

No 502860

FRENCH REPUBLIC

FÉDÉRATION DES ACTEURS DE LA
SOLIDARITÉ and others

ON BEHALF OF THE FRENCH PEOPLE

Mr Bruno Delsol
Reporting Judge (Rapporteur)

The Conseil d'État, ruling as the Supreme Administrative
Court

Mr Frédéric Puigserver
Consultant Judge (Rapporteur public)

Based on the report of the 10th Chamber
of the Litigation Section

Session of 10 April 2026
Decision of 5 May 2026

Having regard to the following proceedings:

By means of an appeal and two replies, registered on 27 March 2025 and 14 January and 26 March 2026 with the Litigation Secretariat of the Conseil d'État, the associations Fédération des Acteurs de la Solidarité, JRS France – Jesuit Refugee Service, Comité inter-mouvement auprès des évacués (Cimade), Groupe SOS Solidarités, Secours Catholique, Forum Réfugiés, Emmaüs Solidarité, Aurore, France Terre d'Asile (FTDA) and Coallia requested that the Conseil d'État:

(1) quash as ultra vires the letter dated 28 January 2025 by which the French Minister of the Interior forwarded their request to his departments, and the implied decision, which arose on 21 February 2025 as a result of the French Minister of the Interior's failure to respond, to reject the same request, , which sought to put an end to the shortcomings affecting the "Digital Administration for Foreign Nationals in France" (Administration numérique pour les étrangers en France – ANEF) system, through the adoption of all necessary measures to ensure normal access by users to public services, compliance with the laws and regulations applicable to foreign nationals, and the effective exercise of the rights of the persons concerned;

(2) order the Minister to take all necessary measures to ensure that users have normal access to public services and to ANEF, and that their rights are effectively safeguarded, and in particular:

- modify the online service so that users can carry out several procedures simultaneously, including: submitting several residence permit applications on different grounds; ranking them in order of priority; correcting or supplementing an application, including by

adding bulky or unsolicited supporting documents; cancelling an application, particularly where the criteria have changed; changing their login email address following identity verification; and obtaining accurate information on the progress of the examination of their application;

- amend the French Code on the Entry and Stay of Aliens and the Right to Asylum (CESEDA) so as to make the renewal of certificates of extension of the examination phase automatic and, alternatively, to extend their period of validity;

- amend the same Code and the online service so as to align the rights attached to those certificates with those attached to receipts and to ensure that certificates of a favourable decision confer the same rights as a residence permit and bear a statement to this effect;

- update the various instruments setting out the list of documents to be provided in order to obtain an entitlement available to lawfully resident foreign nationals, so as to include provisional residence documents among them;

- disseminate clear information on the legal status of these same documents;

- set a time limit on intervention by the Citizens' Contact Centre (CCC) and Digital Reception Points (PAN), beyond which an alternative solution must be put in place; and require, in the event of a malfunction, the issuance of a receipt extending the right of residence;

- increase the CCC's IT capabilities so as to enable it to overcome certain minor blockages;

- clarify the arrangements for recourse to the alternative solution following the failure of intervention by a PAN; prohibit the exclusive use of civic service volunteers in PANs, and provide better information on the existence of PANs in the various prefectures;

(3) order the State to pay the sum of €2,000 under Article L. 761-1 of the French Code of Administrative Justice.

.....

Having regard to the other evidence adduced;

Having regard to:

- Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021;

- French Organic Law no 2011-333 of 29 March 2011;

- the French Construction and Housing Code;

- the French Code on the Entry and Stay of Aliens and the Right to Asylum;

- the French Social Security Code;

- the French Labour Code;

- French Law no 2024-42 of 26 January 2024;

- the Order of 1st August 2023 issued for the purposes of implementing Article R. 431-2 of the French Code on the Entry and Stay of Aliens and the Right to Asylum, laying down the reception and support procedures and the conditions for recourse to the alternative solution for users of the "ANEF" online service;

- the French Code of Administrative Justice;

Having heard, in open court:

- the report of Mr Bruno Delsol, State Councillor;
- the legal opinion of Mr Frédéric Puigserver, Consultant Judge;

SARL Meier-Bourdeau, Lecuyer et associés, counsel for the Fédération des Acteurs de la Solidarité, the associations JRS France – Jesuit Refugee Service, the Inter-Movement Committee for Evacuees (Cimade), Groupe SOS Solidarités, Secours Catholique, Forum Réfugiés, Emmaüs Solidarité, Aurore, France Terre d’Asile (FTDA) and Coallia, having addressed the court after the legal opinions.

Whereas:

1. Article R. 431-2 of the French Code on the Entry and Stay of Aliens and the Right to Asylum provides that, for the categories of residence permits appearing on a list established by order of the Minister for Immigration, applications must be made via an online service, commonly known as the “Digital Administration for Foreign Nationals in France” (ANEF). The ministerial orders issued to implement this article, grouped together in Annex 9 of the same Code, cover most categories of residence permits. The Fédération des Acteurs de la Solidarité and the other applicants asked the French Minister of the Interior to put an end to the malfunctions reportedly affecting ANEF by taking all necessary measures to ensure normal access by users to public services, compliance with the legislative and regulatory standards relating to the rights of foreign nationals, and the effective respect of the rights of the persons concerned, notably certain measures whose content they specified. They have asked the Conseil d’État to quash as ultra vires the reply given to them by the Minister in a letter dated 28 January 2025 and the implied decision arising on 21 February 2025 from the failure to respond to their request, and to order him to take all necessary measures, as well as certain specific measures.

On the interventions:

2. Amnesty International France, the associations Accueil Demandeurs d’asile and Groupe Accueil et Solidarité, and the association Femmes de la Terre have demonstrated a sufficient interest in the quashing of the challenged implied decision. Their interventions in support of the appeal are therefore admissible. The same applies to the interventions of the CFDT and the CGT [unions], given that their statutory purposes include the defence of foreign workers, insofar as these interventions challenge the French Minister of the Interior’s refusal to put an end to the malfunctions allegedly affecting ANEF in relation to this category of foreign nationals. However, since an intervener is not entitled to submit independent claims of its own, the interventions of those associations and unions are inadmissible in so far as they concern the existence of malfunctions other than those set out in the application brought by the Fédération des Acteurs de la Solidarité and the other applicant associations.

3. By contrast, while Justice administrative collective et indépendante argues that the problems faced by applicants for residence permits place a burden on the administrative courts, the contested decision cannot be regarded as, in itself, affecting the conditions of employment and work of the administrative court system judges whose collective interests it defends, and does not infringe their rights and prerogatives in any way. Furthermore, this union, whose statutes stipulate that it constitutes a professional union within the meaning of the French

Labour Code, cannot validly invoke the general terms of those same statutes relating, in particular, to respect for rights and freedoms.

On the legal framework and the role of the court:

4. It is the responsibility of the operator of a public service, in order to serve the public interest for which the service was established, to ensure that users' right of access to the service is guaranteed under normal conditions, in accordance with the principle of equality, to ensure the continuity of the service, and to make the adaptations rendered necessary by the need for adaptability. It must, in particular, correct malfunctions affecting the service which are such as to abnormally limit users' right of access or to compromise the exercise by users of the rights conferred on them by law.

5. Where the administrative tribunals and courts are seised of an application to quash the administrative authority's refusal to take measures to put an end to the infringement of a legal obligation incumbent upon it, it falls to the administrative tribunals and courts, within the limits of their jurisdiction, to assess whether the administrative authority's refusal to take such measures is vitiated by unlawfulness and, if so, to order the administrative authority to take the necessary measure(s). This is particularly the case where a challenge is brought before it concerning the administrative authority's refusal to put an end to alleged malfunctions affecting a public service which compromise users' normal access to that public service or hinder the effective exercise of their rights. However, and in any event, it is not for the administrative tribunals and courts, in carrying out this function, to take the place of the public authorities in determining public policy or to order them to do so.

6. It is incumbent upon the administrative authority to carry out its tasks in compliance with the applicable legal rules. To that end, it must repeal any provisions that are contrary to those rules and that fall within its competence to repeal. It is also responsible for taking any administrative measures of a legal, financial, technical or organisational nature that it deems necessary to ensure compliance with the law. Where the administrative court finds, notably having regard to the seriousness or recurrence of the identified failures, a manifest breach of the rule of law by the administrative authority in the performance of its missions, in particular the obligation to ensure that malfunctions in a public service do not obstruct the effective exercise of their rights by the persons concerned, and where certain administrative measures would be, in a direct, certain and appropriate manner, liable to prevent the continuation or repetition of that breach, it falls to the court, within the limits of its jurisdiction and subject to the reservation mentioned in the previous point, to assess whether the administration's refusal to take such measures is vitiated by illegality. That illegality can only be regarded as established if it appears to the court that in view of the scope of the obligation incumbent on the administrative authority, the measures already taken, the inherent difficulties in fulfilling this obligation, the constraints linked to the performance of the tasks for which it is responsible and the resources at its disposal or having regard to the scope of the obligation, which it ought to acquire, the administrative authority is obliged to implement additional measures.

7. Where the unlawfulness of the administrative authority's refusal to take action has been established, the court, upon receiving submissions to that effect, shall order it to put an end to the situation by taking all appropriate measures. It is normally for the competent authorities to determine which of those measures are best suited to ensuring compliance with the rules of law applicable to them. However, the court may restrict the scope of its injunction to specific areas in which the preparatory stages have revealed the existence of measures that would be liable to prevent the occurrence of the identified illegalities, with the respondent retaining the

possibility of proving, within the time limit set, the adoption of measures within a different area but having at least an equivalent effect. Lastly, in the event that the enactment of a specific measure proves, in any event, to be indispensable for compliance with the rule of law that has been breached, or for the proper functioning of the public service, and where the competent authority's failure to take that measure would therefore preclude compliance therewith, it falls to the court to order the administration to take the measure in question.

8. The regulatory authority may make recourse to an online service mandatory for carrying out an administrative procedure, and notably for applying for the issuance of a permit, only on condition that it ensures normal access by users to the public service and guarantees the effective exercise of their rights by the persons concerned. It must consider the purpose of the service, the degree of complexity of the administrative procedures in question and their consequences for the persons concerned, the characteristics of the digital tool used and those of the public concerned, including, where appropriate, their difficulties in accessing or using online services.

9. In view of the characteristics of applicants for a residence permit, the diversity and complexity of the applicants' situations and the consequences that the registration of their application has on a foreign national's situation, notably on their right to stay in France and, in certain cases, to work in the country, it is incumbent on the regulatory authority, when imposing the use of an online service to obtain certain residence permits, to make the necessary provisions to support people who do not have access to digital tools or who encounter difficulties either in using them or in carrying out administrative procedures. For the same reasons, it is also incumbent on it to guarantee the possibility of recourse to an alternative solution in cases where, despite this support, some applicants find it impossible to use the online service due to the design or manner of operation of this service.

10. In this regard, Article L. 431-2 of the French Code on the Entry and Stay of Aliens and the Right to Asylum provides as follows: *"(...)Individuals who are unable to submit their application online themselves shall receive reception and support services to allow them to complete this formality. / In addition, an alternative solution, in the form of a physical reception point where the application can be registered, shall be put in place for foreign nationals who, having completed all the necessary steps required of them, in particular by having recourse to the reception and support arrangements provided for in the preceding paragraph, are found to be unable to use the online service due to its design or manner of operation. / The Minister for Immigration shall lay down, by order, the reception and support arrangements (...) as well as the conditions of recourse to the alternative solution, and the procedures for its implementation (...)." The Order of 1st August 2023, issued to implement these provisions, laid down "the arrangements for the reception and support of users of the ANEF online service, and the conditions for using the alternative solution".*

On the submissions directed against the letter of 28 January 2025:

11. In his letter of 28 January 2025, the Minister informed the applicants that he was forwarding their request to his departments for consideration. By responding in this way, the Minister did not reject the request but merely provided a standard holding response, which does not contain any decision that could be subject to judicial review. The application is therefore inadmissible insofar as it is directed against that letter.

On the submissions directed against the implied rejection decision arising from the French Minister of the Interior's failure to respond to the request:

With regard to shortcomings relating to the design or operation of ANEF:

With regard to the impossibility of submitting several applications simultaneously or successively:

12. Firstly, while no textual provision in the legislation precludes foreign nationals from applying, either simultaneously or successively, for residence permits falling within different categories, and while such possibility remains open for residence permits that do not fall within the scope of ANEF, it is well established that, due to constraints linked to the technical design of the information system, ANEF does not allow foreign nationals applying for a residence permit to submit, either simultaneously or successively, another application for a permit falling within a different category until the authorities have ruled on their first application. Furthermore, while foreign nationals whose initial application has been refused may decide to submit a new application on different grounds, it follows from the provisions of Article L. 611-1(3) of the French Code on the Entry and Stay of Aliens and the Right to Asylum that the refusal to issue or renew a residence permit is one of the circumstances justifying the administrative authority's decision to require a foreign national to leave French territory and, under Article L. 432-1-1 of the same Code, in the version resulting from the Law of 26 January 2024 on controlling immigration and improving integration: *"The issuance or renewal of a temporary or multi-year residence permit may, by means of a reasoned decision, be refused to any foreign national: 1. who has failed to comply with the requirement imposed on him or her to leave French territory in the manner and within the time limits prescribed by the administrative authority (...)." Accordingly, the fact that, for technical reasons, it is impossible to submit such applications is likely to compromise the effective exercise of their rights by foreign nationals liable to be granted a residence permit as of right on several grounds. In this regard, the mere fact that an applicant may indicate, in the "comments" field at the end of the online application process, that he or she might be eligible for a residence permit on another ground cannot be regarded, in this case, in the absence of any possibility of submitting, at that stage, documents capable of substantiating the merits of such a claim, as being likely to remedy that situation. Consequently, the refusal to take all measures useful to develop ANEF in so far as it prevents foreign nationals who consider that they have a right of residence on several distinct grounds from asserting the entirety of their rights vitiates the Minister of the Interior's decision with unlawfulness.*

With regard to the other alleged obstacles to the registration of an application:

13. Firstly, the applicants contend that certain applications for the renewal of residence permits are refused on the erroneous ground that the previous permit was not returned. The Minister acknowledged that such a situation arises where the official concerned has failed to record in the information system that the permit has been returned. While he pointed out that he has repeatedly issued instructions to his departments on this matter – which in itself bears witness to the recurring nature of the problem – it is not apparent from his reply that foreign nationals facing such errors would in fact be able, via the online procedure, to alert the authorities and obtain a correction. The result is a breach of the obligation to enable the parties concerned to assert their rights, which is not justified by any legal or technical difficulty. Having regard to the seriousness of its consequences, and even though recourse to the alternative solution provided for by Article R. 431-2 of the French Code on the Entry and Stay of Aliens and the Right to Asylum might, on a case-by-case basis, provide a remedy to the situation, the French Minister of the Interior's refusal to take any appropriate measures to put an end to this situation is vitiated by unlawfulness.

14. Secondly, the evidence does not show that the parents of minors benefiting from international protection would be unable to submit an application, nor that the children of such beneficiaries would be prevented from obtaining a travel document. While the system, as it stands, does not accommodate certain persons who have not yet been assigned an identification number or – owing to the complexity and diversity of the applicable legal regimes – certain specific situations, the evidence does not show that foreign nationals encountering such shortcomings would be unable to benefit from the alternative solution. Lastly, while the applicants contend that individuals with two identification numbers would be unable to create an account, that certain individuals – notably young adults – would be unable to select the tab corresponding to their circumstances, or that the system would generate unwarranted account closures, particularly in the case of applicants for a residence permit for the purpose of medical treatment, it also appears that such difficulties – the scale and substance of which, incidentally, have not been fully substantiated – are also likely to be addressed by resorting to the alternative solution. In these circumstances, the administrative authorities cannot be accused of having manifestly failed to fulfil their obligation to ensure that malfunctions in a public service do not prevent the persons concerned from effectively exercising their rights.

With regard to the inability of applicants to amend or supplement the information contained in their file:

15. In the first place, it is well established that foreign nationals whose place of residence has changed during the examination phase of their application cannot change this information via ANEF. Although the Minister maintains that such a change cannot be left to the applicant's discretion because it may result in a change in the territorially competent authority, he does not specify the procedure by which foreign nationals may inform the authorities and, where applicable, have their details registered, even though the applicants' inability to have their new addresses registered may, in certain circumstances, have legal consequences for the outcome of their applications or related applications. This constitutes a failure to comply with the obligation to enable the persons concerned to exercise their rights, which is not justified by any legal or technical difficulty and which, having regard to the potentially serious consequences that it may entail, and without it even being argued that recourse to the alternative procedure could remedy the situation, warrants the quashing of the refusal to bring it to an end.

16. In the second place, it is well established that ANEF does not allow foreign nationals to amend or supplement documents already submitted unless the authorities have requested them to do so. Since the administrative authorities are under an obligation to assess the situation as it stands on the date on which they issue a decision, and since new evidence may be liable to influence their decision, a refusal to take any appropriate measures to remedy the situation is, in view of the potentially serious consequences, vitiated by unlawfulness.

17. In the third place, the evidence does not show that ANEF makes it impossible to change an email address during the examination phase. Furthermore, the pleas alleging that the restrictions imposed on the number and size of supporting documents are excessive are not supported by any evidence to support their validity.

With regard to the other alleged breaches relating to the functioning of ANEF:

18. Firstly, the CFDT argues that the malfunctions affecting ANEF are likely to create additional burdens for staff. However, it has not produced any evidence capable of demonstrating the seriousness of these issues or their impact on the undisputed difficulties

encountered by the departments responsible for matters relating to foreign nationals, nor that this would result in a breach of a legal obligation.

19. Secondly, the evidence does not show that the various technical incidents allegedly experienced by users, as described by the applicants, the systemic nature of which has not been established, cannot be overcome by recourse to support measures or, where appropriate, the alternative solution provided for in Article R. 431-2 of the French Code on the Entry and Stay of Aliens and the Right to Asylum. Furthermore, as stated in point 2, the interveners do not have standing to seek the quashing of the French Minister of the Interior's refusal to take appropriate measures to remedy shortcomings other than those referred to by the applicants.

With regard to the issuance or renewal of the certificate confirming the extension of the examination phase for a residence permit application and the certificate of a favourable decision:

20. Article L. 431-3 of the French Code on the Entry and Stay of Aliens and the Right to Asylum provides as follows: *"Possession of a provisional document issued in connection with an application for a residence permit, an asylum application certificate or a temporary residence authorisation entitles the foreign national to remain in France without prejudice to the final decision to be taken regarding their right of residence. Subject to the exceptions provided for by law or regulations, these documents do not authorise their holders to carry out a professional activity."*

21. The first two paragraphs of Article L. 431-15 of the same Code provide as follows: *"The submission of an application via the online service referred to in Article R. 431-2 results in the immediate issue of a digital certificate of online submission. This document does not establish that the holder is legally resident. / Where the examination of a complete application submitted within the time limits set out in Article R. 431-5 continues beyond the expiry date of the residence document held by the applicant, the prefect shall make available to the applicant, via the online service referred to in the first paragraph, a certificate extending the examination of the application, the period of validity of which may not exceed three months. That document, together with the expired residence document, enables the applicant to establish the lawfulness of his or her stay for the period specified therein. Where, owing to special circumstances, the examination continues beyond the expiry date of the certificate, it shall be renewed for as long as the prefect has not ruled on that application."* The final paragraph of this same article provides that: *"Where the prefect grants a favourable decision on the application submitted, a digital certificate shall be made available to the applicant via the online service referred to in the first paragraph, enabling the applicant to prove the lawfulness of his or her stay pending the issue of the permit."*

22. The first two paragraphs of Article R. 431-15-2 of the same Code provide that, in certain cases and subject to certain conditions, the certificate confirming the extension of the examination for an application for the first issue of a residence permit authorises the holder to carry out a professional activity. The last paragraph of this same article provides that: *"The certificate confirming the extension of the examination of an application to renew a residence permit authorising the holder to carry out a professional activity authorises the holder to carry out such an activity within metropolitan France, in accordance with the regulations in force."*

23. Pursuant to Articles R. 431-15-3 and R. 431-15-4 of the same Code, upon submission of a permit application, a certificate confirming the extension of the examination phase shall be made available to refugees and beneficiaries of subsidiary protection, valid for a

period of six months, which may be renewed. It enables the person concerned to prove that they are lawfully resident and entitles them to practise the occupation of their choice, subject to certain conditions.

With regard to the time limits for submitting the application, to which the issuance of the certificate extending the examination phase is subject:

24. Pursuant to the provisions of Article R. 431-15-1 of the French Code on the Entry and Stay of Aliens and the Right to Asylum, as set out in point 21, the issuance of a certificate confirming the extension of the examination phase stages is subject, in particular, to the submission of an application within the time limits specified in Article R. 431-5, i.e., in principle, between the 120th day and the 60th day preceding the expiry of the residence permit held by the person concerned.

25. Firstly, while, under Article L. 423-7 of the same Code, a foreign national who is the father or mother of a minor French child must, subject to certain conditions, be issued with a temporary residence permit, it does not follow that the time limit referred to in the previous paragraph should not apply to his or her applications, and the plea alleging that prefects do not issue the certificate to persons submitting such applications is not supported by any evidence.

26. Secondly, the applicants argue that Article 11 of Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, precludes making the application for renewal of the residence permit known as the “European Blue Card” – and accordingly, where applicable, the issuance of an authorisation to extend the examination phase – subject to compliance with a time limit for submitting the application, on the grounds that point 5 of that article provides for a right of residence during the renewal procedure for that permit. However, under point 4 of this same article: *“An applicant shall be allowed to submit an application for the renewal of his or her EU Blue Card before it expires. Member States may set a deadline of no more than 90 days prior to the expiry of the EU Blue Card for submitting an application for renewal.”* By requiring foreign nationals seeking the renewal of their residence permit to the obligation, laid down by Article R. 431-5, to submit their application between the 120th and the 60th day preceding the expiry of their previous residence permit – including applicants for the multi-year residence permit bearing the endorsement “Talent – European Blue Card” – Article R. 431-15-1 does not have the effect of imposing upon them a condition contrary to the objectives of the Directive.

27. Thirdly, the plea alleging that certain individuals, notably holders of a “Talent-Researcher” permit, would be unable to obtain the supporting documents within the time limit is not accompanied by information enabling its merits to be assessed. Even assuming that, as a result of malfunctions in the online service, persons were prevented from submitting their applications within the time limits, the Minister submitted in defence, without being challenged, that in such cases, his department does not enforce the deadline requirement.

28. Fourthly, while the applicants submit that the inclusion of new categories of residence permits within the scope of ANEF was not, in the past, accompanied by the adoption of transitional measures, even though it had the effect of subjecting to the time-limit condition laid down in Article R. 431-5 persons who had previously been exempt from it, the most recent of the orders supplementing the list of residence permits concerned was made on 1st July 2024. That ground of appeal cannot therefore be successfully relied upon to challenge the

French Minister of the Interior's refusal to take all appropriate measures to put an end to the current malfunctions of ANEF, the lawfulness of which shall be assessed as at the date of this decision.

With regard to the time limits for the issuance or renewal of the certificate confirming the extension of the examination phase for persons already holding a residence document:

29. It follows from the provisions cited in point 21 that the authorities are obliged to provide the applicant with a certificate confirming the extension of the examination phase, where the conditions are met and, in particular, where the file is complete, before the previously held residence permit expires, and then, if the examination phase is extended further, to renew it before its own date of expiry. It follows from these same provisions that such provision of a certificate or its renewal cannot be rendered conditional upon any specific action on the part of the person concerned.

30. Contrary to what has been submitted, it does not appear that prefects have a policy of issuing the certificate only when the person concerned requests it. However, the evidence shows, in particular the witness statements produced by the applicants, that in numerous cases, the certificate is not made available or renewed in good time, and that this results in breaks in the right of residence. In response to the preparatory measure issued by the 10th Chamber of the Litigation Section, the Minister did not produce any statistics concerning such situations, nor did he provide any evidence to dispute their existence or to show that they were merely isolated or localised in nature. While he highlights the measures he has already taken – substantially increasing the staffing of the departments responsible for foreign nationals within prefectures, individually alerting the foreign nationals concerned to the need to submit their application within the time limits, and creating a system for detecting cases in which the previous document is close to expiry so that they can be processed as a priority – the evidence does not show that those measures, however significant and useful they may be, would have been sufficient to remedy the irregularities found. Finally, in a statement of case filed the day before the hearing, the Minister stated that he had just decided to allocate five hundred “full-time equivalent” officials to the prefectural departments responsible for the residence of foreign nationals – equivalent to a 20% increase in the staffing levels of these departments – together with funding for overtime amounting to €2 million. He also issued an instruction to prefects dated 5 April 2026, urging them, principally, to vary the degree of scrutiny according to the nature of the residence permit applied for, and to prioritise renewal applications. The measures planned also include, within “a few weeks”, the automatic renewal of certificates extending the examination phase for up to twelve months. While the measures thus announced are liable to have a significant impact on the time taken to issue or renew the certificate extending the examination phase for persons who already hold a residence document, their implementation timetable has only been partially specified and it is impossible, at the time of this decision, to assess with sufficient precision the effects that may reasonably be expected from them. The French Minister of the Interior cannot therefore be regarded, as at that date, as having demonstrated that he had taken all necessary measures to ensure that the certificate confirming the extension of the examination phase for applications by persons already holding a residence permit was made available to them or renewed within the time limits set out in point 29.

31. In those circumstances, having regard to the scope of the applicable legal obligations and to the consequences of failing to comply with them for the rights of the persons concerned, the French Minister of the Interior's refusal to take such measures is vitiated by unlawfulness.

With regard to period of validity of the certificate extending the examination phase for refugees and beneficiaries of subsidiary protection:

32. The applicants have not provided any information to show that the certificate issued to refugees and beneficiaries of subsidiary protection incorrectly states a validity period of three months, whereas the certificate template on the Ministry's website specifies a duration of six months, as provided for in Articles R. 431-15-3 and R. 431-15-4 of the French Code on the Entry and Stay of Aliens and the Right to Asylum, cited above.

With regard to the statements concerning the right to practise a professional activity, set out on the certificate of extension of the examination phase for an application for the first issue of a residence permit:

33. The evidence submitted shows that, as a general rule, the certificate confirming the extension of the examination phase for the first issue of a residence permit includes a statement to the effect that "*it does not permit the holder to carry out a professional activity unless a work permit has been obtained*". The applicants maintain that such a statement is, in some cases, incorrect.

34. Firstly, pursuant to Articles L. 424-2 and L. 424-10 of the French Code on the Entry and Stay of Aliens and the Right to Asylum, a refugee or a person granted subsidiary protection, having submitted their application for a residence permit and pending its issue, has the right to pursue the occupation of their choice. As mentioned above, Articles R. 431-1-3 and R. 431-15-4 of the same Code specify that the certificate confirming the extension of the examination phase for refugees and beneficiaries of subsidiary protection "*entitles the holder to practise the occupation of their choice*". The evidence submitted shows that for such persons, this certificate is drafted according to a specific template which states that it authorises them to carry out a professional activity in accordance with the aforementioned articles. The applicants are therefore not entitled to argue that their particular circumstances have not been taken into account.

35. Secondly, by way of derogation from Article L. 431-3 of the same Code, Article L. 431-4 provides that, in the cases it lists, the "*provisional residence authorisation*" grants the holder authorisation to carry out a professional activity. However, such applications for provisional residence authorisations are not among those that must be submitted via ANEF pursuant to the ministerial orders set out in Annex 9 to the French Code on the Entry and Stay of Aliens and the Right to Asylum.

36. Thirdly, by contrast, Article R. 431-15-2 of the same Code provides that, in certain cases, the certificate confirming the extension of the examination phase for an application for the first issue of a residence permit authorises its holder to carry out a professional activity within mainland France "*provided that the holder meets the conditions set out in Article L. 5221-2 of the French Labour Code*", which makes the exercise of salaried employment conditional on the endorsement of the employment contract by the administrative authority or on a work permit, whereas, in other cases, the same certificate authorises its holder to carry out a professional activity within the territory of metropolitan France "*within the framework of the regulations in force*". Consequently, those applying for the first time for permits falling within certain categories known as "Talent (Family)" are among those whose certificate authorises the exercise of a professional activity within the territory of metropolitan France within the framework of the regulations in force. Under the same article, the same applies to persons applying for a permit

known as a “Talent” permit, provided that the applicant holds a long-stay visa or a long-stay visa serving as a residence permit. However, the evidence does not show that, in such circumstances, the certificate would follow a specific format as opposed to the general template which requires a work permit for the exercise of a professional activity. It is therefore well established that the statements appearing on the certificate issued to them are not adapted to their circumstances. However, the French Minister of the Interior stated that, in view of the legal basis of the application, he has decided to adapt the information stated on the certificates confirming the extension of the examination phase, whether for an initial application or a renewal, particularly with regard to the online procedures relating to the “Talent” scheme, and that he has initiated the work necessary in this regard. Consequently, as at the date of this decision, he cannot be regarded as having unlawfully refused to take all appropriate measures to remedy this breach.

With regard to access to social benefits and housing for holders of a certificate confirming the extension of the examination phase:

37. Firstly, Article L. 111-1 of the French Social Security Code guarantees access to social benefits to “*any person working or residing in France on a stable and regular basis*”. Article R. 111-3(I) of the same Code provides that persons who “*are lawfully resident under the legislation on the residence of foreign nationals in France*” may, subject to certain conditions, receive the benefits it refers to or be affiliated to a compulsory social security scheme. The same provision specifies that an order issued by the Minister for Social Security and the Minister of the Interior shall set out the list of certificates or documents attesting to the lawful status of these persons. However, the Order of 10 May 2017 setting out the list of residence permits provided for in Article R. 111-3(I) of the French Social Security Code, which refers to certain receipts, does not mention the certificate of extension of the preparatory stages, nor, for that matter, the certificate of a favourable decision. The same applies to Article D. 512-1 of the French Social Security Code, which sets out the list of residence permits or documents by which foreign nationals applying for family benefits may prove that they are lawfully resident.

38. In defence, the Minister submitted that an interministerial working group set up in 2023 is examining the amendments to be made to the legislation. Furthermore, the template for the certificate confirming the extension of the examination phase states that this document establishes that all rights conferred by the previously issued residence permit remain in force. A briefing note drawn up by the French Ministry of the Interior in October 2023 provides the same information and adds that the certificates have the same legal effect as the “paper receipt”. Nevertheless, these initiatives, however useful they may be, cannot replace the harmonisation of legislation, and the information provided by the applicants shows that, as matters stand, certain social security bodies do not accept certificates confirming the extension of the preparatory stages. The refusal to amend Article D. 512-1 of the Social Security Code and the Order of 10 May 2017 so as to expand the list of documents confirming that a foreign national is lawfully resident is consequently vitiated by unlawfulness.

39. Secondly, pursuant to Article R. 441-1 of the French Construction and Housing Code, social housing organisations allocate housing, subject to certain conditions, to “*natural persons lawfully residing in France under conditions of permanence defined by a joint order of the Minister for Immigration, the Minister for Social Affairs and the Minister for Housing*”. While the associations submit that the order of 20 April 2022 setting out the list of residence permits provided for in Article R. 441-1(1) of the French Construction and Housing Code did not fully take account of the certificates issued by ANEF, they do not contend that this still applies in the version resulting from the amending order of 21 January 2026, in force at the date of this decision.

With regard to the certificate of a favourable decision:

40. Firstly, it follows from the provisions referred to in point 21 that the digital certificate, which the prefect makes available to the applicant once a favourable decision has been taken and pending the issuance of the permit, confers the same rights as the permit itself. However, the evidence shows, first, that such certificates, unlike certificates confirming the extension of the examination phase, do not state the rights attached thereto and, second, that applicants are, for that reason, prevented, in particular, from exercising a professional activity. Having regard to the seriousness of the consequences for a foreign national's situation that may result from the absence of any statement as to the rights conferred by the certificate of a favourable decision, given that several months may elapse between the issuance of that certificate and the applicant being called to the prefecture for delivery of the permit itself, the Minister of the Interior's refusal to take all appropriate measures to obtain the amendment of the certificate template is vitiated by unlawfulness.

41. Secondly, the information provided by the applicants is insufficient to show that, in a significant number of cases, the certificate of a favourable decision is not made available to the beneficiaries of such a decision.

With regard to reception, support and alternative arrangements:

42. The Order of 1st August 2023 referred to in point 10 provides for reception and support services following two arrangements: remotely through the "citizen contact centre" of the National Secure Documents Agency (Agence nationale des titres sécurisés), and at prefecture offices through "digital reception points". It also provides for an "alternative solution" for users who have been unable to submit their applications despite recourse to the reception and support arrangements. The Minister placed before the court the circular of 4 August 2023, in which he had issued further instructions to his departments.

43. The evidence shows that the citizen contact centre can be contacted by email or telephone from Monday to Friday, between 9.00 a.m. and 5.00 p.m. The Minister of the Interior submitted that the department is staffed by 162 telephone advisers and 11 supervisors, and that it received 980,000 calls and 2,800,000 emails in 2024. In the first half of 2025, it referred 1,546 cases of system blockages to the Ministry's departments; 171 were resolved quickly enough for the users to be able to complete their procedures via the online service; for the remaining cases, the prefecture was tasked with implementing an alternative solution.

44. The Minister placed before the court the list of digital reception points. This list does not indicate that territorial coverage is inadequate. While the applicants maintained that such points are not well known, particularly to social services, and that they are difficult to contact, their claims on this matter are not strongly substantiated. The order referred to in point 42 stipulates at least two methods for making an appointment, so that the electronic method is not the only means available. The circular referred to above prohibits making access to a digital reception point conditional on a prior attempt through the citizen contact centre. According to figures provided by the Minister, in 2024, digital service centres received 130,148 users applying for residence permits, with foreign nationals accounting for 39% of the total, compared with 12.5% in 2022. Finally, while the applicants submitted that certain posts are staffed by volunteers on civic service schemes, they did not establish that such persons are unable to assist users with their procedures, and the circular stipulates that, where necessary, an official from the

department responsible for foreign nationals may be present at the appointment. The Minister also pointed out that staffing levels in these departments were increased between 2024 and 2025.

45. For the implementation of the alternative solution, the order and the circular stipulate that the citizen contact centre or, as the case may be, the digital reception point, where they have not resolved the difficulty encountered within fifteen days, must inform the prefecture, which, before the end of that same period, must contact the user to offer an appointment to enable him or her to submit the application, by a means other than the online service, before the expiry of the currently valid permit. The information provided by the applicants is insufficient to demonstrate that these provisions are not being effectively implemented and, according to the figures provided by the Ministry, the waiting time for the case to be processed by the alternative solution in 2024 ranged from one day to 35 days, with an average of 11 days when the failure was identified by the citizens' contact centre, and between one day and 21 days, with an average of 8 days when it was identified by the digital service point.

46. In those circumstances, while the evidence does not rule out the existence of local shortcomings in reception, support and alternative arrangements – which, where appropriate, the administration may be required to remedy by the administrative tribunals and courts – the evidence does not show that this would result, at national level, in a manifest failure to comply with the applicable provisions such as to deny applicants for residence permits normal access to public services and to deprive them of the exercise of their rights.

47. The other grounds put forward in support of the appeal are not accompanied by information that would enable their merits to be assessed.

48. It follows from all of the foregoing that the applicants are entitled to seek the quashing as ultra vires of the challenged decision in so far as it refuses to take the measures referred to in points 12, 13, 15, 16, 31, 38 and 40.

49. Article 911-1 of the French Code of Administrative Justice provides as follows: “*Where its decision necessarily implies that a legal entity governed by public law or an organisation governed by private law responsible for the management of a public service must implement an execution measure in a specific manner, the court, having been presented with legal opinions to that effect, shall, by the same decision, order that measure, specifying, where appropriate, a time limit for its implementation. (...)*.” There are grounds for ordering the State to take, within six months of notification of this decision, the measures referred to in points 13, 15, 16, 31, 38 and 40, and, within twelve months, the measure referred to in point 12.

50. Accordingly, under the circumstances of this case, there are grounds for ordering the State to pay the total sum of €2,000, to be paid to the applicants collectively, under Article L. 761-1 of the French Code of Administrative Justice. The provisions of that same article preclude any sum from being awarded in this respect to Amnesty International France and the CFDT, which are not parties to the present dispute.

OPERATIVE PROVISIONS:

Article 1: The submissions from Amnesty International France, the associations Accueil Demandeurs d’asile and Groupe Accueil et Solidarité, the association Femmes de la Terre, the CFDT and the CGT are admitted to the extent set out in point 2 of this decision. The intervention by the union Justice administrative collective et indépendante is not admitted.

Article 2: The implied decision by which the French Minister of the Interior rejected the requests made by the association Fédération des Acteurs de la Solidarité and others is quashed to the extent set out in point 48 of this decision.

Article 3: The State is ordered to take the measures set out in point 48 of this decision within the time limits following its notification, as set out in point 49.

Article 4: The State shall pay the applicants a total of €2,000.

Article 5: All the additional applications are dismissed.

Article 6: This decision shall be notified to the association Fédération des Acteurs de la Solidarité, the sole representative appointed on behalf of all the applicants, to the French Prime Minister, to the French Minister of the Interior, to the association Amnesty International France, to the CFDT Confederation, to the association Accueil Demandeurs d’asile, on its own behalf and on behalf of the association Groupe Accueil et Solidarité, to the association Femmes de la Terre, to the Confédération Générale du Travail and to the union Justice administrative collective et indépendante.

A copy thereof shall be sent to the French Human Rights Defender.