beneficiaries of temporary protection enjoy the same rights as nationals with regard to healthcare and are not subject to the three-month waiting period imposed upon asylum seekers. They have access to all the healthcare system thanks to access to public universal health protection (PUMA) and a one-year right to the public health mutual (CSS, Complémentaire Santé Solidaire).<sup>124</sup> These two systems combined allow for full coverage of their health costs.

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<sup>120</sup> For further information see: <https://bit.ly/3JDZR11>.

<sup>121</sup> Minister for higher education, 'Etudiants, enseignants-chercheurs ukrainiens : point sur les aides', available in French at : <http://bit.ly/416rmd>.

<sup>122</sup> For further information see: <http://bit.ly/415oYB2>

<sup>123</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 9 and 29.

<sup>124</sup> Ministry of Interior and others, *Instruction on TPD*, 10 March 2022, available in French at: <https://bit.ly/3n3OCHB>, 5.



Public health insurance ensures the coverage of all care necessary to one's health, so appointments with general practitioners, dental surgeons, midwives as well as prescription medication and laboratory analyses. Public health Insurance covers health expenses related to glasses, dental prostheses, hearing aids, other medical devices and allows persons to benefit from medical and psychological support.<sup>125</sup> Before obtaining their temporary residence permit, for urgent or non-urgent hospital care, displaced persons from Ukraine are advised to go to the nearest hospital with an identity document.<sup>126</sup>

Several documents were produced by the health authorities both in Ukrainian and French, to facilitate information dissemination,<sup>127</sup> including a comprehensive 100-page guide.<sup>128</sup>

In most of the cases, BTPs do have an effective access to health care. However, it has been reported that some beneficiaries have trouble obtaining a social security card (*carte vitale*). The main reported cause is paperwork's issues or missing administrative papers (e.g. birth certificate) that appear necessary in this procedure.<sup>129</sup>

Associations offers appointment were BTPs can be redirected to the proper services if they have issues. For instance, between the 4<sup>th</sup> May and 5<sup>th</sup> October 2022, France Terre d'Asile received 1,367 households, resulting in 62 orientations to the mental health plan "Santé/Psy" and 140 individual supports regarding health care.<sup>130</sup>

To the best of knowledge of the author, BTPs who benefited from health care did not experience any major issues.

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<sup>125</sup> Ministry of Interior, 'Foire aux questions : accueil des réfugiés ukrainiens', available in French at: <https://bit.ly/3LESuZl>.

<sup>126</sup> Ministry of Interior, *Livret d'accueil en France pour les déplacés d'Ukraine*, available in French and Ukrainian at: <https://bit.ly/40ovy56>.

<sup>127</sup> Regional Health Agency Nouvelle Aquitaine, 'Solidarité avec l'Ukraine – Fiches Santé et COVID (en français, en anglais et en ukrainien)', 24 March 2022, available in French, English and Ukrainian at: <http://bit.ly/3LSBgIq>.

<sup>128</sup> Santé publique France, *Livret de santé bilingue Français/Ukrainien*, last updated 22 March 2023, available at: <https://bit.ly/3FMADfI>.

<sup>129</sup> Based on perusal of the national healthcare authority's help forum, available here: <http://bit.ly/40YrjOB>.

<sup>130</sup> Court of Auditors, *L'accueil et la prise en charge par l'Etat des réfugiés d'Ukraine en France en 2022, February 2023*, available in French at : <https://bit.ly/3LwwKiD>, 20.