Ministers present decree amending CESEDA and time limits for appeals before the CNDA

The Minister for the Interior and the Minister for Justice presented a decree repealing Article L.342 -19 of the Code on the Entry and Residence of Foreign Nationals and the Right of Asylum (CESEDA) on authorised entries to the territory from waiting zones and amending the time limits for appeals before the National Court of Asylum in order to align national law with the new requirements of the Pact on Migration and Asylum.

Article L. 342-19 of CESEDA, which provides that a foreign national whose placement in a waiting zone has ended and is authorised to enter the territory on an 8-day regularisation visa, is contrary to the requirements of Regulation (EU) 2024/ 1349 on the return of third-country nationals residing illegally.

In accordance with Article 67(7a) of Regulation (EU) 2024/1348, the decree provides that an appeal against a decision declaring a case inadmissible and where one of the circumstances of the accelerated procedure applies at the time such a decision was taken must be lodged with the CNDA within 10 days following their notification. In accordance with Article 67(7b) of the Regulation, this decree provides that the 1-month time limit for making an appeal should continue to apply in other cases.

Article L. 342-19 and the second paragraph of Article L. 532-1 of the CESEDA derive from Order No 2020-1733 of 16 December 2020 which has not been amended by any law or ratified order. This order has not been expressly ratified.

The Constitutional Council considers that provisions arising from non-ratified ordinances “cannot be regarded as being of a legislative nature within the meaning of the second paragraph of Article 37 of the Constitution” and dismisses the case when asked to reclassify them. These provisions may therefore only be amended by a decree of the Council of State, following deliberation by the Council of Ministers.

Source(s)

- Government | Gouvernement (3 June, 2026), Compte rendu du Conseil des ministres du 03 juin 2026 [Minutes of the Council of Ministers meeting of 3 June 2026],

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