Chapter 11

Migrants' Access to Social Protection in France

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11.1 Overview of the Welfare System and Main Migration Features in France

The French social protection system is characterized as both extensive and fragmented, having for long relied mostly on social security or insurance benefits, but having much evolved over the last decades (by including more universal and means-tested schemes, having known restrictions on social insurance protections and being at the dawn of a significant retrenchment). France is the European country having also first known modern immigration, with important inflows of migrants going back to the industrial Revolution at the end of the nineteenth century. Since the mid-1970s, the country has implemented publicly debated restrictive immigration policies.

11.1.1 Main Characteristics of the French Social Security System

Even if social assistance and social insurance schemes were already implemented before World War (WW) II, the real birth of the modern French social protection system took place with the creation of “*Sécurité sociale*” in 1945. This system

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aimed at a universal coverage by developing ambitious contributory schemes that is pursuing Beveridge's goals using Bismarck's means (Palier 2005). Having most features of a conservative regime (Esping-Andersen 1990), the French system is also characterized by a strong fragmentation: social security regimes differ according to socio-professional categories, while other schemes are the responsibility of social actors (employees' and employers' representatives), the central State or local governments (Barbier and Théret 2004).

After WWII, the social protection system witnessed considerable developments. Schemes improved in terms of performances and coverage with the rise of old-age pensions and the extension of social insurances ("generalization"), especially health care. During the 1970s and 1980s, the system knew a first shift towards more means-tested schemes, through the creation or extension of new ones (social assistance minimum guaranteed income), the gradual replacement of more universal programmes (family benefits) by means tested ones, and towards a certain "universalization" of previously contribution-based schemes (such as health care). These evolutions (means-testing, generalization and universalization) were accompanied since the mid-1980s by strong pressures on social budgets and important restrictions to social insurance rights such as old-age pensions and unemployment benefits. This reconfiguration of the French social system is the result of ideological, demographic and economic factors in a context characterized by mass unemployment, strong social and spatial inequalities, and a more competitive and globalized economic environment putting a stronger pressure on social and fiscal systems (Concialdi 2011). With the austerity orientation implemented since the beginning of the 2010s, a new stage has been reached, with reforms aiming at downsizing the social welfare (Math 2015).

In 2017, social protection expenditure amounted to 33.7% of the GDP, still placing France at the top of developed countries. Benefits represented 94% of this total (31,7% of the GDP). Old-age and survivor benefits (pensions, old-age guaranteed minimum income, social assistance or long term care benefits for the elderly) represented almost a half (45.5%) of all benefits. Health benefits (including invalidity, work injuries and professional sickness) represented 35.1%, family and maternity benefits 7.6%, unemployment and employment insertion benefits 6.1%, housing benefits 2.5%, and poverty and social exclusion measures 3.2% (Table 11.1).

11.1.2 Migration History and Key Policy Developments

Since the end of the nineteenth century, immigration has become a very important phenomenon in France. As the birth rate in France had been much lower than in other European countries during this century, the insufficient demographic growth was a problem in the context of the industrial Revolution. For this reason, France started to welcome workforce from border countries (Belgium, Spain, Italy). To control those entries in a context of nation building (Noiriel 1988), the first important immigration act (Act on residence of foreigners and protection of national

Table 11.1 Social benefit expenditure in France (2017)

	in billions of €	in %
Health	208,8	28,7
Invalidity	40,1	5,5
Work injuries & professional diseases	6,9	0,9
Old age	292,3	40,2
Survival	38,7	5,3
Family	55,2	7,6
Employment insertion	4,0	0,5
Unemployment	40,3	5,5
Housing	18,5	2,5
Poverty and social exclusion (not included elsewhere)	23,1	3,2
Total	727,9	100,0

Source: *La protection sociale en France et en Europe en 2017 – édition 2019*, DREES, coll. *Panoramas de la DREES*, Ministère des affaires sociales, Paris

labour) was adopted in 1893.¹ During WWI, France also called in migrant workers mostly from French colonies in Africa and Asia.

The lack of workers (due to long-lasting low birth rate and war) and the arrival of people fleeing persecutions (Russians, Armenians, Jews from Eastern Europe, Italians) led to significant inflows during the decade following WWI. The main flows came from Italy and Poland. The share of immigrants (born a foreigner and abroad according to the French definition) increased from 3.5% in 1921 to 6.6% in 1931.² After the Great Depression, in a context of rising unemployment and economic difficulties, restrictions were implemented during the 1930s with the rise of nationalist and xenophobic ideologies. Several acts were passed to protect the national labour market (1926; 1932; under the Vichy regime). The share of immigrants decreased from 6.6% in 1931 to 5.6% in 1936 and 5% in 1946.

The National Office of Immigration (NOI) was created in 1945, under the supervision of the Labour Ministry. The office was supposed to control the recruitment of migrant workers. However, employers quickly circumvented the procedure and directly recruited workers in their countries of origin, bringing them to France in a context of rapid economic growth. The share of immigrants increased from 5% in 1946 to 7.4% in 1975, with most of them coming from Portugal, Spain and former colonies of North Africa (Algeria, Morocco, Tunisia). NOI has thus been led to deliver *ex post* authorizations until the late 1960s (Spire 2005).

However, anticipating first signs of economic slow-down and fearing a replacement of national workers by migrant workers, the Government announced the suspension of immigration in 1974 and the administration started to take into

¹ *Loi relative au séjour des étrangers en France et à la protection du travail national*

² All statistics on immigrants and foreigners come from Census data (INSEE, national statistical institution).

account the present and future situation of employment considering the profession requested by migrants and its localization.³ The impact was immediate: in 1965, 80% of the attribution of residence permits were motivated by work, whereas in 1975, this rate fell to 20% (Thierry 2008). The renewals of work and residence permits were also affected. Family immigration was restored in 1975 as its suspension violated the right to respect for family life protected by the European Convention on Human Rights. However, family reunification was still not encouraged and it continued to be restricted as well as other types of immigration (refugees, students, workers, etc.). This was also the moment from which immigration started to become a permanent publicly debated issue in France. In a context of economic slowdown and rising mass unemployment, the share of immigrants from the total population remained stable between 1975 (7.4%) and 1999 (7.3%), while the share of foreigners decreased from 6.5% to 5.5%.

Since the 1990s, immigration laws were reformed many times, leading to a more restrictive regime for entering and residing in France. Immigration also started to gain salience in public debates, being often portrayed as “a problem” (Hmed and Laurens 2008). Despite these restrictions, immigration flows (the causes of which are mostly external to France or linked to colonialization ties) slightly increased over the last two decades, although still remaining at low levels when compared to other Western European countries. The annual flows of foreigners arriving in France passed from around 190,000 from the mid-2000s to 253,000 in 2015. The share of immigrants increased from 7.3% in 1999 to 8.5% in 2010 and 9.3% in 2015 (with a corresponding share of foreigners of 5.5%, 5.9% and 6.7% for these years). Yet, given rising outflows, the estimated net immigration remained extremely low, representing only around 50,000 per year since the beginning of 2010s, i.e. less than 0.1% of the total population (INSEE 2019). In 2015, 44.6% of all immigrants (born a foreigner and abroad) were born in Africa, 35.5% in Europe, 14.3% in Asia and 5.6% in America or Oceania. In comparison, recent immigrants come slightly more from Europe, Asia and America and less from Africa: 37% of immigrants arrived in France in 2016 are born in Europe (Italy, Portugal, the UK, Spain, and Romania as main countries of origin), 35.7% in Africa, 16.2% in Asia and 11% in American countries.

If growing restrictions to enter or stay in France since the 1990s have not stopped immigration flows, they have however prevent more people from entering the country and led to more and more human rights violations, especially through various repression and deportation measures. The restrictions have also had the consequence of maintaining in or sending back to irregularity more foreigners and for longer periods. They have also strongly increased the share of foreigners living in France with short duration and precarious residence permits (Math and Spire 2016). This has destabilized the situation for foreign residents and led to well documented negative effects for their integration, especially for accessing the labour market or the welfare system (Math 2016b).

³Art. L. 341–4 (now art. R. 5221–20) of the *Code du travail*.

The number of French citizens living abroad has much increased over the last two decades. Their number is estimated at 3.5 million, even if at end 2017, only 1.8 million were officially registered at diplomatic French authorities. Half of them are dual nationals. Half of them live in a European country (37% in a European Union (EU) Member State). The five first countries of destination, summing up 40% of French nationals living abroad, are Switzerland, United States, United Kingdom, Belgium and Germany.

11.2 Migration and Social Protection in France

The conditions that define foreigners' access to the French social protection schemes can be better understood by analysing five possible requirements or obstacles: residence (on the French territory), anteriority of presence (prior residence), regularity (according to immigration law), anteriority of regularity (prior regular residence) and regularity of the entry for children.

Social protection schemes are generally aimed only at the person (national citizen or foreigner) residing in the country. This means actually being present in a stable manner and not just occasionally in France, either by having one's permanent household, or by having one's main residence in France (being present more than six months per year is generally a sufficient condition to remain resident). Consequently, persons residing abroad are excluded from most French social protection schemes, except for old-age contributory pensions. However, the residence condition can be levied (and the benefits may be exported) on grounds of international conventions, the European coordination of social security systems or bilateral social security conventions.

Some form of anteriority of presence or residence may additionally be required for both national citizens and foreign residents. Typically, this refers to a prior residence of three consecutive months in order to be eligible for health care coverage (some groups are exempted from this condition, such as students, family members of an insured person, etc.).

EU and non-EU foreigners also have to reside regularly in France to become eligible for most social benefits. This condition is rather new in the social protection system. It was actually introduced for some schemes at the same moment as immigration policy was tightened in the mid-1970s and then extended to most social protection schemes in 1993, as a mean for controlling immigration more strictly (Isidro 2017). The definition of regularity, e.g. the list of documents accepted for non-EU and non-European Economic Area (EEA) foreigners, may vary from one benefit to another. The regularity for EU/EEA foreigners is defined by EU law, but one may observe a rather restrictive and contestable application by French social protection bodies. For some guaranteed minimum income schemes, non-EU foreigners may also have to prove having residence permits and authorizations to work for a long period of time: five years for the general guaranteed minimum income (RSA) and 10 years for the old-age one (ASPA). However, this requirement does

not apply for national citizens, EU/EEA foreigners, refugees and Algerians (the latter are protected by a specific international text requiring equal treatment). This condition is rather new and has been introduced as a mean of excluding more foreigners, at a moment when any formal exclusion of foreigners or condition of nationality was banned by Constitutional and European Courts.

Additionally, non-EU/EEA children born abroad have to enter France through the family reunification procedure in order to qualify for family, housing and guaranteed minimum income benefits. This restriction, that has led to the exclusion of numerous families, was introduced in 1986 by the newly elected right-wing government as a direct response to the far right pressures with the entry at Parliament of the xenophobic National Front party.

11.2.1 Unemployment

There are two main unemployment benefit schemes in France for private sector employees: a compulsory unemployment social insurance financed by social contributions and a tax financed unemployment solidarity or assistance.

To be eligible for the unemployment insurance benefit, one must be involuntarily unemployed and have worked for at least 6 months during the last 24 months (for unemployed under 53). The benefit is earnings-related. The duration depends of the number of days worked during the past 24 months (ranking, in general, between a minimum duration of 6 months and a maximum duration of 2 years).

To be eligible for the unemployment assistance benefit (*allocation de solidarité spécifique*), one has not to be entitled or have exhausted entitlement to unemployment insurance benefits and have worked 5 years as an employed person during the 10 years preceding the end of the working contract. The benefit is flat rate (16.74 € per day in 2020) and is means-tested at the household's income level. It is renewable every 6 months.

For both schemes, one also has to be registered as unemployed. To do so, one has to be effectively and permanently looking for work; conform to a personalized back-to-work action plan; be physically able to work; not to collect early retirement benefits or have reached the statutory retirement age. Furthermore, registered unemployed must reside in France, unless scarce possibility to export the benefit during 3 months in another EEA country, as specified by Regulation 883/2004 on the coordination of social security systems (no such possibility exists with current bilateral social security conventions).

This residence condition applies for both nationals and foreigners. However, when registering as unemployed, third-country nationals are additionally required to prove regular residence. This can be done by providing one of the residence permits listed in Article R.5221–48 of the Labour Law (*Code du travail*). The definition of regularity (i.e. the list of residence permits) is particularly stringent, so that some third-country nationals with legal residence and authorisation to work who have also paid contributions cannot actually register as unemployed, and thus

cannot become eligible for unemployment benefits (for instance, foreigners with “student” or “temporary worker” residence permits). This regularity condition is the main and only difference that can be identified between non-EU foreigners and other groups in terms of accessing unemployment benefits.

Being unemployed (and/or receiving an unemployment benefit) may affect EU and non-EU foreigners' access to naturalization, as the latter depends on the administrative appreciation of social integration and income. Indirectly through the level of resources, it may also have an impact on the residence right after 6 month of unemployment for EU foreigners (not having already acquired either a permanent residence right or a residence right as a family member of an EU citizen with the right to reside) that has worked less than 12 months before being unemployed (otherwise he/she conserves his/her worker status as long as he/she is registered as unemployed under EU law). Being unemployed may also raise problems for non-EU foreigners asking for the renewal of certain residence permits linked to employment (such as “temporary worker”). For non-EU foreigners, being unemployed may lead to a refusal of their application for family reunification, as the later depends on a minimum level of stable income.

11.2.2 *Health Care*

Health care (sickness benefits in kind) was initially built as a professional “bismarckian” contributory system, but has been extended over time to become a basic universal scheme. Around 99% of the population was already covered at the end of the 1980s (Math 2015). It is a compulsory social insurance scheme with affiliation based on working activity criteria or, alternatively, permanent and regular residency. The system is financed by a mix of resources (contributions, taxes, public authorities' participation). It covers nearly all residents except for irregular foreigners and some newcomers during the first 3 months of their stay in France. The exclusion of undocumented migrants was implemented in 1993 by the then newly elected right-wing government.

Sickness and invalidity benefits in cash, on the other side, have remained a compulsory social insurance scheme for the employed and financed by contributions.

The access to sickness benefits in kind depends on showing documents that prove either a working activity or residence during the former 3 months. EU/EEA foreigners will have also to prove by any means that they are legally residing under EU law. Non-EU foreigners have to provide a residence document (in a list stated by an official text⁴). This is an obstacle for foreigners having immigrated legally to actually access health care (for instance, asylum seekers sometimes wait a long time

⁴Arrêté du 10 mai 2017 fixant la liste des titres de séjour prévu au I de l'article R. 111-3 du code de la sécurité sociale

for getting the necessary documents that are accepted for being affiliated to health care).

To stay eligible, one has to continue residing in France, even if temporary stays abroad are accepted (living abroad more than 180 days per civil year is a presumption for not residing in France). There are possibilities to export benefits in kinds in the framework of the European coordination of social security systems, either permanently (e.g., for pensioners with S1 form), or temporarily (e.g., for not programmed health care, with the European Health Insurance Card). There are also some scarce possibilities to export benefits in kind within the framework of the 41 bilateral social security conventions passed with non-EU/EEA countries.

Sickness benefits in cash (contributory social scheme for the employed) are earnings related. To access these benefits, individuals have to provide a declaration form filled by a doctor (*avis d'arrêt de travail*). For foreigners, there is a regularity condition that has most often already been checked through health care affiliation. There is a condition of residence for all, with some possibilities to export benefits in cash in the framework of the European coordination of social security system or in the framework of some of the bilateral social security conventions signed with non-EU/EEA countries.

Invalidity benefits (pensions) in cash (contributory scheme for the employed) depend on previous earnings and degree of invalidity. To access invalidity benefits, one has to provide a medical form, a notice of tax income and a national identity card or passport if national/EU/EEA citizen, or a residence permit (or equivalent document) if non-EU foreigner. There is a condition of residence for all, but invalidity contributory pensions are exportable to EU/EEA countries and within the framework of most of bilateral social security conventions passed with non-EU/EEA countries. There is also a non-contributory benefit for invalidity pensioners with low incomes (*allocation supplémentaire d'invalidité*). This invalidity guaranteed minimum income benefit is not exportable and an additional condition is required for non-EU foreigners only: having had residence permits and authorizations to work for the last 10 years, with some exceptions.

Access to naturalization for EU and non-EU foreigners may be difficult for sickness or invalidity benefits recipients since it depends on social integration and incomes. Through the level of resources provided by the benefit, it may also have some negative impact on the right to reside of EU foreigners (not having already acquired a permanent residence right or not having a residence right as a family member of an EU citizen having a residence right). The resident permit that depends on an employment activity may be not renewed for non-EU foreigners living on such cash benefits. Family reunification applications of non-EU foreigners may also be refused since it depends on a minimum income level and the stability of this income.

11.2.3 Pensions

The French contributory old age pension scheme for private sector employees is composed of a basic social insurance system (*assurance vieillesse* or *retraites de base de la Sécurité sociale*) and supplementary ones (*régimes de retraites complémentaires*). Both are compulsory and function on a pay-as-you go principle: the contributions of working people directly fund the pensions of people who no longer work. The amount depends on earnings, contributions and the duration of affiliation. For those having too low income, a means-tested non-contributory benefit (*allocation de solidarité aux personnes âgées* - ASPA) may be granted. It functions as a guaranteed minimum income completing incomes up to a certain amount, 903.20 € for a single and 1402.22 € for a couple (2020 amounts).

For social security pension, the person has to provide his/her passport/identity card and the pay slips of the last 12 months if he/she still works. Other pieces may be required to validate non-working periods: unemployment and sickness leaves, charge of child(ren), invalidity, etc. Any person, French or foreigner, is eligible to contributory pensions wherever he/she resides. However, resident non-EU foreigners have to provide a residence permit.

For the old-age minimum guaranteed income (ASPA), individuals have however to reside in France (EU pensioners having received it since before 1992 in complement to a French contributory pension may still export it). To be eligible, one has to provide a notice of tax income and two documents proving residence in France (such as rent receipt, water, gas, phone, electricity bills, mayor attestation, etc.). The eligibility and amounts are revised each year. EU/EEA foreigners also have to prove that they are legally residing in France under EU law. Formally, there is no minimum period of prior residence in France for EU/EEA foreigners. However, given requirements of residence right for inactive EU citizens without sufficient resources (unless having already acquired a residence right, not as inactive), only EU foreigners with rather longstanding residence in France are actually eligible. Third-country nationals must not only have a residence permit but also prove regular and continuous residence with an authorisation to work for the last 10 years. In practice, this rather new condition excludes most non-EU foreigners. Some are exempted by law from this "10 years" condition (refugees, French army veterans and Algerians).

Under French law, there is no condition of residence for contributory old-age pensions, whichever the nationality. The European social security coordination and the 41 social security bilateral conventions provide for some coordination for people having worked in two or more countries ("totalisation" of rights). There is no possibility to export the old-age minimum guaranteed income. Moreover, receiving ASPA may affect access to naturalization or family reunification that depend on conditions such as social integration and incomes. The level of income required for family reunification is much higher than this guaranteed minimum income so that a long standing ASPA recipient will also have high difficulties to naturalise in France, and will almost never obtain family reunification.

11.2.4 *Family Benefits*

Family benefits and maternity benefits in kind are non-contributory benefits, while paternity and maternity benefits in cash are contributory. Benefits provided during parental leave are partly contributory. There are several types of family benefits whose eligibility conditions and amounts depend on many factors: number and age of children, income, housing and activity status, family configuration, etc.

For maternity and paternity benefits in cash, prior contributions are required. This condition can be easily fulfilled since, for instance, having worked full time during 1 month during the past 3 months is sufficient. There is also a residence condition. There are possibilities to export maternity and paternity benefits in cash only in the framework of the European social security coordination or some of the 41 bilateral social security conventions with non-EU/EEA countries. For foreigners, there is also a condition of regularity. As the non-EU foreigner has to be affiliated to health care social insurance (benefits in kind), he/she has generally already provided a residence permit, if not he/she is required to so.

For family benefits, including the parental leave benefit, one has to fulfil a form and provide an identity card/passport and identity documents for the children. Both the parent and the child have to reside on the territory. There are some possibilities to export family benefits in the framework of the European coordination of social security system. No such possibility exists in the framework of bilateral social security conventions. However, some conventions include the possibility for a person actually working in France and having children remaining in the other country to receive, not the normal French family benefits, but some very small special benefits specifically defined by this convention.

EU/EEA foreigners have also to prove by any means that they are legally residing in France under EU law. Non-EU foreigners has to provide one of the residence documents listed at article D.512–1 of the Social Security Code. This list is restrictive and excludes some foreigners residing legally in France. Additionally, for a non-EU child (at a non-EU foreigner's charge) not born in France, the immigration medical certificate delivered in the framework of the family reunification procedure is required (some children are exempted from this condition, such as children of refugees, scientific residence permit holders, etc.). This excludes many non-EU families from accessing family benefits.

11.2.5 *Guaranteed Minimum Resources*

The general basic guaranteed minimum income (*revenu de solidarité active, RSA*) is attributed at the household level and complete income up to certain level depending on the size of the household (559.74 € for a lone person in 2020). The recipient is required either to be registered as unemployed or to sign a social integration

contract. The beneficiary has to reside in France and there are no possibilities to export this benefit, even through international conventions.

Foreigners have also to reside regularly. EU/EEA foreigners have to prove it by any means. As, in general, inactive EU citizens must have sufficient resources to be legally resident, only those having a right to stay on another specific ground included in EU law may be eligible for the benefit: those having already acquired a permanent residence right, those having a residence right as a family member of an EU citizen (him/herself having a right to stay), those having a residence right as workers (or as ex-worker having conserved one's worker status), etc. Non-EU foreigners have to justify a residence permit with an authorisation to work. And, unless some exceptions (refugees, permanent or "10 year" permit holders), they have to prove having been residing regularly and continuously and with an authorisation to work for the last 5 years. As the police administration often renews residence permits with delays, leaving periods of sometimes some weeks without any document, this leads to the exclusion of non-EU foreigners even residing legally sometimes from decades.

Receiving RSA may have an effect on naturalization that depends on social integration and income. Family reunification for non-EU foreigners is not possible given the required level of income. Non-EU foreigners also have problems to stay in a regular situation if they hold a residence permits depending on a professional activity (such as "temporary worker").

11.3 Conclusions

Several conditions may constitute obstacles to social protection for non-national residents and non-resident nationals. These conditions have evolved over the last decades, as publicly debated restrictions were introduced in immigration legislation.

Until 1998, the national requirements reserved non-contributory benefits (guaranteed minimum income for old age or disabled people) to national citizen and, since the 1970s and after ECJ decisions, to EEC (EU) foreigners, thus excluding non-EEC foreigners (Izambert 2018a). This so-called "condition of nationality" was however contrary to the principle of equality and the prohibition of discrimination protected by the French Constitution, several international texts (especially some EU treaties signed with third countries such as Algeria, Morocco, Tunisia and Turkey), and the European Convention for the Protection of Human Rights. In spite of the willingness of public authorities to maintain, and even extend it to other social benefits, this condition was eventually abolished after a long judicial fight implying constitutional and European Courts (Isidro 2017).

The residence on the territory has always been a requirement for accessing all types of social protection schemes: social security, contributory, social assistance, etc. For social security contributory benefits, it has been the only main condition for a long time. This condition (that applies equally to nationals and foreigners) has not

been much controlled over the years. However, from the mid-2000s, and following the suppression of the condition of nationality, policy makers and bureaucrats have expressed the willingness to control more strenuously this residence condition. Without any real legislative change, they released new regulatory texts and instructions in order to increase controls and sanctions. While all recipients have to comply with this condition, the controls have mainly targeted those “suspected” of being too often absent from the territory, mainly old age immigrants, especially those living in collective homes (*foyers*) and/or having their family in the country of origin. In a context of defiance towards immigration, these discriminatory controls were often implemented in highly contestable manners and led to strong sanctions for the victims (Math 2013).

As the condition of nationality was discarded, a new condition of regularity for the access of foreigners to most social benefits has been introduced and/or extended, especially through the 1993 immigration law. The definition of regularity or the lists of accepted documents/permits has however varied over time and according to benefits, so that even foreigners living legally in France but not having the “good” document may still be excluded from accessing social benefits. As immigration law has been tightened, more foreigners are now left with precarious and short duration permits, and as a consequence, may be excluded from certain social rights. Furthermore, when foreigners renew the residence permits (which is now more frequent than in the past due to the shortening of permits’ duration), immigration police authorities do not deliver the new permit in time as they should, so that social benefits are suspended for these foreigners during this waiting period (Math 2016a).

A condition of anteriority of presence or residence exists for some social protection schemes, for instance a prior residence of three consecutive months to be eligible for health benefits in kind. This condition has not changed much over time. One may mention the introduction in 2004 of a 3 months condition for accessing social assistance health coverage for irregular immigrants (*aide médicale de l’Etat*), as a result of numerous attacks from the right and far right politicians. Actually, the reform has been presented both as a means to stop its supposed effect of attraction to France and to fight frauds and abuses by foreigners (Izambert 2018b).

A new condition of anteriority (seniority) of regular residence has been recently introduced and extended for non-EU foreigners. It was introduced in 1989 for the general guaranteed minimum income: non-EU foreigners had to prove having residence permits and authorizations to work for 3 years. It was extended to 5 years in 2004. In 2006, it was extended to old-age and invalidity guaranteed minimum income, and increased to 10 years in 2012. As this five or 10 years span time must be continuous and given that immigration police authorities renew residence permits with delays, more and more non-EU foreigners living regularly in France are excluded since they cannot any longer fulfil this condition. This new condition *de facto* plays a similar role as a discriminatory and xenophobic condition of nationality (Math 2014, 2016b).

Ideas of restricting the access to social protection for foreigners have extended much beyond the only extreme right parties, such as the Front National that has also proposed the “preference national”, i.e., reserving social benefits to national (or

European) citizens. For instance, the right-wing candidate for the 2017 presidential elections proposed to extend the condition of anteriority of regular residence for family benefits and to increase restrictions to other benefits. In a context of budgetary austerity, such an orientation is guided not only by xenophobic rationale, it is also presented as a means for protecting the social State from new or too strong spending cuts. One may note that the access to sickness benefits in kind for certain categories of foreigners with precarious residence documents has been somewhat restricted with the “*protection universelle maladie*” 2016 reform (Comede and Gisti 2017). Since 2020, asylum seekers are also excluded from it during their three first months of stay in France. While several new social protection reforms are planned to be implemented in 2019, 2020 or 2021 (old-age pensions, unemployment benefits, guaranteed minimum income), nothing new is however decided regarding the rules applicable to foreigners.

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