

The Table 1 below presents the description of the categories used to classify the legislation analyzed in this study. French laws were classified into *opening borders* and *border control*, regarding the reception of immigrants. European Union laws were classified into *non-restrictive to the country* and *restrictive to the country*, taking into account respect for the sovereignty of the Member States. Analyzing French and EU legislation together allowed us to classify individual items into *inclusive* and *non-inclusive* as measures to integrate immigrants into civil society.

**Table 1: Description of proposed classifications for items of legislation.**

	<b>Classification</b>	<b>Description</b>
<b>France</b>	<b>Opening Borders</b>	Support for reception measures, such as speeding up and improving admission procedures for immigrants.
	<b>Border Control</b>	Stricter guidelines regarding border control, encouraging immigrants to return to their country of origin and strengthening internal security.
<b>European Union</b>	<b>Non-restrictive to the country</b>	Items that reaffirm the sovereignty of the Member States of the European Union.
	<b>Restrictive to the country</b>	The sovereignty of the Member States that make up the EU is not reflected.
<b>France and European Union</b>	<b>Inclusive</b>	Incentives for social, economic and cultural policies capable of integrating immigrants into civil society
	<b>Non-Inclusive</b>	Imposition of barriers to the integration of immigrants in the territory.

Source: The authors.

The table below shows each norms analyzed and their respective classification as described above. Also, parts of the documents that capture the main reasons for their classification as such are transcribed, in the original/official language.

Código	Origem	Classificação	Trechos da Legislação
2015/840	European Union	Non-restrictive to the country/ Inclusive	<p>Whereas:</p> <p>(1) Responsible Authorities are responsible for the management and control of expenditure under Regulation (EU) No 514/2014. For that purpose they are to carry out administrative and on-the-spot controls.</p> <p>(6) The main elements of financial on-the-spot controls should be clarified. In particular, Responsible Authorities must verify the non-profit nature of the projects supported by the national programmes. They should check that those projects do not receive double financing of expenditure under the national programmes and other Union programmes, in respect of all programming periods, including funding provided by agencies.</p> <p>Article 1</p> <p>Administrative controls</p> <p>1. The Responsible Authority shall carry out administrative controls on all financial declarations sent by the beneficiaries with the aim of receiving Union funding, in accordance with the grant agreements defined in point (d) of Article 1 of Commission Delegated Regulation (EU) No 1042/2014 (1) ('financial declarations'). These controls shall, as a minimum, include the following elements:</p> <p>(a) checks designed to confirm the formal correctness and the arithmetic accuracy of the financial declarations;</p> <p>(b) checks to confirm that the project has achieved the objectives set out in the grant agreement or that progress is being made towards achieving those objective;</p> <p>(c) an analytical review to assess the relevance of the declared expenditure in the financial declarations and its compliance with the requirements set out in the grant agreement and the applicable Union and national rules.</p> <p>2. Where administrative controls reveal inconsistencies or irregularities, the Responsible Authority shall carry out detailed checks in order to assess the legality and regularity of the expenditure, in particular by reviewing a targeted sample of</p>

supporting documents.

3. The Responsible Authority may require the beneficiary to obtain an audit certificate and an audit report covering all the aspects referred to in points (a) and (c) of paragraph 1, issued by an independent auditor. In that case, the Responsible Authority shall set out the scope of the controls to be performed by the independent auditor as well as the template of the audit report.

#### Article 2

##### General principles regarding on-the-spot controls

The Responsible Authority shall carry out financial and operational on-the-spot controls. On-the-spot controls shall be carried out on the basis of documentation and records held by the project beneficiaries. Unannounced on-the-spot controls may be carried out in accordance with the national law where the level of assurance could be undermined if prior notice was given.

#### Article 3

##### Financial on-the-spot controls

(b) the expenditure in relation to the financial declarations satisfies the eligibility requirements set out in the grant agreement and the applicable Union and national rules;

#### Article 9

##### Retention of supporting documents

1. The Responsible Authority shall ensure that all records, documents and metadata regarding the expenditure declared and the assigned revenues and audits and controls performed are kept at the Commission's (including OLAF) and the European Court of Auditors' disposal for at least four years following the financial year in which the final payment was declared.

2015/1523	European Union	Non-restrictive to the country/ Inclusive	<p>(3) The recent crisis situation in the Mediterranean prompted the Union institutions to immediately acknowledge the exceptional migratory flows in this region and call for concrete measures of solidarity towards the frontline Member States. In particular, at a joint meeting of Foreign and Interior Ministers on 20 April 2015, the Commission presented a ten-point plan of immediate action to be taken in response to this crisis, including a commitment to consider options for an emergency relocation mechanism.</p> <p>(13) Due to the ongoing instability and conflicts in the immediate neighbourhood of Italy and Greece, it is very likely that a significant and increased pressure will continue to be put on their migration and asylum</p>
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systems, with a significant portion of the migrants who may be in need of international protection. This demonstrates the critical need to show solidarity towards Italy and Greece and to complement the actions taken so far to support them with provisional measures in the area of asylum and migration.

2019/816      European Union      Non-restrictive to the country/ Inclusive

Whereas:

(1) The Union has set itself the objective of offering its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured. That objective should be achieved by means of, among others, appropriate measures to prevent and combat crime, including organised crime and terrorism.

(2) That objective requires that information on convictions handed down in the Member States be taken into account outside the convicting Member State in the course of new criminal proceedings, as laid down in Council Framework Decision 2008/675/JHA (2), as well as in order to prevent new offences.

(5) Within the Union, information on third-country nationals is not gathered as it is for nationals of Member States — in the Member States of nationality — but only stored in the Member States where the convictions have been handed down. A complete overview of the criminal history of a third-country national can therefore be ascertained only if such information is requested from all Member States.

Article 2

Scope

This Regulation applies to the processing of identity information of third-country nationals who have been subject to convictions in the Member States for the purpose of identifying the Member States where such convictions were handed down. With the exception of point (b)(ii) of Article 5(1), the provisions of this Regulation that apply to third-country nationals also apply to citizens of the Union who also hold the nationality of a third country and who have been subject to convictions in the Member States.

Article 4

Technical architecture of ECRIS-TCN

3. The interface software shall be integrated with the ECRIS reference implementation. The Member States shall use the ECRIS reference implementation or, in the situation and under the conditions set out in paragraphs 4 to 8, the national ECRIS implementation software to query ECRIS-TCN and to send

subsequent requests for criminal records information.

4. The Member States which use their national ECRIS implementation software shall be responsible for ensuring that their national ECRIS implementation software allows their national criminal records authorities to use ECRIS-TCN, with the exception of the Interface Software, in accordance with this Regulation. For that purpose, they shall, before the date of start of operations of ECRIS-TCN in accordance with Article 35(4), ensure that their national ECRIS implementation software functions in accordance with the protocols and technical specifications established in the implementing acts referred to in Article 10, and with any further technical requirements established by eu-LISA pursuant to this Regulation based on those implementing acts.

#### Article 13

##### Responsibility for the use of data

1. In accordance with applicable Union data protection rules, each Member State shall ensure that the data recorded in ECRIS-TCN are processed lawfully, and in particular that:

(b) the data are collected lawfully in a manner that fully respects the human dignity and fundamental rights of the third-country national;

#### Article 22

##### Penalties

Any misuse of data entered in ECRIS-TCN shall be subject to penalties or disciplinary measures, in accordance with national or Union law, that are effective, proportionate and dissuasive.

2018/1240 European Union Non-restrictive to the country/ Inclusive

#### Article 66: Supervision by the supervisory authority

1. Each Member State shall ensure that the supervisory authority established in accordance with Article 51(1) of Regulation (EU) 2016/679 independently monitors the lawfulness of the processing of personal data pursuant to this Regulation by the Member State concerned, including their transmission to and from ETIAS.

#### Article 76: Responsibilities of Member States:

Each Member State shall be responsible for:

(b) the organisation, management, operation and maintenance of the ETIAS National Units for the manual processing of applications for travel authorisation where the automated processing has reported a hit, as referred to in Article 26.<sup>o</sup>.

2019/817	European Union	Non-restrictive to the country/ Non-Inclusive	<p>(40) This Regulation provides for new data processing operations aimed at identifying the persons concerned correctly. This constitutes an interference with their fundamental rights as protected by Articles 7 and 8 of the Charter of Fundamental Rights of the European Union. Since the effective implementation of the EU information systems is dependent upon correct identification of the individuals concerned, such interference is justified by the same objectives for which each of those systems have been established, the effective management of the Union's borders, the internal security of the Union and the effective implementation of the Union's asylum and visa policies.</p> <p>Article 44 Self-monitoring</p> <p>Member States and the relevant Union agencies shall ensure that each authority entitled to access the interoperability components takes the measures necessary to monitor its compliance with this Regulation and cooperates, where necessary, with the supervisory authority. The data controllers referred to in Article 40 shall take the necessary measures to monitor the compliance of data processing pursuant to this Regulation, including through frequent verification of the logs referred to in Articles 10, 16, 24 and 36, and cooperate, where necessary, with the supervisory authorities and with the European Data Protection Supervisor.</p>
2019/818	European Union	Non-restrictive to the country/ Non-Inclusive	<p>Whereas:</p> <p>(1) In its Communication of 6 April 2016 entitled Stronger and Smarter Information Systems for Borders and Security, the Commission underlined the need to improve the Union's data management architecture for border management and security. The Communication initiated a process towards achieving interoperability between EU information systems for security, border and migration management, with the aim to address the structural shortcomings related to those systems that impede the work of national authorities and to ensure that border guards, customs authorities, police officers and judicial authorities have the necessary information at their disposal.</p> <p>(9) With a view to improving the effectiveness and efficiency of checks at the external borders, to contributing to prevention and combating illegal</p>

immigration and to contributing to a high level of security within the area of freedom, security and justice of the Union, including the maintenance of public security and public policy and safeguarding security in the territories of the Member States, to improving the implementation of the common visa policy, to assisting in the examination of applications for international protection, to contributing to the prevention, detection and investigation of terrorist offences and other serious criminal offences, to facilitating the identification of unknown persons who are unable to identify themselves or unidentified human remains in the case of a natural disaster, accident or terrorist attack, in order to maintain public trust in the Union migration and asylum system, Union security measures and Union capabilities to manage the external border, interoperability between EU information systems, namely the Entry/Exit System (EES), the Visa Information System (VIS), the European Travel Information and Authorisation System (ETIAS), Eurodac, the Schengen Information System (SIS), and the European Criminal Records Information System for Third-Country Nationals (ECRIS-TCN) should be established in order for these EU information systems and their data to supplement each other while respecting the fundamental rights of individuals, in particular the right to protection of personal data. To achieve

this, a European search portal (ESP), a shared biometric matching service (shared BMS), a common identity repository (CIR) and a multiple-identity detector (MID) should be established as interoperability components.

#### Article 2

1. By ensuring interoperability, this Regulation has the following objectives:

- (a) to improve the effectiveness and efficiency of border checks at external borders;
- (b) to contribute to the prevention and the combating of illegal immigration;
- (c) to contribute to a high level of security within the area of freedom, security and justice of the Union including the maintenance of public security and public policy and safeguarding security in the territories of the Member States;
- (d) to improve the implementation of the common visa policy;
- (e) to assist in the examination of applications for international protection;
- (f) to contribute to the prevention, detection and investigation of terrorist offences and of other serious

			<p>criminal offences;</p> <p>(g) to facilitate the identification of unknown persons who are unable to identify themselves or unidentified human remains in case of a natural disaster, accident or terrorist attack.</p>
2019/1240	European Union	Non-restrictive to the country/ Inclusive	<p>Article 1</p> <p>Scope</p> <p>1. This Regulation lays down rules to enhance cooperation and coordination among immigration liaison officers deployed to third countries by Member States, the Commission and Union agencies, through the creation of a European network of immigration liaison officers.</p> <p>2. This Regulation is without prejudice to the responsibility of Member State authorities, the Commission and Union agencies for defining the scope and assignment of tasks and reporting lines of their respective immigration liaison officers, and to the tasks of immigration liaison officers within the framework of their responsibilities under Union and national law, policies or procedures, or under special agreements concluded with the host country or international organisations.</p>
2018/1726	European Union	Non-restrictive to the country/ Inclusive	<p>Article 1</p> <p>1. A European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (the Agency) is hereby established.</p> <p>3. The Agency shall be responsible for the operational management of the Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac.</p> <p>(17) In order to contribute to evidence-based Union migration and security policy-making and to the monitoring of the proper functioning of the systems, the Agency should compile and publish statistics and produce statistical reports and make them available to relevant actors in accordance with the Union legal acts governing the systems, for example in order to monitor the implementation of Council Regulation (EU) No 1053/2013 (4) and for the purposes of carrying out risk analysis and vulnerability assessment in accordance with Regulation (EU) 2016/1624 of the European Parliament and of the Council.</p>



	<p>(22) The Agency should also provide ad hoc support to Member States at their request, subject to the procedure set out in this Regulation, where required by extraordinary security or migratory challenges or needs. In particular, a Member State should be able to request and rely on operational and technical reinforcement where that Member State faces specific and disproportionate migratory challenges at particular areas of its external borders characterised by large inward migratory flows.</p>
<p>2016/399      European Union      Non-restrictive to the country/ Inclusive</p>	<p>Whereas:</p> <p>(5) Common rules on the movement of persons across borders neither call into question nor affect the rights of free movement enjoyed by Union citizens and members of their families and by third-country nationals and members of their families who, under agreements between the Union and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens.</p> <p>(6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Border control should help to combat illegal immigration and trafficking in human beings and to prevent any threat to the Member States' internal security, public policy, public health and international relations.</p> <p>(8) Border control comprises not only checks on persons at border crossing points and surveillance between those border crossing points, but also an analysis of the risks for internal security and of the threats that may affect the security of external borders. It is therefore necessary to set out the conditions, criteria and detailed rules governing checks at border crossing points and surveillance at the border, including checks in the Schengen Information System (SIS).</p> <p>(17) Member States should ensure that control procedures at external borders do not constitute a major barrier to trade and social and cultural interchange. To that end, they should deploy appropriate numbers of staff and resources.</p> <p>(18) Member States should designate the national service or services responsible for border-control tasks in accordance with their national law. Where more than one service is responsible in the same Member State, there should be close and constant cooperation between them.</p> <p>(22) The creation of an area in which the free</p>

movement of persons across internal borders is ensured is one of the main achievements of the Union. In an area without internal border control, it is necessary to have a common response to situations seriously affecting the public policy or internal security of that area, of parts thereof, or of one or more Member States, by allowing for the temporary reintroduction of internal border control in exceptional circumstances, but without jeopardising the principle of the free movement of persons. Given the impact that such measures of last resort may have on all persons having the right to move within the area without internal border control, the conditions and procedures for reintroducing such measures should be provided for, in order to ensure that they are exceptional and that the principle of proportionality is respected. The scope and duration of any temporary reintroduction of such measures should be restricted to the bare minimum needed to respond to a serious threat to public policy or internal security.

(26) Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security.

## Article 2

### Definitions

5. ‘persons enjoying the right of free movement under Union law’ means:

(a) Union citizens within the meaning of Article 20(1) TFEU, and third-country nationals who are members of the family of a Union citizen exercising his or her right to free movement to whom Directive 2004/38/EC of the European Parliament and of the Council (1) applies;

(b) third-country nationals and their family members, whatever their nationality, who, under agreements between the Union and its Member States, on the one hand, and those third countries, on the other hand, enjoy rights of free movement equivalent to those of Union citizens;

## Article 3

### Scope

This Regulation shall apply to any person crossing the internal or external borders of Member States, without prejudice to:

(a) the rights of persons enjoying the right of free movement under Union law;

(b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement.

## Article 8

#### Border checks on persons

1. Cross-border movement at external borders shall be subject to checks by border guards. Checks shall be carried out in accordance with this chapter. The checks may also cover the means of transport and objects in the possession of the persons crossing the border. The law of the Member State concerned shall apply to any searches which are carried out.

#### Article 14

##### Refusal of entry

1. A third-country national who does not fulfil all the entry conditions laid down in Article 6(1) and does not belong to the categories of persons referred to in Article 6(5) shall be refused entry to the territories of the Member States. This shall be without prejudice to the application of special provisions concerning the right of asylum and to international protection or the issue of long-stay visas.

2. Entry may only be refused by a substantiated decision stating the precise reasons for the refusal. The decision shall be taken by an authority empowered by national law. It shall take effect immediately.

2017/1601	European Union	Non-restrictive to the country/ Inclusive	<p>(7) The purpose of the EFSD is in line with the Union Global Strategy for Foreign and Security Policy, which embeds challenges such as migration and resilience in the overall foreign policy of the Union, ensuring that Union external policy is fully coherent with the objectives of development policy and ensuring synergies with the Union's development policy and European Neighbourhood Policy. Its purpose is also in line with the Charter of Fundamental Rights of the European Union and international human rights law, which ensures a human rights-based approach while addressing forced displacement and irregular migration.</p> <p>Article 9:</p> <p>(c) contributing, by promoting sustainable development, to addressing specific root causes of migration, including irregular migration, as well as fostering the resilience of transit and host communities, and contributing to the sustainable reintegration of migrants returning to their countries of origin, with due regard to the strengthening of the rule of law, good governance and human rights;</p>
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2016/1624	European Union	Non-restrictive to the country/ Non-Inclusive	<p>Whereas:</p> <p>(1) At its meeting on 25 and 26 June 2015, the European Council called for wider efforts in resolving unprecedented migratory flows towards Union territory in a comprehensive manner, including by</p>
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reinforcing border management to better manage growing mixed migratory flows. Furthermore, at their informal meeting on migration on 23 September 2015, the Heads of State or Government stressed the need to tackle the dramatic situation at the external borders and to strengthen the controls at those borders, in particular through additional resources for the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, the European Asylum Support Office (EASO), and Europol, with human resources and technical contributions from Member States.

(3) European integrated border management, based on the four-tier access control model, comprises measures in third countries, such as under the common visa policy, measures with neighbouring third countries, border control measures at the external borders, risk analysis and measures within the Schengen area and return.

(10) It is necessary to monitor the crossing of the external borders efficiently, address migratory challenges and potential future threats at the external borders, ensure a high level of internal security within the Union, safeguard the functioning of the Schengen area and respect the overarching principle of solidarity. In light of this, it is necessary to reinforce the management of the external borders by building on the work of Frontex and further developing it into an agency with a shared responsibility for the management of the external borders.

(16) The Agency relies on the cooperation of Member States to be able to perform its tasks effectively. In this respect, it is important for the Agency and the Member States to act in good faith and to exchange accurate information in a timely manner. No Member State should be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security.

(17) Member States should also, in their own interests and in the interests of other Member States, enter data into the European databases. Equally, they should ensure that the data are accurate, up-to-date and obtained and entered lawfully.

#### Article 3

##### European Border and Coast Guard

2. The Agency shall, by decision of the management board based on a proposal of the executive director, establish a technical and operational strategy for European integrated border management. The Agency shall take into account, where justified, the specific

situation of the Member States, in particular their geographical location. This strategy shall be in line with Article 4. It shall promote and support the implementation of European integrated border management in all Member States.

3. The national authorities which are responsible for border management, including coast guards to the extent that they carry out border control tasks, shall establish their national strategies for integrated border management. Those national strategies shall be in line with Article 4 and the strategy referred to in paragraph 2 of this Article.

#### Article 4

##### European integrated border management

(a) border control, including measures to facilitate legitimate border crossings and, where appropriate, measures related to the prevention and detection of cross-border crime, such as migrant smuggling, trafficking in human beings and terrorism, and measures related to the referral of persons who are in need of, or wish to apply for, international protection;

(c) analysis of the risks for internal security and analysis of the threats that may affect the functioning or security of the external borders;

(f) cooperation with third countries in the areas covered by this Regulation, focusing in particular on neighbouring countries and on those third countries which have been identified through risk analysis as being countries of origin and/or transit for illegal immigration;

(g) technical and operational measures within the Schengen area which are related to border control and designed to address illegal immigration and to counter cross-border crime better;

(h) return of third-country nationals who are the subject of return decisions issued by a Member State;

#### Article 5

##### Shared responsibility

1. The European Border and Coast Guard shall implement European integrated border management as a shared responsibility of the Agency and of the national authorities responsible for border management, including coast guards to the extent that they carry out maritime border surveillance operations and any other border control tasks. Member States shall retain primary responsibility for the management of their sections of the external borders.

2. Member States shall ensure the management of their external borders, in their own interests and in the common interest of all Member States in full compliance with Union law and in line with the

technical and operational strategy referred to in Article 3(2), in close cooperation with the Agency.

## Article 8

### Tasks

1. The Agency shall perform the following tasks with a view to contributing to an efficient, high and uniform level of border control and return:

(a) monitor migratory flows and carry out risk analysis as regards all aspects of integrated border management;

(b) carry out a vulnerability assessment including the assessment of the capacity and readiness of Member States to face

threats and challenges at the external borders;

(c) monitor the management of the external borders through liaison officers of the Agency in Member States;

(d) assist Member States in circumstances requiring increased technical and operational assistance at the external borders by coordinating and organising joint operations, taking into account that some situations may involve humanitarian emergencies and rescue at sea in accordance with Union and international law;

(e) assist Member States in circumstances requiring increased technical and operational assistance at the external borders, by launching rapid border interventions at the external borders of those Member States facing specific and disproportionate challenges, taking into account that some situations may involve humanitarian emergencies and rescue at sea in accordance with Union and international law;

(f) provide technical and operational assistance to Member States and third countries in accordance with Regulation (EU) No 656/2014 and international law, in support of search and rescue operations for persons in distress at sea which may arise during border surveillance operations at sea;

(g) set up and deploy European Border and Coast Guard teams, including a rapid reaction pool, that are to be deployed during joint operations and in rapid border interventions and within the framework of the migration management support teams;

(i) within the framework of the migration management support teams at hotspot areas:

(i) deploy European Border and Coast Guard teams and technical equipment to provide assistance in screening, debriefing, identification and fingerprinting;

(ii) establish a procedure for referring and providing initial information to persons who are in need of, or wish to apply for, international protection, in

cooperation with the European Asylum Support Office (EASO) and national authorities;

#### Article 11

Monitoring of migratory flows and risk analysis

4. Member States shall provide the Agency with all necessary information regarding the situation, trends and possible threats at the external borders and in the field of return. Member States shall regularly, or upon the request of the Agency, provide it with all relevant information such as statistical and operational data collected in relation to the implementation of the Schengen acquis as well as information from the analysis layer of the national situational picture established in accordance with Regulation (EU) No 1052/2013.

2018/1806	European Union	Non-restrictive to the country/ Inclusive	<p>(2) This Regulation provides for full harmonisation as regards the third countries whose nationals are subject to a requirement to be in possession of a visa for the crossing of Member States' external borders (also referred to herein as 'the visa requirement') and those whose nationals are exempt from that requirement.</p> <p>(12) It should be possible for Member States to exempt from the visa requirement recognised refugees, all stateless persons, both those covered by the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954 and those outside of the scope of that Convention, and school pupils travelling on school excursions, where the persons of these categories reside in a third country that is included in the list in Annex II to this Regulation.</p> <p>(27) The Commission should report regularly to the European Parliament and to the Council, at least once a year, for a period of seven years after the entry into force of visa liberalisation for a particular third country, and thereafter whenever the Commission considers it necessary, or upon request by the European Parliament or by the Council.</p>
2019/1896	European Union	Non-restrictive to the country/ Inclusive	<p>5) However, the Union framework in the areas of external border control, return, combating cross-border crime, and asylum still needs to be further improved. To that end, and to further underpin the current and future envisaged operational efforts, the European Border and Coast Guard should be reformed by giving the Agency a stronger mandate and, in particular, by providing it with the necessary capabilities in the form of a European Border and Coast Guard standing corps (the 'standing corps'). The standing corps should gradually but swiftly reach</p>

the strategic target of having a capacity of 10 000 operational staff, as set out in Annex I, with executive powers, where applicable, to effectively support Member States on the ground in their efforts to protect the external borders, to fight cross-border crime and to significantly step up the effective and sustainable return of irregular migrants. Such a capacity of 10 000 operational staff represents the maximum available capacity required to effectively address existing and future operational needs for border and return operations in the Union and third countries, including a rapid reaction capacity to face future crises

2016/1953	European Union	Non-restrictive to the country/ Inclusive	(3) Improving cooperation on return and readmission with the main countries of origin and transit of illegally staying third-country nationals is essential for increasing rates of return, which are unsatisfactory. An improved European travel document for the return of illegally staying third-country nationals is relevant in that regard
2015/2248	European Union	Non-restrictive to the country/ Inclusive	Article 1 For the general budget of the European Union for the financial year 2015, the Flexibility Instrument shall be used to provide the sum of EUR 66,1 million in commitment appropriations in heading 3 (Security and Citizenship).
2019/500	European Union	Non-restrictive to the country/ Inclusive	Whereas: (3) As a result, persons who, in their capacity as Union citizens, have legitimately exercised the right to freedom of movement or freedom of establishment enshrined in Articles 45 and 49 of the Treaty on the Functioning of the European Union (TFEU) prior to the date of the United Kingdom's withdrawal from the Union, as well as members of their families and survivors, are no longer able to rely on the Union rules on social security coordination as regards their social security entitlements on the basis of facts and events that occurred and periods of insurance, employment, self-employment or residence that were completed before the withdrawal date, and that involved the United Kingdom. Stateless persons and refugees who are or have been subject to the legislation of one or more Member States and who are or have been in situations involving the United Kingdom, as well as members of their families and survivors, will equally be affected. (5) This Regulation does not affect existing social security conventions and agreements between the



United Kingdom and one or more Member States which are in compliance with Article 8 of Regulation (EC) No 883/2004 and Article 9 of Regulation (EC) No 987/2009. This Regulation is without prejudice to the possibility for the Union or the Member States to take measures addressing administrative cooperation and the exchange of information with the competent institutions in the United Kingdom for the purpose of giving effect to the principles of this Regulation. Furthermore, this Regulation does not affect any competence of either the Union or the Member States to conclude social security conventions and agreements with third countries or with the United Kingdom that cover the period after the day on which the Treaties cease to apply to the United Kingdom.

(6) This Regulation does not affect any rights that were acquired or were in the process of being acquired in accordance with the legislation of a Member State during the period before the date of application of this Regulation. Good cooperation is necessary for such rights to be protected and upheld. It is important to ensure that appropriate and timely information is available to the persons concerned.

(8) In view of the fact that, in the absence of a withdrawal agreement or of an extension of the two-year period after the United Kingdom's notification of its intention to withdraw from the Union, the Treaties will cease to apply to the United Kingdom from 30 March 2019, and in view of the need to provide legal certainty, it was considered appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community.

## Article 2

### Persons covered

This Regulation applies to the following persons:

(a) nationals of a Member State, stateless persons and refugees who are or have been subject to the legislation of one or more Member States and who are or have been in a situation involving the United Kingdom before the date of application of this Regulation, as well as members of their families and survivors;

(b) nationals of the United Kingdom who are or have been subject to the legislation of one or more Member States before the date of application of this Regulation, as well as members of their families and survivors.

2017/342	European Union	Non-restrictive to the country/ Inclusive	<p>(3) Due to the urgent needs, it is necessary to mobilise significant additional amounts to finance measures to alleviate the ongoing migration, refugee and security crisis.</p> <p>(4) After having examined all possibilities for re-allocating appropriations under the expenditure ceiling for heading 3 (Security and citizenship), it appears necessary to mobilise the Flexibility Instrument to supplement the financing available in the general budget of the Union for the financial year 2017, beyond the ceilings of heading 3 by the amount of EUR 530,0 million to finance measures in the field of migration, refugees and security.</p>
2018-187	France	Opening borders / Inclusive	<p>Article 1:  « II. – Toutefois, dans le cas prévu au 1o bis du I de l'article L. 561-2, l'étranger ne peut être placé en rétention que pour prévenir un risque non négligeable de fuite, sur la base d'une évaluation individuelle prenant en compte l'état de vulnérabilité de l'intéressé, et uniquement dans la mesure où le placement en rétention est proportionné et si les dispositions du même article L. 561-2 ne peuvent être effectivement appliquées. Le risque non négligeable de fuite peut, sauf circonstance particulière, être regardé comme établi dans les cas suivants :</p> <p>Article 2:  L'article L. 741-1 du code de l'entrée et du séjour des étrangers et du droit d'asile est ainsi modifié :</p> <p>1o Le premier alinéa est complété par une phrase ainsi rédigée : « Tout demandeur reçoit, dans une langue qu'il comprend ou dont il est raisonnable de supposer qu'il la comprend, une information sur ses droits et obligations en application dudit règlement, dans les conditions prévues à son article 4. » ;</p> <p>2o Après le troisième alinéa, il est inséré un alinéa ainsi rédigé :</p> <p>« Au moment de sa présentation auprès de l'autorité administrative en vue de l'enregistrement d'une première demande d'asile en France, l'étranger ne peut être regardé comme présentant le risque non négligeable de fuite défini aux 1o à 12o du II de l'article L. 551-1 du présent code. »</p> <p>« Lorsqu'un étranger placé en rétention en application de l'article L. 551-1 présente une demande d'asile, l'autorité administrative peut procéder pendant la rétention à la détermination de l'Etat membre responsable de l'examen de</p>

				<p>cette demande conformément à l'article L. 742-1 et, le cas échéant, à l'exécution d'office du transfert dans les conditions prévues à l'article L. 742-5. Si la France est l'Etat membre responsable de l'examen de cette demande et</p> <p>si l'autorité administrative estime, sur le fondement de critères objectifs, que cette demande est présentée dans le seul but de faire échec à l'exécution de la mesure d'éloignement, elle peut prendre une décision de maintien en rétention de l'étranger pendant le temps strictement nécessaire à l'examen de sa demande d'asile par l'Office français de protection des réfugiés et apatrides et, en cas de décision de rejet ou d'irrecevabilité de celle-ci, dans l'attente de son départ. »</p>
2018-778	France	Opening borders / Inclusive		<p>TITRE I: Accélérer Le Traitement Des Demandes D'asile Et Améliorer Les Conditions D'accueil:</p> <p>« Art. L. 313-25. – Une carte de séjour pluriannuelle d'une durée maximale de quatre ans est délivrée, dès sa première admission au séjour :</p> <p>« 1o A l'étranger qui a obtenu le bénéfice de la protection subsidiaire en application de l'article L. 712-1 ;</p> <p>« 2o A son conjoint, au partenaire avec lequel il est lié par une union civile ou à son concubin, s'il a été autorisé à séjourner en France au titre de la réunification familiale dans les conditions prévues à l'article L. 752-1 ;</p> <p>« 3o A son conjoint ou au partenaire avec lequel il est lié par une union civile, âgé d'au moins dix-huit ans, si le mariage ou l'union civile est postérieur à la date d'introduction de sa demande d'asile, à condition que le mariage ou l'union civile ait été célébré depuis au moins un an et sous réserve d'une communauté de vie effective entre époux ou partenaires;</p> <p>« 4o A ses enfants dans l'année qui suit leur dix-huitième anniversaire ou entrant dans les prévisions de l'article L. 311-3 ;</p> <p>« 5o A ses ascendants directs au premier degré si l'étranger qui a obtenu le bénéfice de la protection est un mineur non marié.</p> <p>Article 13:</p> <p>« L'Office français de l'immigration et de l'intégration détermine la région de résidence en fonction de la part des demandeurs d'asile accueillis dans chaque région en application du schéma national et en tenant compte</p>

des besoins et de la situation personnelle et familiale du demandeur au regard de l'évaluation prévue à l'article L. 744-6 et de l'existence de structures à même de prendre en charge de façon spécifique les victimes de la traite des êtres humains ou les cas de graves violences physiques ou sexuelles.

### TITRE III - Renforcer L'efficacité De La Lutte Contre L'immigration Irrégulière

#### Article 18:

« L'étranger peut refuser d'être rapatrié avant l'expiration du délai d'un jour franc, ce dont il est fait mention sur la notification prévue au deuxième alinéa. L'étranger mineur non accompagné d'un représentant légal ne peut être rapatrié avant l'expiration du même délai. Le présent alinéa n'est pas applicable aux refus d'entrée notifiés à Mayotte ou à la frontière terrestre de la France.

“Une attention particulière est accordée aux personnes vulnérables, notamment aux mineurs, accompagnés ou non d'un adulte.”

### TITRE IV: Accompagner Efficacement L'intégration Et L'accueil Des Étrangers En Situation Régulière

#### CHAPITRE I: Dispositions En Faveur De L'attractivité Et De L'accueil Des Talents Et Des Compétences

#### Article 40:

« L'étranger ayant été admis dans un autre Etat membre de l'Union européenne conformément à la directive (UE) 2016/801 du Parlement européen et du Conseil du 11 mai 2016 précitée peut séjourner en France, après notification de sa mobilité aux autorités administratives compétentes, pour mener une partie de ses travaux en France sur la base de la convention d'accueil conclue dans le premier Etat membre, pour autant qu'il dispose de ressources suffisantes, sans que soit exigé le respect de la condition prévue à l'article L. 313-2. La mobilité de longue durée a une durée maximale de douze mois. La mobilité de courte durée a une durée maximale de cent quatre-vingts jours sur toute période de trois cent soixante jours. Le conjoint et les enfants du couple sont admis au séjour dans les mêmes conditions que le chercheur et ont droit à l'exercice d'une activité professionnelle en cas de mobilité de longue durée; »

2016-274

France

Opening borders / Article 1  
Inclusive

I. – L'article L. 311-9 du code de l'entrée et du séjour des étrangers et du droit d'asile est ainsi rédigé :

« Art. L. 311-9. – L'Etat met, dans le pays d'origine, à la disposition de l'étranger qui souhaite s'installer durablement sur le territoire français une information, dans une langue qu'il comprend, sur la vie en France ainsi que sur les droits et devoirs qui y sont liés.

« L'étranger admis pour la première fois au séjour en France ou qui entre régulièrement en France entre l'âge de seize ans et l'âge de dix-huit ans révolus et qui souhaite s'y maintenir durablement s'engage dans un parcours personnalisé d'intégration républicaine visant à favoriser son autonomie et son insertion dans la société française.

Article 6:

Art. L. 311-11. – Une autorisation provisoire de séjour d'une durée de validité de douze mois, non renouvelable, est délivrée à l'étranger ayant obtenu, dans un établissement d'enseignement supérieur habilité au plan national, un diplôme au moins équivalent au grade de master ou figurant sur une liste fixée par décret et qui : 1o Soit entend compléter sa formation par une première expérience professionnelle, sans limitation à un seul emploi ou à un seul employeur. Pendant la durée de cette autorisation, son titulaire est autorisé à chercher et à exercer un emploi en relation avec sa formation et assorti d'une rémunération supérieure à un seuil fixé par décret et modulé, le cas échéant, selon le domaine professionnel concerné.

Article 17

Art. L. 313-24. – I. – Une carte de séjour d'une durée maximale de trois ans, autorisant l'exercice d'une activité professionnelle, est délivrée à l'étranger qui vient en France pour effectuer une mission dans le cadre du 2o de l'article L. 1262-1 du code du travail afin d'occuper un poste d'encadrement supérieur ou d'apporter une expertise dans un établissement ou une entreprise du groupe qui l'emploie, s'il justifie d'une ancienneté professionnelle dans celui-ci d'au moins trois mois. Cette carte est délivrée pour la durée de la mission envisagée sur le territoire français. Elle porte la mention "salarié détaché ICT".

Article 66:

Au terme d'une première année de séjour régulier en France, l'étranger qui a conclu avec l'Etat un contrat d'accueil et d'intégration en application de l'article L. 311-9 du code de l'entrée et du séjour des étrangers et du droit d'asile, dans sa rédaction antérieure à la

				présente loi, bénéficie de la délivrance de la carte de séjour pluriannuelle mentionnée à l'article L. 313-17 du même code dès lors qu'il justifie de son assiduité et du sérieux de sa participation aux formations suivies en application de ce contrat, qu'il n'a pas manifesté de rejet des valeurs essentielles de la société française et de la République et qu'il remplit la condition posée au 2o du I du même article L. 313-17.
2016-444	France	Opening borders / Inclusive	Article 5	<p>« La personne engagée dans le parcours de sortie de la prostitution et d'insertion sociale et professionnelle peut se voir délivrer l'autorisation provisoire de séjour mentionnée à l'article L. 316-1-1 du code de l'entrée et du séjour des étrangers et du droit d'asile. Elle est présumée satisfaire aux conditions de gêne ou d'indigence prévues au 1o de l'article L. 247 du livre des procédures fiscales. Lorsqu'elle ne peut prétendre au bénéfice des allocations prévues aux articles L. 262-2 du présent code, L. 744-9 du code de l'entrée et du séjour des étrangers et du droit d'asile et L. 5423-8 du code du travail, une aide financière à l'insertion sociale et professionnelle lui est versée.</p> <p>Article 8</p> <p>Le code de l'entrée et du séjour des étrangers et du droit d'asile est ainsi modifié :</p> <p>1o A la première phrase du premier alinéa de l'article L. 316-1, les mots : « peut être » sont remplacés par le mot : « est » ;</p> <p>2o Après l'article L. 316-1, il est inséré un article L. 316-1-1 ainsi rédigé :</p> <p>« Art. L. 316-1-1. – Une autorisation provisoire de séjour d'une durée minimale de six mois peut être délivrée, sauf si sa présence constitue une menace pour l'ordre public, à l'étranger victime des infractions prévues aux articles 225-4-1 à 225-4-6 et 225-5 à 225-10 du code pénal qui, ayant cessé l'activité de prostitution, est engagé dans le parcours de sortie de la prostitution et d'insertion sociale et professionnelle mentionné à l'article L. 121-9 du code de l'action sociale et des familles. La condition prévue à l'article L. 313-2 du présent code n'est pas exigée. Cette autorisation provisoire de séjour ouvre droit à l'exercice d'une activité professionnelle. Elle est renouvelée pendant toute la durée du parcours de sortie de la prostitution et d'insertion sociale et professionnelle, sous réserve que les conditions prévues pour sa délivrance continuent d'être satisfaites.</p>
2015-1239	France	Border control/ Inclusive		Publics concernés: anciens migrants à faible niveau de ressources vivant seuls en résidence sociale.

Objet: faciliter les séjours de longue durée des anciens migrants à faible niveau de ressources dans leur pays d'origine.

Entrée en vigueur: le texte s'applique aux demandes présentées à compter du 1er janvier 2016.

Notice: le présent décret est pris pour l'application de l'article L. 117-3 du code de l'action sociale et des familles. Il met en œuvre, conformément à la préconisation du rapport de la mission parlementaire d'information sur les immigrés âgés rendu public le 5 juillet 2013, l'aide à la réinsertion familiale et sociale des anciens migrants dans leur pays d'origine. Ce texte vise à permettre aux retraités étrangers, disposant de faibles ressources et qui résident seuls en résidence sociale ou foyer de travailleurs migrants, d'effectuer des séjours de longue durée dans leur pays d'origine et de réaliser ainsi un rapprochement familial. Le décret fixe les conditions d'attribution (résidence, ressources et logement) de cette aide, ainsi que ses modalités de calcul, de service et de versement. Il détermine également les modalités de contrôle des conditions requises pour en bénéficier. Il crée enfin un fonds chargé de la gestion de l'aide à la réinsertion familiale et sociale des anciens migrants dans leur pays d'origine.

2015-925	France	Opening borders / Inclusive	<p>Article 2:</p> <p>« Pour que la qualité de réfugié soit reconnue, il doit exister un lien entre l'un des motifs de persécution et les actes de persécution ou l'absence de protection contre de tels actes.</p> <p>« Lorsque l'autorité compétente évalue si un demandeur craint avec raison d'être persécuté, il est indifférent que celui-ci possède effectivement les caractéristiques liées au motif de persécution ou que ces caractéristiques lui soient seulement attribuées par l'auteur des persécutions. »</p> <p>CHAPITRE III: Dispositions relatives à la procédure d'examen des demandes d'asile</p> <p>Article 9:</p> <p>Le conseil d'administration fixe la liste des pays considérés comme des pays d'origine sûrs, dans les conditions prévues à l'article 37 et à l'annexe I de la directive 2013/32/UE du Parlement européen et du Conseil, du 26 juin 2013, relative à des procédures communes pour l'octroi et le retrait de la protection internationale.</p> <p>« Il examine régulièrement la situation dans les pays considérés comme des pays d'origine sûrs.</p> <p>« Il veille à l'actualité et à la pertinence des</p>
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inscriptions. Il radie de la liste les pays ne remplissant plus les critères mentionnés au quatrième alinéa et peut, en cas d'évolution rapide et incertaine de la situation dans un pays, en suspendre l'inscription.

#### Article 13:

I. – Le livre II du code de l'entrée et du séjour des étrangers et du droit d'asile est ainsi modifié :

1o Après l'article L. 213-8, sont insérés des articles L. 213-8-1 et L. 213-8-2 ainsi rédigés :

« Art. L. 213-8-1. – La décision de refuser l'entrée en France à un étranger qui se présente à la frontière et demande à bénéficier du droit d'asile ne peut être prise par le ministre chargé de l'immigration que si :

« 1o L'examen de la demande d'asile relève de la compétence d'un autre Etat en application du règlement (UE) no 604/2013 du Parlement européen et du Conseil, du 26 juin 2013, établissant les critères et mécanismes de détermination de l'Etat membre responsable de l'examen d'une demande de protection internationale introduite dans l'un des Etats membres par un ressortissant de pays tiers ou un apatride, ou en application d'engagements identiques à ceux prévus par le même règlement avec d'autres Etats.

« 2o La demande d'asile est irrecevable en application de l'article L. 723-11 ;

« 3o Ou la demande d'asile est manifestement infondée.

« Constitue une demande d'asile manifestement infondée une demande qui, au regard des déclarations faites par l'étranger et des documents le cas échéant produits, est manifestement dénuée de pertinence au regard des conditions d'octroi de l'asile ou manifestement dépourvue de toute crédibilité en ce qui concerne le risque de persécutions ou d'atteintes graves.

« Sauf dans le cas où l'examen de la demande d'asile relève de la compétence d'un autre Etat, la décision de refus d'entrée ne peut être prise qu'après consultation de l'Office français de protection des réfugiés et apatrides, qui rend son avis dans un délai fixé par voie réglementaire et dans le respect des garanties procédurales prévues au

chapitre III du titre II du livre VII. L'office tient compte de la vulnérabilité du demandeur d'asile. L'avocat ou le représentant d'une des associations mentionnées au huitième alinéa de l'article L. 723-6, désigné par l'étranger, est autorisé à pénétrer dans la zone d'attente pour l'accompagner à son entretien dans les conditions prévues au même article L. 723-6.



« Sauf si l'accès de l'étranger au territoire français constitue une menace grave pour l'ordre public, l'avis de l'office, s'il est favorable à l'entrée en France de l'intéressé au titre de l'asile, lie le ministre chargé de l'immigration.

« L'étranger autorisé à entrer en France au titre de l'asile est muni sans délai d'un visa de régularisation de huit jours. Dans ce délai, l'autorité administrative compétente lui délivre, à sa demande, une attestation de demande d'asile lui permettant d'introduire sa demande auprès de l'office.

Article 20: « Procédure de détermination de l'Etat responsable de l'examen de la demande d'asile

« Art. L. 742-1. – Lorsque l'autorité administrative estime que l'examen d'une demande d'asile relève de la

compétence d'un autre Etat qu'elle entend requérir, l'étranger bénéficie du droit de se maintenir sur le territoire français jusqu'à la fin de la procédure de détermination de l'Etat responsable de l'examen de sa demande et, le cas échéant, jusqu'à son transfert effectif à destination de cet Etat. L'attestation délivrée en application de l'article L. 741-1 mentionne la procédure dont il fait l'objet. Elle est renouvelable durant la procédure de

détermination de l'Etat responsable et, le cas échéant, jusqu'à son transfert effectif à destination de cet Etat.

« Le présent article ne fait pas obstacle au droit souverain de l'Etat d'accorder l'asile à toute personne dont

l'examen de la demande relève de la compétence d'un autre Etat.

Article 21:

### CHAPITRE III

« Droit au maintien sur le territoire français

« Art. L. 743-1. – Le demandeur d'asile dont l'examen de la demande relève de la compétence de la France et qui a introduit sa demande auprès de l'Office français de protection des réfugiés et apatrides bénéficie du droit de se maintenir sur le territoire français jusqu'à la notification de la décision de l'office ou, si un recours a été formé, jusqu'à la notification de la décision de la Cour nationale du droit d'asile. L'attestation délivrée en application de l'article L. 741-1, dès lors que la demande d'asile a été introduite auprès de l'office, vaut autorisation provisoire de séjour et est renouvelable jusqu'à ce que l'office et, le cas échéant, la cour statuent.

2017-1510	France	Border control/ Non-Inclusive	<p>Article 19</p> <p>I. – L'article 78-2 du code de procédure pénale est ainsi modifié :</p> <p>3° Après le même neuvième alinéa, il est inséré un alinéa ainsi rédigé :</p> <p>« Dans un rayon maximal de dix kilomètres autour des ports et aéroports constituant des points de passage frontaliers au sens de l'article 2 du règlement (UE) 2016/399 du Parlement européen et du Conseil du 9 mars 2016 concernant un code de l'Union relatif au régime de franchissement des frontières par les personnes (code frontières Schengen), désignés par arrêté en raison de l'importance de leur fréquentation et de leur vulnérabilité, l'identité de toute personne peut être contrôlée, pour la recherche et la prévention des infractions liées à la criminalité transfrontalière, selon les modalités prévues au premier alinéa du présent article, en vue de vérifier le respect des obligations de détention, de port et de présentation des titres et documents prévus par la loi. L'arrêté mentionné à la première phrase du présent alinéa fixe le rayon autour du point de passage frontalier dans la limite duquel les contrôles peuvent être effectués. » [...]</p>
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