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# Integration of Refugees in Netherlands and France: A Critical Analysis

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## ABSTRACT

*Manual scavenging is an unclean work in which humans are engaged to clean or dispose of waste including human excreta. Manual Scavenging still exists in India. They are engaged in cleaning work under the authority of corporations, municipalities and railway administration nowadays. The various programmes had been launched by our Indian government to eradicate the manual scavengers as well as to rehabilitate manual scavengers. The humans still carry out basic sanitation works in rural and urban areas. Even though various steps had been taken to eradicate these types of practice, it is still in vain. There are several obstacles in the way of eradication and rehabilitation of manual scavengers in the name of caste, illiteracy, poverty, unawareness etc. There is no proper implementation of the acts relating to manual scavenging in Tamil Nadu for eradicating these types of practices. The eradication of manual scavenging is still the continuing challenge. No one should be forced to do manual scavenging as well as there should not be any discrimination relating to work otherwise it shall be treated as violation of human rights and constitutional right of a manual scavenger. Manual scavenging is a grave social evil, in violation of human dignity and all principles of decent work. Manual scavenging represents some of the worst surviving forms of both caste discrimination and dehumanizing forms of work. The study is to analyse the problem in eradication of manual scavenging in Tamil Nadu.*

**Keywords:** *Manual Scavenging, Discrimination, Rehabilitation, Eradication, Violation, Human Dignity*

## I. WHO ARE REFUGEES?

The UNHCR defines refugees as any person who has fled from his or her country because of persecution for race, religion, nationality or even political opinion, violence which include ethnic cleansing or war.<sup>2</sup>

The RedCross defines them as “ordinary people facing extraordinary conditions”. They are

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<sup>2</sup> USA for UNHCR, Home, Refugee Facts, What is a Refugee, Mar 26, 10:26 AM <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/>

someone who have experienced war, persecution, discrimination, racism and oppression and for such they have been forced to flee from there motherland. They are someone who have been denied the basic human rights in their own motherland.<sup>3</sup>

The 1951 Refugee Convention defines refugees as someone who “*owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.*”

**(A) Conditions to be fulfilled by the people to get the status of a Refugee:-**

According to the 1951 convention, the following are the criterias that a person must fulfill to qualify as a refugee in a foreign land:-<sup>4</sup>

- Well founded fear of persecution which includes a threat to life or other serious violations of the fundamental right to life.<sup>5</sup> The reasons for such can be one’s race, religion, nationality or even political opinion.
- The person must be, for such reason, outside the country to whose nationality he belongs.
- The person must be unwilling or unable to return to his own country owing to such fear.
- For the above reasons the person has lost his nationality or has willingly abandoned such.

The convention also provides exclusion of certain people from being a refugee even if they fill in the above criteria to deprive them of such protection owing to guilty of heinous crimes and other serious common crimes so that they do not offend the very purpose of the refugee status.<sup>6</sup>

They are:-

- Persons who have committed crime against peace, crime against humanity and/or war crimes.
- Persons who have committed a serious political crime outside the place of refuge before seeking the refugee status.

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<sup>3</sup> New Zealand Red Cross, What we do, In New Zealand, Migration Programs, Who are refugees?, Mar 26, 10:26 AM <https://www.redcross.org.nz/what-we-do/in-new-zealand/migration-programmes/who-are-refugees/>

<sup>4</sup> UNHCR Training Manual for European Border and Entry Officials, Who is a Refugee?, pg 06 (Mar 26 11:39 A.M.) <https://www.unhcr.org/4d944c319.pdf>.

<sup>5</sup> Article 33 of the 1951 Convention on Refugees.

<sup>6</sup> Article 1F of the Convention relating to the Status of Refugees, 1951.

- Persons who have been guilty of acts those are offensive to the very purpose and motive of United Nations.

## **II. WHAT IS REFUGEE INTEGRATION?**

Refugee integration is a process by which a refugee is given asylum in another country, not being his own, and is also given the socio-economic right needed to live in such country<sup>7</sup>. It is basically the integration of a foreign individual in another country. Such protections are given as long as they are refugees and UNHCR advocates such process as recognized under the 1951 convention.

### **(A) The process of integration:-**

It is a very complex process because a person is to be integrated on another country which has a distinct legal, social, economic and cultural dimension. But it is possible because of the inter-related nature of such dimensions. It is also very dynamic and multifaceted two layer process.

Not only the country giving refugee status but also the person seeking such must be prepared enough to adapt to the diverse social, economic and legal policies of the other country. The UNHCR is entrusted with the work of ensuring that the originality of the person, including his culture, religion, race etc, seeking refugee status.<sup>8</sup>

## **III. INTEGRATION OF REFUGEES IN EUROPE:-**

In 2015, a huge refugee movement was seen towards Europe, especially from the Syrian region which counted around 3 million men, women and children, which later on extended to Nigeria, Guinea and Bangladesh.<sup>9</sup> The movement was such huge that there were almost 10000 asylum seekers per day entering into the European countries specially Greece, Italy and Spain. By 2016, Austria, France, Germany, Greece and Italy were the five countries that took in around 80% of the refugees.

The main challenge with the European countries was, who shall be integrated and who shall be left to go from the country. Despite all the efforts of effective refugee integration, the asylum seekers were still struggling with the difference in language, education, culture etc. This was where Europe's efforts fell short. These people were not able to overcome the nightmares of

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<sup>7</sup> Article 34 of the Convention relating to the Status of Refugees, 1951.

<sup>8</sup> UNHCR, Integration of Refugees A discussion paper, Integration is a two-way process, (Mar 26 1:21 P.M.) [https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/02/integration\\_discussion\\_paper\\_July\\_2014\\_EN.pdf](https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/02/integration_discussion_paper_July_2014_EN.pdf)

<sup>9</sup> McKinsey Global Institute, Europe's Refugees: Refocusing on Integration, Briefing Notes, (Mar 26 8:47 P.M.) <https://www.mckinsey.com/~media/mckinsey/featured%20insights/europe/europes%20refugees%20refocusing%20on%20integration/mgi-europes-refugees-refocusing-on-integration-may-2018.ashx>.

the cause of their refugee status.<sup>10</sup>

By the end of 2017, there was a huge reduction in the movement. It was basically due to the following reasons:-<sup>11</sup>

- Turkey had decided to seal its borders in exchange of substantial help from the European Union in maintaining the asylum seekers that have already come into their countries.
- The transit countries have come into a bilateral agreement such as Italy and Libea have agreed to reinforce their border security.
- European Union has also made strict border plans.
- Austria, Denmark, France, Germany, Norway and Sweden reintroduced temporary border control.

The countries of the European Union take in asylum seekers on the basis of a distribution policy, which depends on the factors namely, the number of inhabitants in the country, the national income of the country in a financial year, the total number of refugee application in that country and lastly the rate of unemployment in the concerned country.<sup>12</sup>

#### **IV. REFUGEE MOVEMENT IN NETHERLANDS:-**

The number of asylum seekers in Europe has doubled since 2015 due to the ongoing war in Syria and poor security situation in some parts of the world and thus European Union has taken an initiative to accommodate them in the safe countries. Netherlands, among all other countries, have agreed to divide around 120000 asylum seekers and take in more and more asylum seekers and help them. Over a span of two years, Netherlands have taken around 70000 out of 120000 refugees in Europe and has effectively fulfilled its obligation in the international forum.<sup>13</sup>

##### **(A) Refugee Integration policy of Netherlands:-**

From the past decade, Netherlands has undergone a change in refugee policy due to a large

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<sup>10</sup> id

<sup>11</sup> Mckinsey Global Institute, Europe's Refugees: Refocusing on Integration, While the number of new arrivals in Europe has declined, their distribution remains uneven, The flow of new arrivals have slowed down significantly, (Mar 26 8:47 P.M.)

<https://www.mckinsey.com/~media/mckinsey/featured%20insights/europe/europes%20refugees%20refocusing%20on%20integration/mgi-europes-refugees-refocusing-on-integration-may-2018.ashx>

<sup>12</sup> Government of Netherlands, Home, Topic, Asylum Policy, Receiving Refugee in Netherlands, Distribution Quota for the Refugees (Mar 27, 8:10 P.M.) <https://www.government.nl/topics/asylum-policy/refugees-in-the-netherlands>

<sup>13</sup> Government of Netherlands, Home, Topic, Asylum Policy, Receiving Refugee in Netherlands (Mar 27, 8:10 P.M.) <https://www.government.nl/topics/asylum-policy/refugees-in-the-netherlands>

influx of the asylum seekers. This influx has effectively polarized the debate on the migration and integration policy of Netherlands. The Dutch's idea of multiculturalists has shifted to assimilatory idea.<sup>14</sup>

According to the Netherlands refugee policy, all the asylum seekers have to assimilate to the socio-culture values and norms of the society of the Dutch. They also need to acquire knowledge about the Dutch labor market.

Not only the asylum seekers have the obligation, the state also has taken up initiatives to help the asylum seekers to integrate to the Dutch society. Different government agencies like COA, Ministry of Education, Taskforce for the Employment and Integration of Refugees (TWIV), and several non-governmental organizations help the state to achieve a healthy integration process.

The government organizations are directly linked up with the labor market and takes up initiatives such as making the asylum seekers learn the Dutch language, boost up their professional skills to make them economically independent in the foreign land, make them understand the Dutch political system and also making them aware of the history of the Dutch Society and also its societal values.<sup>15</sup> By such initiatives they aim at effective civic integration i.e. "formal obligation for the immigrants to familiarize themselves with the civic of the country" where civic of the country includes language, culture, society etc.<sup>16</sup>

The Netherlands government also conducts exams and integration courses so that the asylum seekers can avail government benefits and the legal rights of the land as available to other individuals of the State. These exams come up with a potential risk of failing which can amount to fine and also rejection of the permanent resident status in the country.

In Netherlands, the integrations done basically both at national level, which is coordinated by the Ministry of Social Affairs and also at the local level which is coordinated by the local municipality who are free to frame their actions and agendas in such respect.<sup>17</sup>

### **(B) Process of Integration in Netherlands:-**

Any foreign national, who wants asylum in Netherlands, shall report it to the Immigration and Neutralization Service (IND), which after identification and registration shall send the

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<sup>14</sup> Da Lomba, S. (2010). Legal status and refugee integration: A UK perspective. *Journal of Refugee Studies*, 23, 415-436.

<sup>15</sup> Joppke, C. (2007a). Beyond national models: Civic integration policies for immigrants in Western Europe. *West European Politics*, 30(1), pp.1-22.

<sup>16</sup> Amanda Alencar & Vasilki Tsaykoni, *Prospectus of Refugee Integration in the Netherlands: Social Capital, Information Practice and Digital Media*, (2019) Media and Communication, Volume 7, Issue 2

<sup>17</sup> *ibid*

immigrants to the reception centre. But for the immigrants, who come by plane, shall report their coming to the Royal Netherlands Marechussee at the Schiphol Airport, where they undergo a border procedure and remain in the application center in such airport.<sup>18</sup>

The procedure of integration after 6 days from their journey which is termed a sthe Period of Rest and preparation in which they are briefed about the procedure of integration, provided with a Lawyer if required and is subjected to a medical declaration which is to be used during the process of integration.<sup>19</sup>

The process of integration starts with an interview arranged by the IND where the asylum seekers are to give an account of the present situation in their country along with a justification why they are not safe in their own country and the need of their asylum in Netherlands.<sup>20</sup>

If the IND is satisfied by the interview then it gives a residence permit after considering the security situation in the asylum seeker's country of origin.<sup>21</sup>

### **(C) Return Policy of Netherlands:-**

The foreign nationals, whose stay id refused or revokes by the IND, shall receive a return decision which is basically a document that specifies the deadline until which they can stay in the boundaries of Netherlands.<sup>22</sup> Until such deadline they are permitted to stay in the reception centre which is run by the Central Agency for Reception of Asylum Seekers (COR).<sup>23</sup> Exception is made for those families who come with their children. For them, the stay is permitted until the child attains the age of 18 or the Repatriation & Departure Service (DT&V) arranges the departure for them.<sup>24</sup>

## **V. REFUGEE MOVEMENT IN FRANCE:-**

France has a long moderate history of offering asylum to the seekers. It is even imbedded in their Constitution of 1793. Recently, as of 2010, refugees from Kosovo, Bangladesh, Democratic Republic of Congo, Russia and Sri Lanka, while in 2015 the majority immigrants

<sup>18</sup> Government of Netherlands, Home, Topic, Asylum Policy, Asylum Procedure, Applying for Asylum at an application centre (Mar 28 12:14 P.M.) <https://www.government.nl/topics/asylum-policy/asylum-procedure>

<sup>19</sup> Government of Netherlands, Home, Topic, Asylum Policy, Asylum Procedure, Time for rest and preparation (Mar 28 12:14 P.M.) <https://www.government.nl/topics/asylum-policy/asylum-procedure>

<sup>20</sup> Government of Netherlands, Home, Topic, Asylum Policy, Asylum Procedure, IND assesses Asylum process (Mar 28 12:14 P.M.) <https://www.government.nl/topics/asylum-policy/asylum-procedure>

<sup>21</sup> Government of Netherlands, Home, Topic, Asylum Policy, Asylum Procedure, Asylum residence permit or return (Mar 28 12:14 P.M.) <https://www.government.nl/topics/asylum-policy/asylum-procedure>

<sup>22</sup> Government of Netherlands, Home, Topic, Rfeturn of Refugee Nationals, Return decision and entry ban (Mar 28 12:14 P.M.) <https://www.government.nl/topics/return-of-foreign-nationals/return-policy>

<sup>23</sup> Government of Netherlands, Home, Topic, Rfeturn of Refugee Nationals, Reception Centers for asylum seekers (Mar 28 12:14 P.M.) <https://www.government.nl/topics/return-of-foreign-nationals/return-policy>

<sup>24</sup> Government of Netherlands, Home, Topic, Rfeturn of Refugee Nationals, DT&V helps returning migrants (Mar 28 12:14 P.M.) <https://www.government.nl/topics/return-of-foreign-nationals/return-policy>

were from Sudan, Syria, Kosovo, Bangladesh and Haiti. As of 2017, there was a large influx of refugees mainly from Albania, Afghanistan, Haiti, Sudan, Guinea and Syria out of which France was able to offer protection to 95.2% of Syrians, 83.1% of Afghaniestanies, 59.6% of Sudanese, 6.5% of Albanians and only about 2.8% of Haities according to the decision of the “Cour National du droit d’asile”. These immigrants were kept in the large metropolitan centres and in “Ile-de-France” region.<sup>25</sup> A survey shows that the medium age of the refugee always remained 31 out of which 35% were women and 43% were married.<sup>26</sup>

In 2017, the OFPRA reported that around 100412 asylum requests were received by France and out of which 43000 were given accommodation while 35825 were given permanent residence status. It was also reported that though there was a rise in the protection giving, it was also significantly lower than that in other European Union countries.<sup>27</sup>

Also, during this time, there was a change in the migration route from Southern Mediterranean towards the Alps which was a riskier journey. It was because of a massive unlawful pushback of immigrants were witnessed in the Italian border at the Menton area throughout 2016 and 2017.

#### **(A) Refugee policy in France:-**

The French constitution of 1793, which was never implemented, had the provision that gave refugees their desired protection. The provision said “give asylum to foreign who have been banished from their homeland for the cause of liberty and should refuse to tyrants.”<sup>28</sup>

As of today, the asylum law of France is highly influenced by the international conventions, such as the 1951 Geneva Convention relation to the Status of the Refugees, and the European laws, such as the 2013 European Union Regulations which is popularly known as the Dublin Regulations<sup>29</sup>, and is based on the constitutional principles and is codified in the Code of Entry and Residence of Foreigners of the Right to Asylum (CESEDA).<sup>30</sup> The preamble of the

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<sup>25</sup> OFPRA (2017), Rapport d’activité 2017, (Mar 28 2020, 8:12 P.M.) <https://www.ofpra.gouv.fr/fr/l-ofpra/nos-publications/rapports-d-activite>.

<sup>26</sup> EUROSTAT (2017), Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data, (Mar 28 2020, 8:24 P.M.) [http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyunaa&lang=en](http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en)

<sup>27</sup> Ibid 24

<sup>28</sup> Constitution of June 24, 1793, Article 120, (Mar 29 2020, 11:19 A.M.) <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/les-constitutions-de-la-france/constitution-du-24-juin-1793.5084.html>.

<sup>29</sup> Regulation (EU) No. 604/2013 of the European Parliament and of the Council of 26 June 2013, Establishing the Criteria and Mechanisms for Determining 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, (Mar 29 2020, 11:19 A.M.) <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>.

<sup>30</sup> Code de l’entrée et du séjour des étrangers et du droit d’asile [CESEDA, Code of Entry and Residence of Foreigners and of the Right of Asylum], (Mar 29 2020, 11:19 A.M.)

Constitution of 1958 had a provision regarding the same which said “any man persecuted in virtue of his actions in favor of liberty may claim right of asylum upon the territories of the Republic.”<sup>31</sup> In 1933 the Constitutional Council of France had declared that asylum is a constitutional right for those who seek it.<sup>32</sup>

**(B) France provides two basic types of protection to the asylum seekers:-**

- Refugee status:-

Such protection is awarded to “any person prosecuted for their action in favor of liberty” or “any person over whom UNHCR has competence under Article 6 & 7” or any person who is covered under Article A1 of the Geneva Convention”. The fear of such prosecution may come from either the state of origin or any non-state actor who have interest over such prosecution.<sup>33</sup> The criteria for such prosecution are race, religion, nationality, political opinion, gender, sexual orientation etc as prescribed by the Government of France.<sup>34</sup> Such protection can be revoked or denied if the government feels that the presence of such person in the territory of France might impose a great threat to the security of the entire state or the concerned person is guilty of terrorism or crime punishable for more than 10 years and for such reasons is a threat to the society.<sup>35</sup>

- Subsidiary Protection:-

Subsidiary protection is afforded to the one who does not fit into the category of person eligible for the protection under the Refugee Status. There the authority must have sufficient reasons to believe that such person has a real danger of being executed or treated inhumanely or degradingly, or is under serious and individual threat to life by reason of indiscriminate internal or external violations.<sup>36</sup> Such protection can only be denied if the authorities have strong grounds to believe that the person has committed a crime against peace or humanity, or a war crime or, or an act offending the very objective of the United Nations, or is a serious offender, or that his presence in the territory of France is a threat to the public order, security, or state

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<http://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070158&dateTexte=20160105>,

<sup>31</sup> Constitution of October 27, 1946, Preamble, (Mar 29 2020, 11:19 A.M.) [http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank\\_mm/anglais/cst3.pdf](http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank_mm/anglais/cst3.pdf).

<sup>32</sup> Decision No. 93-325 DC of August 13, 1993, Constitutional Council, (Mar 29 2020, 11:19 A.M.) <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/1993/93-325-dc/decision-n-93-325-dc-du-13-aout-1993.10495.html>.

<sup>33</sup> *Main Principles of Asylum Law*, Ministry of the Interior (Mar 30, 2020 10:41 A.M.), <https://www.loc.gov/law/help/refugee-law/france.php>

<sup>34</sup> CESEDA, Article. L711-2, (Mar 30, 2020 10:41 A.M.), <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147794&cidTexte=LEGITEXT000006070158&dateTexte=20160105>

<sup>35</sup> CESEDA, Article. L711-6. (Mar 30, 2020 10:41 A.M.), <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147794&cidTexte=LEGITEXT000006070158&dateTexte=20160105>

<sup>36</sup> CESEDA, Article. L712-1. (Mar 30, 2020 10:41 A.M.), <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147794&cidTexte=LEGITEXT000006070158&dateTexte=20160105>

security, or if it is found that he is guilty of an act that is an offence in France and has escaped his motherland to escape punishment in the state of his origin.<sup>37</sup>

### **(C) French Laws and Return Policy:-**

According to French laws the request of seeking asylum must be done at the French border or from within the territory<sup>38</sup> and not from any foreign land.<sup>39</sup> To enter into the French territory one can take up a temporary visa from the French Embassy in their state which does not mention anything about asylum.<sup>40</sup> By obtaining this the seekers are legally authorised to work within the French territory till their application is under process, otherwise they are authorised to work until their application is approved which might take around nine months.<sup>41</sup>

The processing and the evaluation work is done by the participation of both the governmental and non-governmental non-profit organizations such as French office for the Protection of Refugees and Stateless Person (OFPRA), the National Court on Asylum law (CNDA) which hears the person's appeal on any unfavorable decision taken up by the OFPRA, and the French Office for Immigration and Assimilation (OFII) which acts as a intermediate institution between the applicants and the OFPRA.

When person seeking for asylum comes to the French border they are initially briefed about the procedure of the state regarding the same by the border police. They are also told about their rights and obligations within the territory and the assistance they are entitled for if they require. The concerned authorities then decide whether such person shall be given entry or not, until which they are kept in an area which is known as the "Waiting Zone". If they are authorised to enter the French territory then they are provided with a temporary visa which has a eight days validity within which they have to file an application for asylum with the concerned authorities. Their entry may be denied on the grounds that they are found to be of the responsibility of the other country under the Dublin Regulations of the European Union, or the request of the asylum is clearly improper or fraudulent or inadmissible unfounded or such application is a threat to public order. On such denial, the applicant is at the liberty to file an

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<sup>37</sup> CESEDA, Article. L712-2. (Mar 30, 2020 10:41 A.M.), <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147794&cidTexte=LEGITEXT000006070158&dateTexte=20160105>

<sup>38</sup> Ibid 32

<sup>39</sup> *The Asylum Procedure: Requesting Asylum from Abroad*, French Office for the Protection of Refugees and Stateless Persons, (Mar 30, 2020 10:41 A.M.), <https://www.ofpra.gouv.fr/fr/asile/la-procedure-de-demande-d-asile/demander-l-asile-de-l-etranger>

<sup>40</sup> Question No. 23491 of Mr. Laurent Grandguillaume to the Minister of the Interior, Written Question, National Assembly] (Mar 30 2020, 11:49 A.M.), <http://questions.assemblee-nationale.fr/q14/14-23491QE.htm>.

<sup>41</sup> CESEDA, Article L744-11, (Mar 30 2020, 11:53 A.M.) [http://www.legifrance.gouv.fr/affichCode.do;jsessionid=614052FA51CA2199B43CE6A7091E6142.tpdila08v\\_3?idSectionTA=LEGISCTA000030952371&cidTexte=LEGITEXT000006070158&dateTexte=20160111](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=614052FA51CA2199B43CE6A7091E6142.tpdila08v_3?idSectionTA=LEGISCTA000030952371&cidTexte=LEGITEXT000006070158&dateTexte=20160111)

appeal petition to with the administrative judge within 48 hours, who within 72 hours has to give his decision. The person is then allowed to appeal to the Administrative Courts of Appeals.<sup>42</sup>

After entering the French territory, the asylum seekers have to register with the French authorities at the Local Prefecture. If the authorities after this finds that the people are not at the responsibility of any other country as mentioned under the Dublin Regulations, they provide a certificate to such persons along with an asylum application form, which has to be submitted within twenty one days of such registration<sup>43</sup>, and information regarding the procedure of the refugee status, rights and obligations of the person and the assistance that they are entitled to if required. The OFPRA then conducts an investigation to find out the authenticity and on satisfaction provides a written judgment either refusing or accepting the application of the asylum seeker.<sup>44</sup> The registration application can be rejected if the authorities are satisfied that (a) that such applicant is already benefited from protection in another country; (b) the asylum seeker withdraws such application for asylum; (c) if the asylum seeker's file is terminated because of failure to file required forms on time or attend required meetings, or have refused to provide important information; (d) the asylum seeker requests a reconsideration of application after a final denial; or (e) when the asylum seeker is the subject of a European arrest warrant, an arrest request from an international criminal court, or a decision to extradite him/her to a country other than his/her country of origin.<sup>45</sup>

#### **(D) Initiatives taken up by France for the asylum seekers:-**

Recently France has taken up several initiatives to socially integrate the refugees in their territory apart from legally letting them into the territory. The initiative is to integrate 1500 refugees through their working skills. They shall be given around eight months of training after which they shall be offered jobs by 250 companies in 25 different work fields.<sup>46</sup> The President has implemented this on 1<sup>st</sup> March 2019 and says that the main priority of the refugee protection policy in France is:-

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<sup>42</sup> Library of Congress, Refugee Law and Policy: France, Procedure for requesting asylum at French Border Crossing, (Mar 30 2020, 12:04 P.M.) <https://www.loc.gov/law/help/refugee-law/france.php>

<sup>43</sup> CESEDA, Article R723-1, (Mar 30 2020, 9:10 P.M.) [http://www.legifrance.gouv.fr/affichCode.do;jsessionid=39FA4F3DFCF38424C8E02B2B004B164E.tpdila11v\\_2?idSectionTA=LEGISCTA000031197664&cidTexte=LEGITEXT000006070158&dateTexte=20160114](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=39FA4F3DFCF38424C8E02B2B004B164E.tpdila11v_2?idSectionTA=LEGISCTA000031197664&cidTexte=LEGITEXT000006070158&dateTexte=20160114)

<sup>44</sup> CESEDA art. R723-1, [http://www.legifrance.gouv.fr/affichCode.do;jsessionid=39FA4F3DFCF38424C8E02B2B004B164E.tpdila11v\\_2?idSectionTA=LEGISCTA000031197664&cidTexte=LEGITEXT000006070158&dateTexte=20160114](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=39FA4F3DFCF38424C8E02B2B004B164E.tpdila11v_2?idSectionTA=LEGISCTA000031197664&cidTexte=LEGITEXT000006070158&dateTexte=20160114)

<sup>45</sup> CESEDA art. L741-1. <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000031202369&cidTexte=LEGITEXT000006070158&dateTexte=20160113>

<sup>46</sup> Scheme for professional integration of refugees, 29<sup>th</sup> June 2019 (Mar 31 2020, 10:21 A.M.) <https://www.gouvernement.fr/en/scheme-for-the-professional-integration-of-refugees>

1. “Proficiency in the **French language**: from 2019, doubling the volume of language lessons for foreign nationals settling lawfully in France.
2. **Civic training** to share the values of French society and connect with society.
3. Access to **employment**: business networks will be mobilized to match jobseekers with job vacancies commensurate with their talents and skills.
4. Consideration of certain **particular circumstances**, such as those in which refugees find themselves, who will thus be given, enhanced administrative and social support to help them with the first few months of formalities following the granting of their status.”<sup>47</sup>

## **VI. COMPARISON OF THE LAWS IN THE TWO EU COUNTRIES:-**

The two countries have very diverse but roughly interrelated laws regarding the refugee status in their country. The Netherlands being a simple legal system has simple and not so detailed laws about the asylum status of their country. The Netherlands focuses into the steps taken up by the country to accommodate the stateless persons peacefully within the territory, to make them feel at home. It looks into the safety and wellbeing of the asylum seekers at large and the provisions does not speak much about the state’s security while obviously that is internally necessary. The French Government on the other hand looks more into the legal side of taking in a refugee. The government follows the Dublin Regulations and its domestic laws strictly before accepting the applicant’s application. The provisions do not speak much about the steps taken to integrate the refugees within the French society. It has some policies to integrate the person into the French society but those are not as effective and advance as that of Netherlands. But France do have a very effective process of selecting and discriminating the refugees to take and that to deny depending on the existing laws. France has made up schemes recently that helps the refugees to integrate without any difficulty. The human rights policy of France is seen when it provides for the appeal courts and judges on any unfavouring decision regarding the asylum. The same is seen in the Netherlands laws when they take up a large step to integrate the refugees within the Dutch society.

## **VII. CONCLUSION**

Both the countries have laws that are efficient and effective in two different aspects, but when it comes to humanity, the only thing that matters that what sort of the protection is given to a

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<sup>47</sup> Cross-Government Integration Committee, 6<sup>th</sup> June 2018 (Mar 31 2020, 10:21 A.M.) <https://www.gouvernement.fr/en/cross-government-integration-committee>

person who has already lost everything except for life. Human Rights are not only rights of a person that allows one to live; it's something that allows one to survive the life that he has got. Netherland in its endeavor to protect the human rights of the refugees is much advanced than that of France owing to the steps that it takes to emotionally make the asylum seekers feel home and safe in the foreign land. That steps that have been taken up by France is appreciable but have such been taken up way back, things would have been preferable for France. Having a detailed law about in-take if a refugee and allowing the very basic concept of audi alterum partom, has already enhanced French legal system a lot, the schemes would have just added to it. Netherlands does not have such detailed provision about the in-take of refugees, but has a lawful mandate to socially integrate the refugees, which makes it more secure place for the refugees than France and even that favors the human rights concept of the refugees.

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