

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.

<b>Código</b>	<b>Origem</b>	<b>Classificação</b>	<b>Trechos da Legislação</b>
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>Item 1:  “II. – However, in the case provided for in 1o bis of I of Article L. 561-2, the foreign national may only be detained to prevent a significant risk of absconding, on the basis of an individual assessment taking into account the state of vulnerability of the person concerned, and only insofar as the placement in detention is proportionate and if the provisions of the same article L. 561-2 cannot be effectively applied. The non-negligible risk of leakage may, except in special circumstances, be regarded as established in the following cases:</p> <p>Item 2:  Article L. 741-1 of the code for the entry and stay of foreigners and the right to asylum is thus amended:  1o The first paragraph is supplemented by a sentence worded as follows: “All applicants receive, in a language that they understands or which it is reasonable to assume that he understands, information on his rights and obligations under the said regulations, under the conditions provided for in its article 4.”;  2o After the third paragraph, a paragraph worded as follows is inserted:  "At the time of his presentation to the administrative authority for the registration of a first asylum application in France, the foreigner cannot be regarded as presenting the non-negligible risk of absconding defined in 1o to 12o of the II of article L. 551-1 of this code. »  “When a foreigner placed in detention pursuant to Article L. 551-1 submits an application for asylum, the authority administrative authority may proceed during the detention to determine the Member State responsible for the examination of</p>

				<p>this request in accordance with Article L. 742-1 and, where applicable, the automatic execution of the transfer under the conditions provided for in Article L. 742-5. If France is the Member State responsible for examining this request and if the administrative authority considers, on the basis of objective criteria, that this request is submitted for the sole purpose of blocking the execution of the deportation, it can take a decision to keep the foreign national in detention for the time strictly necessary for the examination of his asylum application by the French Office for the Protection of Refugees and Stateless Persons and, in the event of a decision to rejection or inadmissibility of it, pending its departure. »</p>
2018-778	France	Opening borders / Inclusive		<p>TITLE I: Accelerating the Processing of Asylum Applications and Improving Reception Conditions:</p> <p>" Art. L.313-25. – A multi-year residence permit for a maximum of four years is issued, as soon as it is first admission to stay:</p> <p>“1o To a foreigner who has obtained the benefit of subsidiary protection pursuant to Article L. 712-1;</p> <p>"2o To his spouse, to the partner with whom he is bound by a civil union or to his cohabitant, if he has been authorized to reside in France for family reunification under the conditions provided for in Article L. 752- 1;</p> <p>"3o To his spouse or to the partner with whom he is bound by a civil union, aged at least eighteen, if the marriage or civil union is after the date of submission of his asylum application , provided that the marriage or civil union has been celebrated for at least one year and subject to an effective community of life between spouses or partners;</p> <p>“4o To his children in the year following their eighteenth birthday or falling within the forecasts of article L. 311-3;</p> <p>“5o To his direct ascendants in the first degree if the foreigner who has obtained the benefit of protection is an unmarried minor.</p> <p>Section 13:</p> <p>“The French Office for Immigration and Integration determines the region of residence according to the share</p> <p>asylum seekers received in each region in application of the national scheme and taking into account the needs and the personal and family situation of the applicant with regard to the assessment provided for in Article L. 744-6 and the existence structures capable of specifically taking care of victims of</p>

human trafficking or cases of serious physical or sexual violence.

### TITLE III - Strengthening the Effectiveness of the Fight Against Irregular Immigration

#### Section 18:

“The foreign national may refuse to be repatriated before the expiry of the period of one clear day, which is mentioned in the notification provided for in the second paragraph. A foreign minor unaccompanied by a legal representative cannot be repatriated before the expiry of the same period. This paragraph does not apply to refusals of entry notified in Mayotte or at the land border of France.

“Special attention is given to vulnerable people, in particular minors, accompanied or not of an adult.”

### TITLE IV: Effectively Supporting the Integration and Reception of Foreigners in a Legal Situation

#### CHAPTER I: Provisions In Favor Of The Attractiveness And Reception Of Talents And Skills

#### Section 40:

"A foreign national who has been admitted to another Member State of the European Union in accordance with Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 mentioned above may stay in France, after notification of his mobility to the authorities competent administrative authorities, to carry out part of his work in France on the basis of the hosting agreement concluded in the first Member State, provided that he has sufficient resources, without compliance with the condition provided for in L.313-2. Long-term mobility has a maximum duration of twelve months. Short-term mobility has a maximum duration of one hundred and eighty days in any period of three hundred and sixty days. The spouse and the children of the couple are admitted to stay under the same conditions as the researcher and are entitled to exercise a professional activity in the event of long-term mobility; »

2016-274	France	Opening borders / Inclusive	Section 1
			I. – Article L. 311-9 of the code for the entry and stay of foreigners and the right to asylum is worded as follows:

" Art. L.311-9. – The State places, in the country of origin, at the disposal of the foreigner who wishes to settle

permanently on French territory information, in a language they understand, on life in France as well as on the rights and duties associated with it.

"The foreigner admitted for the first time to stay in France or who enters France regularly between the age of sixteen and the age of eighteen years old and who wishes to remain there permanently undertakes a personalized republican integration aimed at promoting their autonomy and integration into French society.

Section 6:

Art. L.311-11. – A temporary residence permit valid for twelve months, non-renewable, is issued to foreigners who have obtained, in a nationally accredited higher education establishment, a diploma at least equivalent to a master's degree or appearing on a list fixed by decree and who: 1o Either intends to complete their training with a first professional experience, without limitation to a single job or a single employer. During the duration of this authorization, its holder is authorized to seek and exercise a job related to his training and accompanied by remuneration above a threshold fixed by decree and modulated, if necessary, according to the professional field concerned.

Section 17

Art. L.313-24. – I. – A residence permit for a maximum period of three years, authorizing the exercise of a professional activity, is issued to foreigners who come to France to carry out a mission within the framework of 2o of article L. 1262-1 of the Labor Code in order to hold a senior management position or to provide expertise in an establishment or company of the group that employs him, if he can prove professional seniority in this for at least three months. This card is issued for the duration of the planned mission on French territory. It bears the mention "seconded ICT employee".

Section 66:

At the end of a first year of legal residence in France, the foreigner who has concluded a contract with the State

reception and integration pursuant to article L. 311-9 of the code for the entry and residence of foreigners and the right to asylum, in its wording prior to this law, benefits from the issue of the multi-year residence permit mentioned in article L. 313-17 of the same code provided that he proves his attendance and

				the seriousness of his participation in the training courses followed in application of this contract, that he has not demonstrated of rejection of the essential values of French society and of the Republic and that he fulfills the condition laid down in 2° of I of the same article L. 313-17.
2016-444	France	Opening borders / Inclusive	Section 5	<p>"The person engaged in the process of leaving prostitution and social and professional integration may be issued the temporary residence permit mentioned in Article L. 316-1-1 of the Entry and Residence Code. foreigners and the right of asylum. It is presumed to satisfy the conditions of embarrassment or indigence provided for in 1o of article L. 247 of the book of tax procedures. When she cannot claim the benefit of the allowances provided for in articles L. 262-2 of this code, L. 744-9 of the code for the entry and stay of foreigners and the right to asylum and L. 5423-8 of the Labor Code, financial assistance for social and professional integration is paid to him.</p> <p>Section 8</p> <p>The code for the entry and residence of foreigners and the right to asylum is thus amended:</p> <p>1o In the first sentence of the first paragraph of Article L. 316-1, the words: "may be" are replaced by the word: "is";</p> <p>2o After article L. 316-1, an article L. 316-1-1 is inserted as follows:</p> <p>" Art. L.316-1-1. – A temporary residence permit for a minimum period of six months may be issued, except if their presence constitutes a threat to public order, to the foreigner who is the victim of the offenses provided for in the articles 225-4-1 to 225-4-6 and 225-5 to 225-10 of the penal code which, having ceased the activity of prostitution, is engaged in the process of leaving prostitution and social and professional integration mentioned in article L. 121-9 of the social action and family code. The condition provided for in Article L. 313-2 of this code is not required. This temporary residence permit gives the right to exercise a professional activity. It is renewed throughout the duration of the process of leaving prostitution and of social and professional integration, provided that the conditions laid down for its issue continue to be satisfied.</p>
2015-1239	France	Border control/ Inclusive		<p>Public concerned: former migrants with low resources living alone in a social residence.</p> <p>Purpose: to facilitate long-term stays of former low-income migrants in their country</p>

				<p>of origin.</p> <p>Entry into force: the text applies to requests submitted on or after 1 January 2016.</p> <p>Notice: this decree is taken for the application of article L. 117-3 of the code of social action and families. It implements, in accordance with the recommendation of the report of the parliamentary information mission on elderly immigrants made public on July 5, 2013, assistance for the family and social reintegration of former migrants in their country of origin. This text aims to allow foreign retirees, with low resources and who live alone in social residences or migrant workers' homes, to make long-term stays in their country of origin and thus achieve family reunification. The decree sets the conditions for the allocation (residence, resources and accommodation) of this aid, as well as its calculation, service and payment methods. It also determines the procedures for monitoring the conditions required to benefit from it. Finally, it created a fund responsible for managing assistance for the family and social reintegration of former migrants in their country of origin.</p>
2015-925	France	Opening borders / Inclusive		<p>Item 2:</p> <p>“For refugee status to be recognized, there must be a link between one of the grounds for persecution and the acts of persecution or the lack of protection against such acts.</p> <p>“When the competent authority assesses whether an applicant has a well-founded fear of being persecuted, it is irrelevant whether he actually possesses the characteristics linked to the reason for persecution or whether these characteristics are only attributed to him by the perpetrator of the persecution. »</p> <p>CHAPTER III: Provisions relating to the procedure for examining asylum applications</p> <p>Section 9:</p> <p>The Board of Directors establishes the list of countries considered to be safe countries of origin, under the conditions provided for in Article 37 and Annex I of Directive 2013/32/EU of the European Parliament and of the Council, of 26 June 2013, on common procedures for granting and withdrawing international protection.</p> <p>“It regularly reviews the situation in countries considered safe countries of origin.</p> <p>“He ensures the timeliness and relevance of registrations. It removes from the list countries that no longer meet the criteria mentioned in the fourth</p>

paragraph and may, in the event of rapid and uncertain changes in the situation in a country, suspend its inclusion.

Section 13:

I. – Book II of the code for the entry and stay of foreigners and the right to asylum is amended as follows:

1o After article L. 213-8, are inserted articles L. 213-8-1 and L. 213-8-2 as follows:

" Art. L.213-8-1. – The decision to refuse entry into France to a foreigner who presents himself at the border and

request to benefit from the right of asylum can only be taken by the minister in charge of immigration if:

"1o The examination of the asylum application falls within the competence of another State pursuant to Regulation (EU) No 604/2013 of the European Parliament and of the Council, of 26 June 2013, establishing the criteria and mechanisms for determining of the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, or in application of undertakings identical to those provided for by the same regulation with other states.

"2o The asylum application is inadmissible pursuant to Article L. 723-11;

"3o Or the asylum application is manifestly unfounded.

"A manifestly unfounded asylum application constitutes an application which, in the light of the declarations made by the foreigner and the documents produced, if any, is manifestly irrelevant with regard to the conditions for granting asylum or manifestly devoid of any credibility regarding the risk of persecution or serious harm.

"Except in the case where the examination of the asylum application falls within the competence of another State, the decision to refuse entry can only be taken after consultation with the French Office for the Protection of Refugees and stateless persons, who deliver their opinion within a time limit set by regulation and in compliance with the procedural safeguards provided for in

Chapter III of Title II of Book VII. The office takes into account the vulnerability of the asylum seeker. The lawyer or the representative of one of the associations mentioned in the eighth paragraph of Article L. 723-6, designated by the foreigner, is authorized to enter the waiting area to accompany him



to his interview in the conditions provided for in the same article L. 723-6.

"Except if the foreigner's access to French territory constitutes a serious threat to public order, the opinion of the office, if it is favorable to the entry into France of the person concerned under the asylum, binds the minister in charge of immigration.

"Foreigners authorized to enter France for asylum are provided with an eight-day regularization visa without delay. Within this period, the competent administrative authority issues him, at his request, an asylum application certificate allowing him to submit his application to the office.

Article 20: "Procedure for determining the State responsible for examining the asylum application

" Art. L.742-1. – When the administrative authority considers that the examination of an asylum application falls within the jurisdiction of another State that it intends to request, the foreign national benefits from the right to remain on French territory until the end of the procedure for determining the State responsible for examining his application and, where applicable, until its effective transfer to that State. The certificate issued pursuant to Article L. 741-1 mentions the procedure to which it is subject. It is renewable during the procedure of determination of the responsible State and, where applicable, until its effective transfer to that State.

"Nothing in this article precludes the sovereign right of the State to grant asylum to any person whose the examination of the request falls within the competence of another State.

Section 21:

### CHAPTER III

"Right to remain on French territory

" Art. L.743-1. – The asylum seeker whose examination of the application falls within the competence of France and who has submitted his application to the French Office for the Protection of Refugees and Stateless Persons benefits from the right to remain on French territory until notification of the office's decision or, if an appeal has been lodged, until notification of the decision of the National Court of Asylum. The certificate issued pursuant to Article L. 741-1, once the asylum application has been submitted to the office, is equivalent to a temporary residence permit and is renewable until the office and

, if necessary, the court rules.

2017-1510	France	Border control/ Non-Inclusive	<p>Section 19</p> <p>I. – Article 78-2 of the Code of Criminal Procedure is amended as follows:</p> <p>3° After the same ninth paragraph, a paragraph worded as follows is inserted:</p> <p>“Within a maximum radius of ten kilometers around the ports and airports constituting border crossing points within the meaning of Article 2 of Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 concerning a code of Union relating to the system of border crossings by persons (Schengen Borders Code), designated by decree because of the importance of their frequentation and their vulnerability, the identity of anyone can be checked, for the research and prevention of crime-related offenses cross-border, in accordance with the procedures provided for in the first paragraph of this article, with a view to verifying compliance with the obligations to hold, carry and present the titles and documents provided for by law. The decree mentioned in the first sentence of this paragraph fixes the radius around the border crossing point within the limit of which checks can be carried out. » [...]</p>
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