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**Connecting the Dots:
Immigration Policy and Access to Higher Education for Refugees in France**

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Abstract

Since 2016, the increasing number of refugees in Europe accelerated the development of national and regional policies to determine their rights and access to resources. Against this backdrop, the strong politicization of migration, and the recent financial crises, refugees' access to welfare has “become a key area of concern across European democracies” (Lafleur et al. 2020). Considering public education programs as a pillar of social policy agendas in this region, this study examines French policy in order to answer the following questions: How do French immigration and education policies converge to determine refugees’ access to higher education in France? What gaps exist between the policies and their practiced reality?

Following an integrated analytical framework for policy analysis, the paper seeks to map the connections between education and immigration policies. To do so constitutional articles, legal codes, EU directives, and policy implementation strategies are examined by comparing their language and discussions on the rights of refugees to participate in higher education, the requirements for them to do so, and their rights within these higher education institutions (HEIs).

Literature on this topic demonstrates that there are many setbacks in the implementation of refugee education policy and that displaced communities face numerous practical challenges. To acknowledge this reality and to provide insight into the impact of the examined policies on the experiences of refugees accessing higher education, the project draws on the testimonies of non-profit leaders in this field and university staff in the Île-de-France region.

Introduction

In recent years, the international community has recorded the highest number of forcibly displaced people worldwide. In 2016 the Syrian civil war contributed to the displacement of 4.8 million people. Six years later, 7.5 million Ukrainians fled their country after it was invaded by Russia— joining 103 million other displaced individuals out of which only 32.5 million have refugee status (United Nations High Commissioner for Refugees, 2022). This number continues to grow as the reignition and ignition of conflicts (such as the war in Mali and civil unrest in Venezuela), amongst other factors, force people to flee (Dryden-Peterson, 2017).

Acknowledging the diversity of and within refugee communities, data gathered by the United Nations High Commissioner for Refugees (UNHCR) in 2022 shows that on average the world's refugee population is quite young, with the vast majority of refugees being under the age of 30 (2022). Due to the rising number of young refugees pushed to build a life in a foreign country, refugee access to higher education has become a critical concern for the international community. According to the UNHCR, education is one of the best avenues for refugees to build community, increase their livelihood, and connect them with other services (ibid). In 2021, however, only 6% of refugees were able to access higher education, despite holding “secondary or postsecondary education qualifications” and having “strong higher education aspirations” (Viczo et al., 2021).

In the context of Europe, the past decade has been marked by the highest amounts of asylum demands, exceeding those received after World War II. In 2021, member countries of the European Union received 535,000 first-time asylum applications. The asylum-seeking population in Europe is also incredibly young: 80% of asylum seekers in 2021 are under 35 years old out of which “50.2% were aged 18–34 years and 31.2% (almost one-third) were minors (under 18 years)” (Eurostat, 2022). For 2022, the number of asylum seekers in the region is expected to face a dramatic increase due to the war in Ukraine (*Update on Forced Displacement around Ukraine*, 2022).

The growth in the arrival of refugees and asylum seekers alongside different economic crises impacting Europe has led to the heavy politicization of refugees. Extremist parties in the region have capitalized on xenophobic commentary to grow their voter base. By placing blame on refugees (and migrants more generally) for the different problems facing their country, these parties have increasingly gained political power across Europe. In Italy, for instance, Fratelli *d'Italia* (FDI), an extreme-right-wing party campaigning to deport undocumented migrants and

reduce the acceptance of refugees, won the majority of seats in the 2022 parliamentary elections. Right-wing parties running on xenophobic platforms have also gained control in other countries including Austria, Poland, and Hungary.

The increased negative public opinion on immigration and the ascent to power of xenophobic political parties have contributed to immigration policy shifts (Böhmelt, 2019). In recent years, the European Union and most member states have followed a general trend of establishing more significant restrictions on immigration and asylum and increasing the securitization of borders. Given the region's shared social welfare model, the politicization of refugees and migration has also made migrants' and refugees' access to welfare a key concern across European democracies (*Lafleur et al 2020*). Negative discourse on migration frames migrants as 'free riders' of the public welfare system that European taxpayers maintain— making the increase of restrictions to public services highly appealing to many. In 2016, more than 40% of the respondents to the European Social Survey (ESS) considered that immigrants should be granted access to social rights only after they have worked and paid taxes for at least a year (*Ibid*). Restrictions on welfare make it difficult for migrants, including refugees, to access necessary services for their integration.

As one of the leading members of the European Union, France offers an important case for analysis on the intersection between immigration policy and welfare policies, particularly education policy. Alongside Germany and Spain, in 2021, France was one of the main countries of destinations for first-time asylum applicants in the EU and 12th by immigrant population (*Europa.eu*). At the same time, France is one of the top ten countries with the largest social welfare systems and expenditures, amounting to almost a third of the country's GDP (Buchholz, 2021). A large part of this funding goes to the country's education system which comprises one of the oldest and most established public systems for higher education in the region. Central government funding is used to fund Higher Education Institutions (HEIs) as well as multiple forms of support for students to pursue higher education in the shape of subsidies, scholarships, and grants (*Services - Étudiant, 2022*).

Besides France's strong welfare system and developed HEIs, the country is representative of many issues that other European democracies are facing. France presents a critical example of the politicization of refugees in Europe, as "political figures on France's far-right have advanced an apocalyptic and radical vision of how immigration is changing their country, which is out of step with current realities" (Ekrame Boubtane, 2022). France is also representative of the large

budget cuts on social programs that many countries in the EU implemented due to austerity measures aimed at combating inflation and debt problems. These have resulted in the restriction of access to social welfare services and even a decrease in acceptance of asylum demands in the country.

Considering education as one of these social rights, a central component of many European countries' social agenda, and a pillar of refugee integration, this study examines French policy in order to gain a better understanding of the relationship between immigration policies and refugee access to higher education. The study is guided by the following questions: First, seeing how both the EU and France have established policies on immigration and higher education, to what extent do these policies converge to determine refugees' access to higher education and more generally, define refugee higher education policy? Second, given that literature on this topic demonstrates that there are many setbacks in the implementation of refugee-education policy, what challenges or gaps exist between the examined policies and their practiced reality?

To answer these questions, this paper follows an integrated analytical framework for policy analysis to better understand education and immigration policies, and map instances of convergence between them. The next sections will situate the study in the context of France as a member of the EU, provide a brief history of immigration policy in the EU and France, and present a discussion on the existing literature regarding the broader topic of refugee access to higher education. Afterward, the analytical framework of the study is presented, followed by the analysis of French immigration and education policy. Finally, the project draws on the testimonies of non-profit leaders and university staff in the Île-de-France region to provide insight into the impact of the examined policies on the experiences of refugees accessing higher education as well as avenues for further research. The findings indicate that there is a significant overlap between French immigration and education policies despite the absence of specific policies to address the topic of refugees' access to higher education in France.

Relevant Context

The post-war period in Europe was shaped by the need for regional cooperation to address issues such as the large refugee population in the region. At this time, 40 million people found themselves displaced across Europe. Tensions in the region, particularly between Soviet and Western powers, led further aggravated the situation of displaced populations. As a response, the United Nations passed the 1951 Convention relating to the Status of Refugees, which was

ratified by all European states and established the definition of a refugee¹. Five years later, the Hungarian Revolution of 1956 pushed the region to conduct one of the largest asylum operations in history. The region's solidarity *en-masse* allowed for the resettlement of more than 100,000 people within the first ten weeks of the crisis (Colville, 2022). This historic undergoing was critical in the conception of the 1967 Protocol which expanded the scope of the 1951 Convention.

The post-war period was also marked by the need for regional cooperation to promote development and prevent future conflicts in Europe, which led to the development of treaties to integrate different European economies. The Treaty of Paris signed by France, Western Germany, Luxembourg, Italy, Belgium, and the Netherlands established free trade for coal and steel between these countries and was the origin of what would later become the European Union (EU). Throughout the 70s and 80s cooperation in the region continued to expand. In 1992 the Maastricht treaty would formally establish the EU as a regional organization for political and economic cooperation. Member states must abide by the norms dictated in the EU Charter like respect for Human Rights and Democracy (McBride, 2022). Consequently, while EU members do not follow one common economic model, most states share similar characteristics in terms of welfare, such as social protections for citizens and social inclusion (Moreno, 2012). Additionally, nearly all 27 member countries are part of a single monetary market (the Eurozone) and the free movement of goods and people agreement (Schengen Agreement). The EU also places a large emphasis on education and cultural integration. Through programs like regional university exchanges (e.g. ERASMUS) and common education targets, they aim to promote the values of the organization and regional cooperation amongst the youth.

The development of asylum policy in conjunction with the EU's freedom of movement policy raised questions about the mobility rights of asylum seekers in the area and the responsibilities of member countries regarding migration. Since 2014, the region's struggle to manage the large incoming asylum-seeking populations has led to policy changes on the subject. The EU Council has made recommendations such as the temporary establishment of internal border controls and the creation of new policies like the Dublin Regulation ("Timeline - EU Migration Policy," 2022) and most recently the establishment of a 'temporary protection

¹ The 1951 Refugee Convention is a key legal document and defines a refugee as: "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion."

directive' to grant permission for Ukrainian nationals fleeing the war to stay in any EU country for a year (De Witte, 2022). While the EU asylum system sets minimum standards for the treatment of all asylum seekers and applications across the EU, across EU countries there have been discussions about the differentiated treatment of refugees depending on the country of origin. Furthermore, the EU asylum system laws are currently under review and expected to change in the following years (Asylum Policy | Fact Sheets on the European Union, 2022).

As one of the leading founders of the EU, France's role in the organization continues to be critical today. Under the Presidency of Emmanuel Macron, the country has continuously demonstrated interest in promoting cross-cultural understanding across member states, supporting the European youth, and preserving the organization. Furthermore, like all EU members states, France is subject to EU law.² In the case of asylum policy, this means that French policy must respect regulations on the fair and humane treatment of asylum seekers and refugees. In the surge of refugee populations in the EU, France has welcomed large populations of refugees from Afghanistan, Syria, and Sri Lanka (Landré, 2021). Most recently, the country has opened its doors to Ukrainian nationals granting them temporary permissions to stay in the country. At the same time, however, the country has been condemned on several occasions by the European Court of Human Rights for the inhumane and degrading living conditions of three asylum-seekers (France 24, 2020) (Le Monde & AFP, 2022).

Literature Review

Despite being a fairly new field of study, the literature on refugee education is vast. This section presents relevant terms and definitions. Additionally, this section presents an overview of refugee education and refugee education policy while focusing on information pertaining to higher education. The section then delves into the work regarding higher education for refugees in Europe and the existing literature about higher education for refugees in France.

Given the varying different discussions over the term 'refugee' in the fields of Forced Displacement Studies and Law, it is important to understand its different meanings and specify its use in the context of this study. While the term 'refugee' defined as "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political

² According to the Treaty of Lisbon: *European law has "direct effect," which means that treaty provisions and legislation are directly binding on individual citizens, regardless of whether their governments have modified national laws accordingly. Second, community law has "supremacy" over national law in cases where the two conflict (Britannica Enciclopedia)*

opinion” is globally accepted, refugee-related statuses vary by national context. These variations greatly depend on how different states interpret and define “persecution” and “well-founded fear”. States’ varying interpretations of the 1951 Refugee Convention’s definition of refugee, translate into immigration laws that differentiate the position and welfare rights of asylum seekers (Könönen 2018). This study acknowledges the complexity and diversity of refugee and refugee-related statuses as well as those who are excluded from these statuses. Therefore, when the focus of analysis in the study is not specific to legal terms and immigration statuses, the term ‘refugee’ is used following the broadest of its definition in the 1951 Refugee Convention encompassing people with official refugee status, refugee-related statuses, and asylum seekers. For information on the different immigration statuses of refugees in France (see Table 2).

Table 2

Immigration Statuses for Refugees in France (See appendix Table A2 for complete version)

IMMIGRATION STATUSES FOR REFUGEES IN FRANCE (RELEVANT TERMS)	
Term	Definition
Statutory Refugee (Including Beneficiaries of International Protection)	Person granted protection by OFPRA ¹ on the basis of the Geneva Convention.
Refugee under subsidiary protection	Person who does not meet the conditions for granting refugee status under the Constitution or the Geneva Convention, but is granted protection by OFPRA.
Asylum Seeker	Person applying for recognition of refugee status or subsidiary protection benefits.
Undocumented (<i>sans papiers</i>)	Immigrants in France who do not have documentation.
Debouté·e	Person whose asylum demand has been rejected.
Dubliné·e	Asylum seekers under a Dublin procedure.
Stateless (<i>Apatride</i>)	A person whom no state considers as its national.

1. OFPRA - The French Office for the Protection of Refugees and Stateless Persons

Refugee Education and Refugee Education Policy

Alongside establishing the definition of refugees, the 1951 convention relating to the Status of Refugees declares that signatory states ‘shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education . . . [and] treatment as favorable as possible . . . with respect to education other than elementary’ (UNHCR 2011). The concept of

refugee education exists in conjunction with the rights of refugees, and as the global situation of refugees evolves so must refugee education.

Sarah Dryden-Petersen from the Harvard Graduate School of Education (HGSE) is at the forefront of refugee education research. Her work *Refugee education: Education for an unknowable future*, traces the shifting landscape of the field focusing on the new conceptualization of refugee education according to refugees and global actors. The study shows that before the early 2000s, refugee education was thought of as a temporary return to “normalcy” through schooling, due to the general understanding that conflicts were short-lived and that return from exile would be imminent. Given that the current length of displacement is nearly three times as long as it was in the early 1990s, the study points to “the need to conceptualize refugee education so that it can meet goals of cognitive mobility that accompany long-term uncertainty” (Dryden-Peterson, 2015).

This new context has drawn attention to policy relating to education for refugees at the global and national levels. In fact, recent finds show that there has been a radical shift in global policy toward the integration of refugees into national education systems and widespread discussions on the implementation of these policies (Dryden-Peterson, Adelman, Bellino, & Chopra, 2019). At the international level, the UNHCR’s Global Framework for Refugee Education affirms that “local capacities, priorities, and conceptions of educational purposes should drive national approaches to refugee education” (UNHCR). While countries agree nationally on the relevance of education for refugees, their approaches to integration lack consensus (Dryden-Peterson et al.). Global recommendations favor the approach of including refugees in national systems of education, but some governments refrain from moving forward with this inclusion as they do not envision a future for refugees in their countries. The study also shows how diplomatic relations and country of origin influence inclusion in national education systems³ and how some national systems are only able to offer low-quality education. Overall, readings on the subject indicate that refugee education is constrained by interactions between global and national institutions that are influenced by, among other things, the politics of migration, funding sources, local economies, and the quality of national education systems (Dryden-Petersen et al).

³ As an example, in Egypt, Syrians were permitted access to national schools, while refugees from Sudan, Somalia, Iraq, Eritrea, and Ethiopia, were not.

Given that refugee education is constrained by global and national policy, many researchers have aimed to define and study ‘refugee education policy’ as a concept. To make sense of policy in this particular context, this project draws on the conceptualization of ‘refugee education policy’ by Buckner et al. in the article *Between Policy and Practice: The Education of Syrian Refugees in Lebanon*. The authors define ‘refugee education policy’ as “a manifestation of the state’s legitimated authority to intervene in the decision-making process concerning educational practices for refugees” (2017). This construction of the term draws on Rizvi and Lingard’s definition of policy as “patterns of decisions in the context of other decisions taken by political actors on behalf of state institutions from positions of authority” (2011). This definition of ‘refugee education policy’ assumes that policy is malleable, acknowledging that “the specific content of educational policy is mediated by many state entities” and that “host country governments are not monolithic” (Buckner et al).

The literature on this subject ranges across disciplines and works often take on an interdisciplinary standpoint– looking at refugee education policy from sociological, anthropological, psychological, pedagogical, and political lenses. McIntyre and Neuhaus (2021), for example, address refugee education policy to survey the best pedagogical methods to put refugee education policy into practice. Others explore policy more closely. For instance, research from the Organization for Economic Co-operation and Development (OECD) delves into successful practices and how they can be translated into policy recommendations (Siarova and Graaf). The study maps key stakeholders in refugee education in Europe (schools, service providers, and refugee communities) and highlights the importance of collaboration and consultation with stakeholders at all stages of the practice – research – policy transfer for designing inclusive refugee education policies (ibid). Elizabeth Buckner’s examination of Lebanon’s practice of refugee education policy furthers the idea of stakeholder involvement and explores the challenges in its implementation (2018). Buckner explains that, although policy-practice gaps in education are common because of bureaucratic and political obstacles from the national level to local school application, refugee contexts find distinct challenges such as the influence of external actors like NGOs. Other works on the subject put forth similar findings, pointing to the importance of different actors, the legal status of refugees, and the development of policy tailored toward refugees’ needs.

Refugee Higher Education Policy

The literature on refugee policy education has largely centered around basic education⁴ (i.e. primary and lower secondary education) and general national policy. However, due to the global discourse on the relevance of higher education for refugees in recent years, there has been a surge in works relating to higher education. Works on the topic of refugee higher education policy often evaluate access and the implementation of policy through interdisciplinary lenses. Similar to Buckner's work, a study on the experience of refugee students at the University of the Witwatersrand in South Africa, finds that there is a serious disjunction between policy provisions of the rights and privileges of refugee university students and the implementation of these policies. The study's findings attribute said disjunction to particular challenges refugee university students face, such as complications with the language of instruction, social integration issues, lack of resources, and personal bias/prejudices. Moreover, the study points to the role that higher education institutions play in neglecting the needs of refugee students by categorizing refugee students under the general term of international students⁵. With the internationalization of universities, many HEIs welcome international students who chose to study abroad and have the appropriate funds and legal documentation to be there. This, however, is not the case for refugee students who are mostly fleeing from a war-ridden country and may be struggling with funds, legal paperwork, and the traumatic consequences of war. The issue with the terminology used to categorize refugee students and its impact on their access to resources is repeated in several case studies on the subject. For instance, research on Syrian migrants in Turkey demonstrates that by placing Syrian refugee students (SRS) in the same category as other international students, Turkish policy and HEIs are unable to address many of the challenges SR's encounter (Khalid Arar, et al). Khalid Arar et al. also argue that many challenges in policy implementation are due to the reactive and quick-changing nature of the policy as, in most cases, public policy and university policy on the subject are established as a response to the demand for higher education from the refugee populations (Ibid). Both studies highlight the need to reconsider the internationalization of universities and shed light on some of the major institutional challenges enlarging the existing gap between higher education policy for refugees and its practical application.

⁴ Definition of Basic Education by UNESCO: According to ISCED standard, basic education comprises primary education (first stage of basic education) and lower secondary education (second stage). It also covers a wide variety of non-formal and informal public and private activities intended to meet the basic learning needs of people of all ages. ("Basic Education | UNESCO UIS," 2022)

⁵ In South Africa, as well as many parts of the world, the term international students is used to refer to anyone studying in the country who originates from another country.

Refugees' Access to Higher Education in The European Context

Considering the age demographic of Europe's refugee population⁶ and the robust network of public higher education institutions in the region, a large portion of the research on this topic has been done in this region. For instance, through a comparative study between France, Germany, and Switzerland, Göastellec explores how “the term “refugee” encapsulates a variety of administrative situations that can impinge on access to higher education”, an issue that has not been at the forefront of refugee higher education research (Göastellec, 2017). By analyzing the interplay between immigration and higher education programs against the backdrop of countries' broader social and economic policy, Göastellec concludes that refugees' access to higher education is built as a socio-political issue across European countries. Göastellec argues that while available literature examines responses (e.g. Junblunt et al.) and policy (e.g. Lutine de Wal Pastoor) on refugee's access to higher education, further research must be conducted, viewing this topic as an intersectional political issue to ensure an understanding of how policies and mechanisms play out across countries. Comparative work published by Göastellec in 2018 identifies the concept of *assemblage*⁷ to “highlight how complex combinations of asylum, welfare, and access to higher education policies lead to differential rights which create different spaces of opportunity for refugees with higher education aspirations”. By mapping and comparing the different statuses and rights granted to refugees in Germany and the UK, the study finds that higher education in Europe, welfare, and immigration rights “can be conceived as separate institutions, yet they are intertwined, as the type of legal status directly affects a person's eligibility for welfare service” (ibid). In the same vein, Sontag examines policy, outcomes, and student experiences to understand to explore the interdisciplinary nature of the refugee access to higher education in the European context (Sontag, 2019). The study finds that refugee access to higher education is a product of 4 intersecting areas: Students' biography and migratory experiences, the Asylum system, the Education system, and Funding. Sontag concludes by saying that “For the refugee students, the challenge is that these areas need to be taken into account simultaneously, but what is more challenging is that they are often not well in tune with

⁶ Below 30 years old and with general education or training (*Europa.eu*)

⁷ The definition of *assemblage* in Göastellec's work builds on the work of Müller and Al-Haque (2018) to conceptualize *assemblage* as the coming together of different, heterogeneous parts to form a whole to account for the complexities in relations of actors and concepts involve in the creation, implementation and outcome policies. The study is built on the assumption that participation to HE is characterized by different “state-society-education assemblages” .

one another” (2019). Given the interconnected nature of refugee access to higher education it is relevant to look at refugee access to higher education through the intersection of immigration and education policies to better understanding the potential development of higher education policy for refugees.

Refugees’ Access to Higher Education in France

In the context of France, research looks at the institutionalization of programs to support refugees' access to higher education and the barriers to higher education that refugees experience. For example, a five-year study analyzes different higher education programs for refugees that have been implemented in France since 2015 (Bouffet et al, 2020). The paper explains and presents the emergence of a student-activist-led movement to support refugees in higher education. The members of the movement sought to find ways to ease the poor living conditions of refugees in the country. During this time, three main strategies were created to support this cause: the resumption of studies programs, the Migrants in Higher Education Network (MEnS), and the University Gateway Diplomas French as a Second Language program (DU FLE in 2018). Because many of these programs began as individual university initiatives, they continue to face challenges in their coordination and financing. This article also presents relevant data on the subject. For instance, in 2021 MEnS found that more than 7,000 students in exile have been able to participate in programs over five years, and 3,483 students under international protection received financial support from the government during the 2020-2021 academic year⁸. Another study delved deeper into the obstacles encountered in regard to refugees’ right to education in France (Lefebure, 2018). The article explains how in both EU and French law, refugees have the right to education but programs to support them often lack funding. The article also presents the work of organizations and initiatives that aim to eliminate these barriers, such as Coursera Refugees and Kiron Open Higher Education (now UniR-Université Réfugié.é.s)— a non-profit organization providing counseling and resources to support refugees in accessing higher education.

The region Île-de-France receives the highest number of asylum demands in the nation and as a consequence, it acts as the epicenter for many movements supporting refugees in higher education. Given the relevance of this region, this paper looks at studies on the work of UniR-Université Réfugié.é.s to get a better understanding of the local application of policy. UniR supports refugees through three avenues: Personalized counseling to access opportunities in

⁸ These figures fail to consider all exiled persons, excluding those seeking asylum.

higher education, French as a second language course, and general activism (e.g. participating in petitions and mentoring programs for female refugees). A study by Firmin Landré turns to the work of UniR to understand the barriers that refugees and asylum seekers in the Île-de-France region face when accessing HE (2021). Through interviews with refugees participating at UniR's programs to access HE Landré concludes that there are four main barriers to higher education for refugees in the region: administrative difficulties, language barriers, lack of information or knowledge of the system, and gender inequalities in the case of women. In terms of administrative difficulties, his dissertation highlights the lack of flexibility in regards to admission process timelines, as well as the difficulty of getting the necessary paperwork to apply⁹, and the complex national platform for university admissions¹⁰ (Landré, 2021). Landré also highlights that many refugees are unaware of their access to higher education, or are set back by their level of French. Looking more deeply at access to higher education in relation to gender, research by Andee Brown Gershenberg from UniR examines the experience of women refugees seeking to access higher education in the Ile de France region. The study demonstrates that while female refugees face many of the same challenges as their male counterparts, (e.g. language barriers and administrative difficulties) these issues are exacerbated by gender disparities, leading to lesser access to resources (Gershenberg, 2019).

Gap in The Literature

Examining works on refugee access to higher education, it is clear that existing literature addressing the intersectionality between higher education and other policies mainly concentrates on demonstrating this intersectionality (e.g. Göastellec 2017, 2018) and comparing systemic responses across states (Göastellec 2018 and Sontag 2018). Research on this topic in the context of France also finds that most work focuses on examining policy implementation and development (e.g. Bouffet et al. and Lefébure), as well as the specific challenges refugees face (e.g. Landré and Brown Gershenberg), while intersectional policy analysis remains almost completely absent. Considering the relevance of education and asylum policies in shaping refugees' access to education and France as a global actor, this study aims to fill part of this gap

⁹ Mainly the process of ENIC-NARIC, which is the European Union's validation system for studies outside of the EU. This procedure is in great demand by the students supported by UniR. The process can take several weeks to several months, and can lead to the rejection of some applications.

¹⁰ Many refugees must apply to university programs through the portal *Demande d'Admission Préalable* (DAP) which is opens from November to January to start school in September and does not allow for more than 3 applications.

by analyzing policy (in the form of legislation, Constitutional articles, and strategies) and mapping the connections between education and immigration policies. This analysis will focus on language and discussions on the rights of refugees to participate in higher education, the requirements for them to do so, and their rights within these higher education institutions (HEIs). Given that literature on this matter demonstrates a fragmented asylum policy context that offers differential rights according to the legal refugee status, this study also conducts semi-structured interviews with leaders of organizations working with refugees accessing higher education to provide insight into the impact of the examined policies on the experiences of refugees accessing higher education.

Methodology

This study examined policy using an integrated analytical framework built from a critical policy analysis rubric (Baak et al) and desk-based analysis of policy assemblage¹¹ (Göastellec 2018). This framework provided structure to understand the purpose of the policies examined and map possible intersections across two policy domains: higher education and asylum. By examining policy individually and across domains, it was possible to compare the different statuses and rights refugees are granted in France and to understand their implications on refugee access to higher education in the country. Finally, semi-structured interviews were conducted to provide insight into the practical implications of the examined policies and their impact on refugees accessing higher education.

Given the two components of this study, both policy/document analysis and impact, the following sections provide further details on the methods followed for each component. The first section will guide the reader through how policy was analyzed. The second section provides insight into the methodology used to conduct the interviews in this study.

Part I: Integrated Analytical Framework for Policy Analysis

The material selected for this desk-based research consists of primary sources outlining policy related to immigration statuses for refugees, the rights of refugees/refugee-related statuses, and access to HE in the EU and France: they include written legislature, policy briefs, guidelines, and strategies from institutional organisms providing official data or describing project and procedures. Secondary sources like guides for refugees interested in accessing higher

¹¹ Assemblage (Göastellec, 2018) is an analytical lens through which policy is viewed as different heterogenous parts that form part of one whole. This analytical lens assumes that policies relate to one another, and are assembled in specific national settings.

education were also analyzed (e.g. DAP Guide, and Refugee Studies Guide). The policy documents were collected from searches across online portals from the EU and French institutions working on refugee policy and/or higher education. With the objective of providing a good representation of the breadth of policies pertinent and significant for students from refugee backgrounds, the policy documents most closely related to the topic of the study were selected for analysis (See Table 1). Additional documents were analyzed after consulting with leaders in the field during the interview component of the study leaders.

Table 1

Policies Analyzed Abbreviated (See appendix Table A1 for complete version)

POLICIES ANALYZED (Abbreviated)				
	Document Title	Document Date	Type	Source
E U	EU Asylum Directive 2011/95 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection	12/13/2011	- Directive ¹ (in force)	Official Journal of the European Union EU Parliament & EU Council
	Dublin Regulation III No 604/2013 on 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	29/06/2013	- Regulation (in force)	Official Journal of the European Union EU Parliament & EU Council
	Handbook on European law relating to asylum, borders and immigration	03/27/2020	- Handbook*	European Court of Human Rights and European Union Agency for Fundamental Rights
	Lisbon Convention & Lisbon Convention recommendations for refugees and asylum seekers (ENIC-NARIC)	11/14/2017	- Convention signed by France - Recommendations*	UNESCO Lisbon Recognition Convention Committee
F R	2018 Immigration and Asylum Law	09/10/2018	- Law ²	Official Journal of France National Assembly (Parliament)
	National strategy for the welcoming and integration of refugees	07/13/2018	- Strategy	Ministry of Interior & Interministerial Committee on Integration
	Guide to access HE for refugees in France by r-e-s-o-m-e	12/2022	- User Guide*	r-e-s-o-m-e Aressociation
	Constitution Preamble	10/27/1946	- Constitution	The Constitution of October 4th 1958
	Education Code	12/26/2022 (latest update)	- Code	French Civil Code

"Welcome to France" National Strategy.	07/2018	- Circular (<i>circulaire</i>) ³	Ministry of Higher Education, Research and Innovation
Green File - Preliminary admission request (PAD)	10/01/2011	- User Guide*	Ministry of Education

1. Directive: "Unlike regulations and decisions, directives are not directly applicable throughout the Member States but require national laws to incorporate their rules into national legislation." To do so EU directives are incorporated into the national laws of EU Member States through a process called Transposition ([EUR-Lex](#)).
2. Law: French law, in the shape of bills, may come from the government or the parliament. They are subordinate to the constitution and are published in the country's official journal ([E-justice Europa](#))
3. French Circulars & Instructions: Not strictly regulations, these are instructions to administrative bodies and departments within ministries on how to apply laws, decrees, and other rules. ([EUR-Lex](#))
4. **R-e-s-o-m-e** is a collective of students, teachers, individuals, associations and informal groups, acting side by side with refugees and migrants to foster access to higher education.

Afterward, the framework for the analysis was built by drawing on methods used by two scholars: Göastellec and Baak. First, a critical policy analysis rubric was developed based on the questions of Baak et al (See Table A4). Each policy was then analyzed against this rubric with the purpose of better understanding each policy individually (See Table A3). The analysis involved "an interrogation of the policy, the use of policy symbols and rhetorical devices as well as the delineation of the difference between policy rhetoric and policy reality" (Baak et al). Additionally, relevant keywords related to education and immigration were identified, and through keyword searches, points of convergence between the policies were found. Adopting Göastellec's method to map points of convergence across policies, a chart visualizing the relationship between immigrant status and requirements for HE admission was created (See Table A5). To complement this chart a document with excerpts of the different policy documents where converging topics were discussed was also made.

Part II: Policy to Practice Analysis (Interviews)

In order to understand the practical implications of the aforementioned policy analysis, this paper draws on the experiences of leaders of major programs supporting refugees' access to higher education in the Île-de-France, France. These insights were gathered through in-depth, semi-structured interviews conducted over Zoom. Three interview participants were recruited via email through contacts with UniR: The founder and director of UniR (*directrice et fondatrice*), the project manager for UniR's higher education counseling program for refugees (*Chargé du programme d'accompagnement*), and the project manager of the Student Refugee Program at the university École des Ponts in Paris. Each interview lasted 25 to 30 minutes and was guided by a series of questions adapted from Elizabeth Buckner's research on the policy and practice of refugee education in Lebanon (See Text B1). To begin the interview, all participants were asked questions about their work in the field of supporting refugees in HE and their perspectives on the

biggest challenges faced by the refugees they work with. Afterward, they were asked policy-related questions. Depending on their answers, the questions were followed up to learn more about the policies and their impact on the work.

The interviews were recorded, transcribed verbatim, and translated from French to English by myself with the support of the digital programs Trint¹² and DeepL¹³. Afterward, the transcriptions were analyzed by comparing participants' responses to similar questions and identifying common themes that came up repeatedly across the interviews. This involved reading the transcripts to organize the responses by questions and develop preliminary thematic categories. The categories included: (i) the differences in immigration statuses for refugees in France; (ii) resources and immediate needs as barriers to HE; (iii) the lack of unified national policy for refugees to access HE; (iv) admission processes; and, (v) particular policies.

Analysis

Policy Analysis (See Table A5)

An examination of EU documents related to asylum policies and HE showed that the EU has specific policies and guidelines on the topic of refugees' access to HE. For instance, the EU alongside the United Nations Educational, Scientific and Cultural Organization established the Lisbon Convention and created a system called Enic-Naric that serves as a central validation service for non-European education certificates. While the services can be used by anyone, it is mainly targeted toward refugees. The Lisbon Convention also offers recommendations for refugees and asylum seekers and provides recommendations for countries on education document validation for refugees. In addition, EU Asylum Directive 2011/95/EU, the EU central immigration policy states that protected people should have access to employment-related educational opportunities and that "adults granted international protections should have access to the general education system (training and retraining) as another third country national legal residents". The Dublin Policy was also examined. While it did not mention HE, upon analysis, it continues to be relevant as it determines where asylum seekers must make their asylum demand, which may result in different possibilities in access to HE.

Initial identification of relevant French policy documents revealed a general absence of refugee-specific HE policy and mentions of refugee status in HE policy. For instance, the latest

¹² Trint: an artificial intelligence transcription website,

¹³ DeepL: A neural machine translation service

policy related to Higher Education, the “Welcome to France” Strategy, did not mention refugees (in any form of refugee/refugee-related status). Given that the government strategy focuses on articulating the procedures for the pre-registration of non-national students and the allocation of scholarships and tuition fee exemptions by embassies and institutions, the lack of specific mention of refugee/refugee-related statuses/or asylum seekers was noticeable. It is important to note, however, that the policy did mention a procedure called the Preliminary admission request (DAP), which is meant for non-nationals who do not have any secondary education certifications from France or other EU countries and are seeking to apply to HEIs in France while in French territory. While this describes the case of many asylum seekers applying to HEIs, they are not specifically mentioned in the policy.

Additionally, it is interesting to note that the keyword search for the French Education Code, revealed that while the code did make mention of ‘refugees’, it only did so under 5 articles in comparison to ‘international student’ which was mentioned under 75 articles. The keyword search also revealed that only one document (National strategy for the welcoming and integration of refugees) mentioned the creation of Réseau MEnS, an organization that coordinated universities on the development and implementation of French language diplomas for refugees (DU Paserelles). This is significant because while DU Passerelle programs were established by Universities, the Minister of Higher Education, Research and Innovation recognized their creation and supported the founding of the Réseau MEnS (Bouffet et al.)

Despite the lack of refugee-specific HE policy, an analysis of the French Education Code, 2018 Welcome to France Strategy, and the Guide to access HE for refugees in France by r-e-s-o-m-e, revealed that all mention immigration status as a determinant for access to HE. For instance, in the Education Code, it is written that Stateless persons, refugees, and beneficiaries of subsidiary protection may apply to programs following the same procedures as French nationals. However, the Welcome to France Strategy and the guide by r-e-s-o-m-e, state that Non-national applicants who do not hold BAC (french high school certification) or other EU country certifications and are in France during the application process must follow the DAP process.

Analyzing immigration policies, the 2018 National Strategy for The Welcoming and Integration of Refugees, provided the most information on the support available for refugees seeking to enter HE programs in France. The policy mentioned the Enic-Naric process and the need for more efficient education document validation. The policy also addressed topics related to barriers in refugee education, such as language– informing readers about the fact that free french

courses for refugees are coordinated by the French Office for Immigration and Integration. The policy also proposed updating legal texts to address disparities in access to rights between refugees and persons with subsidiary protection.

Finally, the French constitution preamble was analyzed as it lays out the rights guaranteed by the French nation. Examination of the preamble revealed that article 14 states that “The Nation guarantees equal access of children and adults to education, professional training and culture. The organization of free and secular public education at all levels is a duty of the State”. Moreover, the text introduces the articles by stating that they are the rights of men and citizens in general, without mentioning immigration statuses specifically.

Impact of Policies in The Île-de-France Region

The interviews conducted generally confirmed the findings from the critical policy analysis. Most significantly, all participants referred to legal immigration status as the primary factor determining refugees’ access to HE in France. One participant concretely stated that for refugees, “Access to universities is ultimately linked to their legal status in France”, and throughout the interview, participants corroborated this claim by providing evidence for the inequalities in access across legal statuses (Participant, December 2022). For example, a participant mentioned: “What we will call a BPI, a person beneficiary of international protection, is going to have refugee status or the subsidiary protection. For these two cases, when a person has these two statuses, he or she has the same rights as a French citizen, except for the right to vote and to be elected. [...] So, for them, to access higher education, they will have the same procedures as for young French post-baccalaureate students who wish to enter. That is really, we will say, the simplest way” (Participant, December 2022). However, for any refugee who does not have this status, accessing higher education becomes more complicated. Another participant explained that “For asylum seekers, it's not the same procedure as for refugees, for asylum seekers, it's becoming more and more complicated. It's through a process called DAP, Demande admission Préalable, which is really an unfair system through which almost no one is admitted” (Participant, December 2022). The interview data also highlighted that not only is the admissions procedure different for asylum seekers, but in general, asylum seeker status as well as the Dublin policy places refugees in highly volatile and uncertain conditions– with little to no support from the state, the omnipresent possibility for their case to be denied, and fear of deportation. Looking at other statuses, one participant stated that “With regard to asylum seekers whose demand has been rejected [*deboutés*] and people who are undocumented [*sans papiers*], everything changes

in a discriminating way” making it nearly impossible to access HE (Participant, December 2022).

Refugees’ living conditions, which often differ depending on immigration statuses, provide an additional set of barriers to accessing HE– corroborating the connection between immigration policy and access to HE. For example: “The first problem these students are facing is more like the administrative steps, money, housing, for example, schooling for the children, and so all these other things become a huge barrier to entry” (Participant, December 2022). Meeting these needs, largely depends on immigration status: “There are all the people who are, for example, seeking asylum and don't have a shelter, who are in hyper precarious situations. And so that obviously plays into the stability of attendance and then not being able to come into the program” (Participant, December 2022). Even when receiving support from the state, they might still face barriers that make it difficult to access education programs. For instance: “Often, refugees are housed in social housing that is all over Île de France and so some may travel up to two hours in the morning to come [to the program the participant administers]” (Participant, December 2022).

In relation to education policies, however, interview data generally dismissed the relevance of national policies from the ministry of education in determining refugees’ access to higher education. While policy analysis demonstrated that general HE policies lay out the different processes for non-national students to get admitted into HE institutions, participants expressed that these education policies are rarely the main obstacle they see refugees confront on the ground. Looking at education policy, one of the participants stated that “When it comes to other laws, it's true that education isn't talked about much, even though I believe that more than 40% of refugees arrive in France with a degree higher than the baccalaureate level” (Participant, December 2022). When asked about specific policies like the Welcome to France 2018 Strategy, a participant stated: “So the law on international students, it did not impact us. In fact, international students in the texts are people who come with a student visa. [...] So technically, a refugee person, they don't have to pay the additional fees for international students” (Participant, December 2022). Another participant spoke about a movement advocating to include refugee students who were not specifically talked about in the Welcome to France Strategy 2018. This was not unique to the 2018 law, in general, participants commented on a lack of specific education policy to address refugees’ access to HE.

In the absence of specific policies, the participants drew attention to guidelines on student admission procedures, education certificate equivalencies, and French language proficiency requirements— which are all related to universities more directly. On the topic of admissions, interview data demonstrated that while there are guides that outline procedures for refugees, refugees face difficulties providing the required documents to apply to HE institutions, particularly when it comes to personal identification documents (e.g. passport), residence permits, and previous schooling certificates (original and the equivalency from ENIC-NARIC). Even if refugees meet all admissions prerequisites, it is common that universities to take into consideration students' legal status for admissions. One participant commented: “In fact, the university should only look at the identity of the person [...] Unfortunately, they do not. So, unfortunately, undocumented people or even those who are waiting for a residence permit (since the prefecture has a huge delay in issuing a valid residence permit), do not have the same access to higher education on a completely administrative basis” (Participant, December 2022). Additionally, not all institutions, like the *École des Ponts*, receive funds and report to the French Ministry of Education— making admission processes and programs for refugees different across institutions.

Interview data also provided explanations for the absence of HE policy for refugees. On this subject, participants highlighted that the movement to support refugees in accessing education stemmed from universities and associations, rather than the ministry of education. One participant mentioned, “It was more the movements that allowed the exiles to come in [the university]. It came mainly from the language teaching centers at universities and then the rest of the university. That was more of a movement from below that arrived at institutionalization, an institutionalization within ministries that we have pushed for on the side of the *École des Ponts*” (Participant, December 2022). Another participant stated, “we talk about refugee education, and ultimately all the good things that exist are because of will, initiatives of the universities and the people doing work beyond their official posts” (Participant, December 2022).

Despite dismissing the relevance of national education policy in impacting refugees' access to HE, participants emphasized that the lack of a specific policy in itself poses challenges that limit refugees' access to HE programs. Most significantly, many education-welfare programs (e.g. CROUS) do not address the needs of refugees and do not take into consideration their unique backgrounds. Even if refugees receive the immigration status that allows them to stay in the country for 10 years and gives them nearly all the benefits of being a French citizen,

they might find limitations in accessing resources. A participant explained “Many of our students are over 26 or 28 years old, and they don't have access to CROUS grants like that. It becomes a real problem because we know that if they become a student, they lose the right to have the RSA, that it's state aid, and they find themselves in a situation where they can't apply for scholarships either. So finally, they are left without being able to have any aid to support a path in HE, so they try to find any job just to be able to have some income” (Participant, December 2022).

The data highlighted that another problem related to the lack of a specific policy for refugees is the language barrier. While state-sponsored language programs for refugees exist, they do not meet refugees' needs to access HE programs, which usually require at least a B2 level in French. A participant stated: “The access to French courses is not sufficient at all. Normally the French courses of the OFII or the French Office of Immigration and Integration should be enough. [...] Unfortunately, three-quarters of the people only get up to A1 level, [...] which is absolutely not enough to stay on the territory and have a comfortable daily [life] in France and obviously, not enough to access university” (Participant, December 2022). The lack of policy has led to reliance on supplementary programs established by universities (i.e. DU Passerelle and DU FLE) and by non-profit organizations like UniR.

Results

The findings presented are based on the insight gathered from the critical analysis of policy documents and are supplemented with the interviews to highlight aspects that are not included in written policy. Data collected from the study suggests that both in written policy and in the application of policy, immigration status and access to higher education are deeply intertwined, despite there being no specific policies relating to addressing both immigration status and HE access.

The first point of convergence between these policy areas lies in the determination of who is legally eligible to apply to HEIs. On this point, HE policy states that Statutory Refugees, Refugees Under Subsidiary Protection, and Asylum Seekers all have the right to apply to HE programs (See Table A5). In practice, however, application processes vary depending on immigration status, which establishes inequalities and challenges to accessing HE. While data from the policy analysis demonstrates that the DAP process was created to institutionalize the process of evaluating refugee students' candidacy for higher education, interview data demonstrates that the DAP process fails to address the unique needs of refugees (e.g. their inability to provide certain documents) and poses additional challenges for refugee applicants

(e.g. limits on the number of programs they can apply to and a nearly 1-year gap between admission and the start date of courses). Furthermore, interview data finds that in practice, these issues make it challenging for refugees to get accepted through the DAP procedure and discourage potential applicants. Another significant overlap found between immigration and HE education policy relates to French language level and FLE courses. Having an intermediate French level (B2) is a prerequisite for admission to Bachelor's, Masters's, and Doctorate degrees. However, state-sponsored FLE programs for refugees (established through the National Strategy for Refugee Integration policy and managed by the French Office of Immigration and Integration) only offer courses up to levels A2 and B1—proving insufficient for non-francophone refugees interested in pursuing higher education.

In conjunction with the policy analysis, the interview data also suggest that the absence of policies addressing refugees' access to HE from an intersectional standpoint exacerbates issues in refugees' access to HE. The main issue is that by not having specific policies on the topic, policies and programs fail to consider the unique backgrounds of refugees and expect them to fit into the mold of the average French student or international student. For instance, refugees seeking to enter HE are often not eligible for student welfare services, as the age limit for these services is 26 (See Table A3). However, due to their individual histories and paths, refugees' trying to access HE may be older than the average French student. Additionally, the lack of policy makes it so that a lot of the work to support refugee students in HE relies on universities themselves and on non-profit organizations. The present analysis suggests French legislators have failed to understand (or chosen to ignore) the relevance of the intersection between immigration and education policies in determining refugees' access to HE.

An additional finding from the data collected demonstrates the relevance of EU policies in refugee access to HE. While the impact of EU policies on French texts in relation to immigration and education was to be expected, specific EU policies (including Dublin and ENIC-NARIC) were mentioned across all interviews. This suggests that for people on the ground working to support refugees in HE, not only does French policy matter but also policy from the EU.

It is important to note that the interview component of the study has potential limitations. First, the sample of interview participants was small. Thus, while they each offer a unique insight into the impact of the examined policies working with refugees on HE in the Ile-de-France region, the insight of the interview participants cannot be used to draw conclusions about the

experience of all people working in the same field. Another potential limitation of the study is its focus on the Paris region of France. As one of the participants pointed out, the Île-de-France region is a complex and unique space to examine because of the concentration of refugees in the area and other factors like the hyper-competitive housing market, the abundance of HEIs in the area, and the size of the metropolitan region. Given the uniqueness of the capital city and surrounding areas, the same policies analyzed in this study may have a different impact on other cities and regions of France.

Conclusion

Through following an integrated analytical framework for policy analysis, the present study found that there is a significant overlap between French immigration and education policies despite the absence of specific policies to address the topic of refugees' access to higher education in France. The results drawn from this study provide evidence to support the theory of the policy assemblages— proving that policies like immigration and HE policies do not exist in a vacuum and instead inform each other. Looking at the impact of these policy assemblages in France, the study shows that what seems to be a streamlined process for refugees to access HE, is in fact a complicated system hindered by administrative barriers and additional challenges related to immigration status. Additionally, this study demonstrates that the lack of a specific policy on the topic of refugees' access to HE creates a gap between the resources that refugees can access and their ability to actually access them.

On a broader scale, this paper sheds light on inequities propelled by France's immigration system and how that translates into refugees' ability to build a life in the country. The current system prioritizes refugees' quick integration into the workforce and presents challenges that deny refugees access to valuable resources, such as HE, to build a life in the country. The rise of xenophobic extremist parties in the country pushing for greater restrictions on immigration and the fear of rising public university costs (financed by public funds) present two possible explanations for this. However, refugee education should not be seen as a burden on taxpayers' money, but as an investment in the future. Having a HE degree has proven to result in higher-paying jobs and financial independence for refugees, and innovation within the country (World Bank). HE also provides opportunities for sociocultural integration in a new host community. Universities, and other HEIs, serve as spaces where refugees can meet new people, build community, and connect with different opportunities (UNHCR). Investing in HE for

refugees is not only an investment in refugees' ability to build a life in France but also in France's future.

Drawing from the study's findings, this paper recommends that French policymakers address the issues that refugees face in accessing HE. Not only is it necessary to create a policy that takes into consideration the unique backgrounds of refugee students and addresses the barriers that refugees face to access HE, but also to modify existing immigration policies that discriminate against immigrants and make access to HE yet more challenging. The need for French policy to increase access to HE for refugees and address the discriminatory barriers refugees encounter in the country opens up areas for future research on this subject. One potential avenue for researchers is to address the limitations of this study. For instance, conducting further research on the impact of the analyzed policies (i.e. interviews) or studying the impact that the analyzed policies have in France outside of Île-de-France. Another possible avenue for further research is to compare the situation in France to that of other EU countries with similar education systems. Addressing the limitations of the present study as well as comparing the existing policy on the topic in another country, can provide useful insights for the development of policy targeting refugees' access to HE in France.

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Appendix A - Complete Tables

Table A1

Policy Analyzed (Detailed)

POLICIES ANALYZED				
	Document Title	Date	Type	Source
E U	EU Asylum Directive <u>Directive 2011/95/EU</u> of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)	- Date of document: 12/13/2011 (signed) - Date of effect: 01/09/2012 - Transposed to French law in July 2015	- Directive ¹ (in force)	Official Journal of the European Union EU Parliament & EU Council
	Dublin Regulation III Regulation (EU) <u>No 604/2013</u> 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 (recast)	- Date of document: 29/06/2013 - Date of effect: 29/06/2013	- Regulation (in force)	Official Journal of the European Union EU Parliament & EU Council
	Handbook on European law relating to asylum, borders and immigration	- Date of document: 03/27/2020	- Handbook*	European Court of Human Rights and European Union Agency for Fundamental Rights
	Lisbon Convention & Lisbon Convention recommendations for refugees and asylum seekers (ENIC-NARIC)	- Date of document: 11/14/2017	- Convention signed by France - Recommendations*	UNESCO Lisbon Recognition Convention Committee
F R	2018 Immigration and Asylum Law Law No. 2018-778 of September 10, 2018 for controlled immigration, effective asylum rights and successful integration	- Date of document: 09/10/2018	- Law ²	Official Journal of France National Assembly (Parliament)
	National strategy for the welcoming and integration of refugees	- Date of document: 07/13/2018	- Strategy	Ministry of Interior & Interministerial Committee on Integration
	Guide to access HE for refugees in France by r-e-s-o-m-e	- Date of Document: 12/2022	- User Guide*	r-e-s-o-m-e Aressociation
	Constitution Preamble	- Date of document: 10/27/1946	- Constitution	The Constitution of October 4th 1958

Education Code	- Date of document: 12/26/2022 (latest update)	- Code	French Civil Code
"Welcome to France" National Strategy . - articulation of the procedures for pre-registration of international students and the allocation of scholarships and tuition fee exemptions by embassies and institutions	- Date of document: 07/2018	- Circular (<i>circulaire</i>) ³	Ministry of Higher Education, Research and Innovation
Green File - Preliminary admission request (PAD) Explanatory Notice <i>Dossier Vert - demande d'admission préalable (DAP)</i>	- Date of Document: 10/01/2011	- User Guide*	Ministry of Education

1. Directive: "Unlike regulations and decisions, directives are not directly applicable throughout the Member States but require national laws to incorporate their rules into national legislation." To do so EU directives are incorporated into the national laws of EU Member States through a process called Transposition ([EUR-Lex](#)).
2. Law: French law, in the shape of bills, may come from the government or the parliament. They are subordinate to the constitution and are published in the country's official journal ([E-justice Europa](#))
3. French Circulars & Instructions: Not strictly regulations, these are instructions to administrative bodies and departments within ministries on how to apply laws, decrees, and other rules. ([EUR-Lex](#))
4. **R-e-s-o-m-e** is a collective of students, teachers, individuals, associations and informal groups, acting side by side with refugees and migrants to foster access to higher education.

* Non binding document

Table A2*Immigration Statuses for Refugees in France (Detailed)*

IMMIGRATION STATUSES FOR REFUGEES IN FRANCE (RELEVANT TERMS)	
Term	Definition
Statutory Refugee (Including Beneficiaries of International Protection)	<p>Person who has been granted protection by OFPRA¹ on the basis of the Geneva Convention (conventional asylum) or the fourth paragraph of the Preamble of the 1946 Constitution (constitutional asylum). This status provides a renewable residence permit valid for 10 years.</p> <p>A person with statutory refugee status in France may be a ‘Beneficiary of international protection’, meaning a third-country national or a stateless person who has been granted international protection as defined in Article 2(a) of Directive 2011/95/EU.</p>
Refugee under subsidiary protection	Person who does not meet the conditions for granting refugee status under the Constitution or the Geneva Convention, but is granted protection by OFPRA due to exposure to one of the serious threats listed in Article L. 712-1 of CESEDA. This status provides a temporary visitor permit valid for 1 year marked “private and family life”.
Asylum Seeker	Person applying for recognition of refugee status or subsidiary protection benefits from the right to remain temporarily in the territory while awaiting a decision from OFPRA and/or the CNDA on his/her application for protection. If refugee status or subsidiary protection is granted, a permit is issued. In case of rejection, the applicant is obliged to leave the territory unless they are allowed to stay on another basis.
Undocumented (<i>sans papiers</i>)	Immigrants in France who do not have documentation, many of which are refugees
Debouté·e	Person whose asylum demand has been rejected; obliged to leave the territory unless they are allowed to stay on another basis.
Dubliné·e	Asylum seekers under a Dublin procedure, meaning that the examination of their asylum request must be done by another EU member state. The asylum seeker is taken care of by France (granted the same conditions as other asylum seekers) until they are transferred to another EU country.
Stateless (<i>Apatride</i>)	A person whom no state considers as its national. Some (but not all) refugees are stateless. Similarly, stateless people are not necessarily refugees. A stateless person may be granted protection by the OFPRA, this protection provides the person with a visitor permit valid for 4 years.

1. OFPRA - The French Office for the Protection of Refugees and Stateless Persons

Table A3

Critical Policy Analysis Rubric

CRITICAL POLICY ANALYSIS RUBRIC					
	Policy Title	Policy Purpose: Subjects discussed	Policy Recipient(s): Who is included/excluded by the policy? How? Who is the policy addressing?	Relation to refugees/HE: Does it mention either? If so what does the policy say?	Impact: How does this policy inform refugees' access to HE/how does this policy relate to refugees' legal immigration status in France?
E U	EU Asylum Directive <u>Directive 2011/95/EU</u> IMMIGRATION	Creating common definitions for topics related to asylum across EU countries. Established guidelines for asylum processes in EU countries and deadlines for registering, and examining asylum applicants.	Included: Displaced populations Addresses: EU member states	Refugees: Yes, mentions refugees & other refugee-related statuses. The definition of refugees follows 1951 Geneva convention definition. Document states that refugee status should be complemented by measures on subsidiary forms of protection , offering an appropriate status to any person in need of such protection. HE: Yes, but indirectly. Establishes that protected people should have access to employment related educational opportunities. Adults granted international protections should have access to the general education system (training and retraining) as other third country national legal residents.	<ul style="list-style-type: none"> - French law on asylum must follow the guidelines established by the directive - Refugees should be treated fairly - Protection from refaoulment is an absolute right that all member states must protect
	Dublin Regulation III <u>Regulation (EU) No 604/2013</u> IMMIGRATION	Establish solidarity across EU countries, no Member State should shoulder a disproportionate responsibility on immigration through guidelines on member state responsibilities on asylum claims	Included: asylum seekers, immigrants in general Addresses: EU member states	Refugees: Yes. Established guidelines for asking for asylum in different EU countries. HE: No mention	<ul style="list-style-type: none"> - Refugees may be sent to the country through which they entered the EU - New status for refugees (those that are undergoing this process/whose asylum application must be processed elsewhere than where they reside) - Uncertainty = greater difficulty to access HE
	Handbook on European law relating to asylum, borders, and immigration IMMIGRATION	Info on the practical implications of EU law on asylum, borders, and immigration	Included: refugees, immigrants, and asylum seekers Addresses: EU member states	Refugees: Yes, summarizes directives and policies relating to asylum law, border control, and immigration. HE: No mention	N/A
	Lisbon Convention &		Included: Refugees with and without	Refugees: Yes. "Refugees should be entitled to	This policy informs the processes refugees are likely to

	<p>Lisbon Convention recommendations for refugees and asylum seekers (ENRIC-NARIC)</p> <p>EDUCATION</p>	<p>Convention: “The LRC is the key legal instrument regulating recognition of higher education qualifications from abroad across Europe and North American regions and was adopted in 1997. It has been signed and ratified by 55 countries and was developed by the Council of Europe and UNESCO.”</p> <p>Recommendations: Address the issues refugees face with education document validation and propose solutions for countries and institutions</p>	<p>education documentation</p> <p>Addresses: EU member state governments</p>	<p>assessment for access to higher education, including when their qualifications cannot be adequately documented.”</p> <p>HE: Yes. Provides recommendations for what to do when the qualifications claimed by refugees cannot be adequately documented. Establishes that assessments should be free. Non EU documents are revised by ENIC-NARIC offices.</p>	<p>go there to get credit for their years of schooling before arriving their host country.</p>
	<p>2018 Immigration and Asylum Law Law No. 2018-778</p> <p>IMMIGRATION</p>	<p>Establish the rights granted with refugee status, and other refugee-related statuses. “Fight against irregular migration”</p>	<p>Included: Refugees (Regardless of status)</p> <p>Addresses: French government</p>	<p>Refugees: Yes, mentions refugees & other refugee-related statuses. Shortened the deadline to apply for asylum, and increased the possibility of deporting rejected asylum seekers. Introduced a four-year residence permit for stateless people and beneficiaries of subsidiary protection. Established measures tightening access to health care for asylum seekers. Manage allowance of asylum seekers.</p> <p>HE: No changes made, rights remain as before.</p>	<p>The changes in deadlines for asylum and deportation possibilities, can pose a challenge for asylum seekers trying to access HE</p> <p>The introduction of four-year permit for stateless people and beneficiaries of subsidiary protection can prove beneficial</p> <p>Payment of allowance for asylum seekers ends at the end of the month in which the applicant's right to remain on territory has ended or on the date of the actual transfer to transfer to another State if the application falls under the jurisdiction of that State.</p>
F R	<p>National strategy for the welcoming and integration of refugees</p> <p>IMMIGRATION</p>	<p>Creation of a more ambitious integration policy addressing the needs of relocated refugees and non-francophone refugees with international protection.</p>	<p>Included: Refugees (international and subsidiary protections) and asylum seekers</p> <p>Address: French institutions related to the implementation of the strategy (Notably, immigration offices and Universities)</p>	<p>Refugees: Yes The strategy centers around welcoming them.</p> <p>HE: Yes The Ministry of Higher Education and Research wanted to set up networks of referents for migrants. In conjunction with the Regional Center for University and School Works (CROUS), 28 CROUS referents were appointed in September 2016.</p> <p>In addition, following various exchange and information days, a network of higher education institutions committed to the reception and integration of migrants was created (MEN: migrants in higher education).</p>	<p>Addresses issues related to language barriers:</p> <p>Improving government sponsored FLE programs, increase level from A2 to B1.</p> <p>Partnership between The Agence universitaire de la Francophonie (AUF) and different organizations to provide FLE courses for migrants</p> <p>Increase number of course hours</p> <p>Mentions Enic-Naric process to validate previous degrees</p>

				One of the goals is valuing the diplomas and skills of refugees	Proposes to update legal texts to address disparities in access to rights between refugees and persons with subsidiary protection. Outcome: authorize different scholarships for refugees with international protection
Guide to access HE for refugees in France by r-e-s-o-m-e IMMIGRATION	Information on rights for asylum seekers	Included: Refugees (international and subsidiary protections) and asylum seekers Address: Asylum seekers	Refugees: Yes (guide for refugees regardless of status) HE: Yes Guides asylum seekers through process to access HE		Lays out the steps for refugees to access HE, but not a legally binding document
Constitution Preamble EDUCATION	Declares the rights guaranteed by the French Nation	Included: French citizens & technically everyone on French soil Address: Anyone on French soil	Refugees: No HE: No		"13. The Nation guarantees equal access of children and adults to education, professional training and culture. The organization of free and secular public education at all levels is a duty of the State."
Education Code EDUCATION	Establishes requirements and processes related to education in France. States that "Education is the first national priority", and promotes equal opportunities.	Included: French citizens, and people with permits to stay in the country "International student" is mentioned in 75 articles "Refugies" is mentioned in 5 articles Addresses: Education institutions, and anyone on French soil	Refugees: Yes. Chapter III Article D612-14 Refugees/related statuses are exempted from admissions established in Article D612-12 (DAP) Section 1: General dispositions, Sub-section 1 : Rights of Admission → Refugees do not need to pay admission fees Order of April 19, 2019 on registration fees in public institutions of higher education under the authority of the minister responsible for higher education → people with refugee status are mentioned under same rights as citizens HE: Yes. Book VI: The organization of higher education (Articles D611-1 to D687-2) Title I, Chapter II bis: The course of higher education (Articles D612-2 to D612-47)		<ul style="list-style-type: none"> - Refugees/refugee related statuses still need to turn in the admissions documents: <i>titre de sejour</i> - Stateless persons, refugees and beneficiaries of subsidiary protection are exempt from DAP process
"Welcome to France" National Strategy EDUCATION	Purpose: Make France more attractive to international students in France and reforms their access to HE in the country	Included: International students with student visas Excluded: People with refugee and refugee related statuses & asylum seekers	Refugees: Indirectly mentioned The circular from the Ministry of Higher Education defining the conditions of access to scholarships for the year 2018 does not mention, in its current wording, the beneficiaries of subsidiary protection who are therefore excluded. Mentions process for non national students inside french territory (DAP), but that's all.		DAP Process impacts asylum seekers admissions processes

				HE: Yes. Focuses welcoming international students to French HEIs	
Green File - Preliminary admission request (DAP) EDUCATION	“For a first registration in the first year of a Bachelor’s degree in a French university, an application for prior admission (DAP) is compulsory for nationals of a country outside the EU, the EEA and Switzerland, who hold or are preparing a foreign secondary school diploma. If you live in France, you must fill out the green file that can be downloaded from this page.”	Included: Non-national applicants in who do not hold BAC (french high school certificatio) or other EU country certification and are in France during the application process	Refugees: Does not specifically mention refueges/asylum seekers, but its implied HE: Relates to the application process for teh first year of a bachelor’s degree/	DAP Process: The application is submitted on the form established by the minister in charge of higher education. The applicant may choose one of three universities under the conditions set by order of the Minister of Foreign Affairs and the Minister in charge of higher education.	

Table A4*Critical Policy Analysis Questions*

CRITICAL POLICY ANALYSIS QUESTIONS
What is the purpose of the policy?
What is the policy's intended focus?
Who are the intended recipients of the policy?
Who is enacting the policy?
Who is included/excluded by the policy? How?
What does it say about refugees and asylum seekers?
How does this policy inform refugees' access to HE/how does this policy relate to refugees' legal immigration status?

Table A5*Immigration & Education Policy Assemblage Analysis*

IMMIGRATION & EDUCATION POLICY ASSEMBLAGE ANALYSIS								
Immigration Status	Welfare benefits ¹	French Courses	Right to work	Right to Study	Admissions Process	Student Status	Fees	Student Support/ Scholarships
Statutory Refugee	All	Yes	Yes	Yes, all programs (including conducting an internship, and doing work-study)	- Parcoursup - B2 French Level Required	Local	None	All, Crous (-26 y/o)
Refugee under subsidiary protection	All	Yes	Yes	Yes, all programs (including conducting an internship, and doing work-study)	- Parcoursup - B2 French Level Required	Local	None	All, Crous (-26 y/o)
Stateless (<i>apatride</i>)	All	Yes	Yes	Yes, all programs (including conducting an internship, and doing work-study)	- Parcoursup - B2 French Level Required	Local	None	All, Crous (-26 y/o)
Asylum Seeker	L'allocation pour demandeur d'asile (Ada)	Yes	Yes, if: (1) the person is a holder of an asylum application certificate, (2) their demand has been under examination for more than 6 months, (3) they have a promise of employment from an employer.	Yes, but not all programs May not conduct internship unless it is considered part of the study plan, and they must have completed all the prerequisites to work (see previous column). The prefecture then has two months to study work permit requests.	- DAP - B2 French Level Required	Not specified/ varies by university	None	Uncertain
Dubliné e	Same as Asylum seeker, but only while they are in French territory (before being sent to another EU state)	Yes	Yes, if: (1) the person is a holder of an asylum application certificate, (2) their demand has been under examination for more than 6 months, (3) they have a promise of employment from an employer.	Yes, but not all programs May not conduct internship unless it is considered part of the study plan, and they must have completed all the prerequisites to work (see previous column). The prefecture then has two months to study work permit requests.	- DAP - B2 French Level Required	Not specified/ varies by university	None	Uncertain
Undocumented (<i>sans papiers</i>)	Depends on refugee status	yes	yes	yes	DAP?	French?	none??	Depends??
Debouté e	None	None	None	None	None	None	None	None

1. Housing, healthcare, unemployment, training

Appendix B - Interview Reports in English

Text 1B

Guiding Questions

Introduction

- Can you briefly describe the work that you are doing related to refugees' access to higher education?

Rights of refugees

- How would you describe the rights that refugees have in regards to higher education?
 - How do they compare in theory and in practice?
- Do you view these rights differing greatly depending on refugees' country of origin and immigration status?

Observations

- What are the main factors shaping access to education for refugees?
 - How do **global policies** and/or legal frameworks influence your daily work on refugee's access to higher education? Can you provide an example?
 - How do **EU policies** and/or legal frameworks influence your daily work on refugee's access to higher education? Can you provide an example?
 - How do **national policies** and/or legal frameworks influence your daily work on refugees' access to higher education? Can you provide an example?
 - What do you know about education policies in France that specifically address *refugees' right to education*?
- Discourse
 - In your work what are the most common terms that you encounter to describe displaced people?
 - Do you think that the government's discourse on the subject/use of terminology has influenced in any way refugees' access to higher education?
- What other influences (such as non-education policies), if any, might also affect your work with refugee education?
- In what ways would you like to see educational policies change for refugees if at all?

Organization

- What are the biggest policy-related barriers that your organization faces in providing access to education for refugees?
- In what ways is your organization connected to the national ministry of education, if at all? Could you describe this relationship?
- How does immigration status impact the work of your organization?

French Immigration policy

- What is your understanding of the following policies and their impact on your work:
 - 2018 asylum and immigration law in France
 - Updates for 2023
 - Ukrainian special refugee status
- In terms of immigration status, what are the main barriers that displaced people in France face to access higher education?

Education policy

- Are you aware of any challenges that refugees encounter regarding national legislation in relation to education?
- How about university policies?
- What is your understanding of the following policies and their impact on your work:
 - The rise in price policy French University international students

Conclusion

- Is there anything else you would like to add about your organization's work with refugee education?
- Are there any best or innovative practices that you have noticed and would like to see more of?

Text 2B*Interview Participation Protocol/Participant Contract***SIP INTERVIEW PROTOCOL****Introduction**

As you know, our study is looking at refugee education in France and the intersections between policy and practice. While the study focuses on the convergence between immigration policy and education policy, the purpose of this semi-structured interview is to learn about the barriers that exist when implementing policy pertaining to refugees' access to higher education. I am interested in learning about your experience and opinions surrounding this topic more generally. The interview will be conducted in a semi-structured manner. I will ask some questions to guide our conversation around the topics of policy and refugee access to higher education.

Participation Information

Please note that your participation in my Senior Integrative Project is completely voluntary, and you have to be 18 years old to participate. If you consent to participate, you may skip any questions you would not like to answer, and you may stop participating at any time. Additionally, I will keep your participation in this project confidential. It is possible that participating in the pre-testing of this research project might bring up negative emotions and I will do everything possible to be sensitive to your experiences and end the semi-structured interview in a positive tone.

Research Background Information

The study is guided by the following questions: First, seeing how both the EU and France have established policies on immigration and higher education, to what extent do these policies converge to determine refugees' access to higher education and more generally, define refugee higher education policy? Second, given that literature on this topic demonstrates that there are many setbacks in the implementation of refugee education policy, what challenges or gaps exist between the examined policies and their practiced reality? This interview is part of the second portion of the study; it is meant to provide insight into the impact of the examined policies on the experiences of refugees accessing higher education.

Participant Name: _____

Participant Signature : _____