

Migration and legal family formats in France

by Jérémie Kouzmine ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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¹ Jérémie Kouzmine (Juriste en droit international et européen et en droit des droits humains) is grateful for the useful comments that Elisabeth Ronzier (Doctor of Law, Assistant professor at Paris Saclay University and at Le Havre University) made on an earlier version of the answers in this section of the database.

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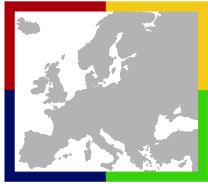
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

The six papers about France

The answers concerning France can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in France

by Jérémie Kouzmine (Section 1)

Income, troubles and legal family formats in France

by Jérémie Kouzmine (Section 2)

Parenting and legal family formats in France

by Elisabeth Ronzier (Section 3)

Migration and legal family formats in France

by Jérémie Kouzmine (Section 4)

Splitting up and legal family formats in France

by Elisabeth Ronzier (Section 5)

Death and legal family formats in France

by Elisabeth Ronzier (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

4.1 Partner of national citizen

4.2 Partner of national citizen (foreign status)

4.3 Partner of (non-EU) foreigner

4.4 Partner of EU citizen (foreign status)

4.5 Foreign status as impediment to marry

4.6 Foreign status and inheritance

4.7 Citizenship

4.8 Recognition of joint adoption

4.9 Recognition of second-parent adoption

4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

4.10 - General background regarding migration (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **France**

Source: **J. Kouzmine, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2006	2015 Yes 2013	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005
Yes 0000	N/A 0000	Yes, but 1999	Yes, but 1999	No, but 0000	No, but 1999
		N/A 0000	N/A 0000		? 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. L314-9 (3) of the Code d'entrée et de séjour des étrangers et du droit d'asile as amended by the law "relative à l'immigration et à l'intégration (1)" of 24 July 2006/n°2006-911.</p>		<p>References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005). Circulaire of 16 January 2007 "relative au droit au séjour en France des étrangers ayant conclu un pacte civil de solidarité".</p>		<p>References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005).</p>	
<p>Explanations and nuances: The foreign partner of a residing national citizen is entitled to a permanent residence after 3 years of marriage if the partner is legally on the territory and if the spouses have never separated (after marriage).</p>		<p>Explanations and nuances: The registered partnership can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence.</p>		<p>Explanations and nuances: The cohabitation can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2006	2015 Yes, but 2013	2015 Yes, but 2005	2015 Yes, but 2005	X	X
No, but 0000	Doubt 2001	? 1998	? 1989	X	X
	N/A 0000	N/A 0000	N/A 0000	X	X
References to legal sources: Art. L314-9 (3) of the Code d'entrée et de séjour des étrangers et des demandeurs d'asile, as amended by the law "relative à l'immigration et à l'intégration (1)" of 24 July 2006/n°2006-911.		References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005). Circulaire of 16 January 2007 "relative au droit au séjour en France des étrangers ayant conclu un pacte civil de solidarité".			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: When the marriage is celebrated in a foreign country, the foreign partner of a residing national citizen is entitled to residence after 3 years of marriage, if the partner is legally on the territory, if spouses have never separated (after marriage), and if the marriage is legally translated in the national register. Registration of the marriage can be denied regarding the violation of public order.</p> <p>Before 2013, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>		<p>Explanations and nuances: The registered partnership can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence.</p>			

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2005	2015 Yes, but 2013	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005
Yes 0000	N/A 0000	No, but 1999	No, but 1999	No, but 0000	No, but 1999
		N/A 0000	N/A 0000		? 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 314-9 (1) of the Code d'entrée et de séjour des étrangers et du droit d'asile as amended by the law "relative à l'immigration et à l'intégration (1)" of 24 July 2006/n°2006-911.</p>		<p>References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005). Circulaire of 16 January 2007 "relative au droit au séjour en France des étrangers ayant conclu un pacte civil de solidarité".</p>		<p>References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005).</p>	
<p>Explanations and nuances: If the partner residing in the country obtained a title of long period residence, the other partner is entitled to a long period residence only if the partner residing in the country has stayed legally for at least three years in the country. Until 2006, the requirement of legal residency was only two years.</p>		<p>Explanations and nuances: The registered partnership can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence. Before 2005, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>		<p>Explanations and nuances: The cohabitation can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence. Before 2005, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2006	2015 Yes 2013	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005	2015 Yes, but 2005
Yes 0000	No, but 2001	No, but 1998	No, but 1989	No, but 0000	No, but 1999
	N/A 0000	N/A 0000	N/A 0000		? 0000
References to legal sources: Art. 121-3 (1) of the Code d'entrée et de séjour des étrangers et du droit d'asile as created by the law "relative à l'immigration et à l'intégration (1)" of 24 July 2006/n°2006-911.		References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005). Circulaire du 16 janvier 2007 "relative au droit au séjour en France des étrangers ayant conclu un pacte civil de solidarité".		References to legal sources: Art. L313-11 (7) of the Code d'entrée et de séjour des étrangers et du droit d'asile (enacted in March 2005).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Only legally married partners have a residence entitlement.</p> <p>Before 2013, foreign same-sex marriages were not recognized so married couple could not claim this right. However, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>		<p>Explanations and nuances: The registered partnership can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence.</p> <p>Before 2005, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>		<p>Explanations and nuances: The cohabitation can be used to prove both stability and intensity of the personal and familial relationship with the country and thus to entitle the partner to a temporary residence.</p> <p>Before 2005, a same-sex couple could have tried to claim a 5 years cohabitation to ask for a residence entitlement.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).**

Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2013	2015 No 1998	2015 No 1989	X	X
	Yes 2001	N/A 0000	N/A 0000	X	X
	N/A 0000			X	X
References to legal sources: Art. 147 of the Code civil.		References to legal sources: Art. 515-7-1 of the Code civil as created by the law "de simplification et de clarification du droit et d'allègement des procédures" of 12 May 2009/n°2009-526. Art. 515-2 of the Code civil as created by the law "relative au pacte de solidarité"/15 November 1999/n°99-944.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: To get married, spouses-to-be must not be already married whether under French law or a foreign law.</p>		<p>Explanations and nuances: A undissolved registered partnership is not an impediment to marry someone else, whether the partnership is registered under French law or a foreign law.</p>			

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2013	2015 No 1998	2015 No 1989	X	X
	No 2001	N/A 0000	N/A 0000	X	X
	N/A 0000			X	X
References to legal sources: Art. 731 of the Code civil as amended by the law "relative aux droits du conjoint survivant et des enfants adultérins et modernisant divers dispositions du droit successoral" of 3 December 2001/n°2011-1135. Ministerial response of 19 January 2011.		References to legal sources: Art. 721, Art. 731 and 732 of the Code civil as amended by the law "relative aux droits du conjoint survivant et des enfants adultérins et modernisant divers dispositions du droit successoral" of 3 December 2001/n°2011-1135.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: As long as the spouse is still alive, and no divorce has been pronounced, he/she is recognised as regards inheritance even in the absence of a testament.</p> <p>As explained by the Government in 2011, same-sex couples who married in a foreign country could not enjoy the same right to inheritance as different-sex couples.</p>		<p>Explanations and nuances: In case of death in the absence of a testament, the registered partnership is not recognised. The surviving partner is not designated by law. However, the partner can be designated through the testament.</p>			

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1993	2015 Yes 2013	2015 No, but 1999	2015 No, but 1999	2015 No, but 1993	2015 No, but 1999
? 0000	N/A 0000	N/A 0000	N/A 0000	? 0000	? 0000
References to legal sources: Art. 21-2 of the Code civil as created by the law "reformant le droit de la nationalité" of 22 July 1993/n°93-933.		References to legal sources: Art. 21-24 and Art. 21-17 of the Code civil as created by the law "reformant le droit de la nationalité" of 22 July 1993/n°93-933.		References to legal sources: Art. 21-24 and Art. 21-17 of the Code civil as created by the law "reformant le droit de la nationalité" of 22 July 1993/n°93-933.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: After 4 years of marriage, the foreign partner can acquire citizenship, on condition that the couple never stopped living together.</p>		<p>Explanations and nuances: The registered partner has no effect regarding the acquisition of citizenship. The partner will have to ask for it after 5 years of legal residence. However, the registered partnership will help regarding the condition of a good assimilation to the national culture.</p>		<p>Explanations and nuances: The cohabitation has no effect regarding the acquisition of citizenship. The partner will have to ask for it after 5 years of legal residence. However, the cohabitation will help regarding the condition of a good assimilation to the national culture.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2001	2015 Yes, but 2013	2015 Yes, but 1999	2015 Yes, but 2013	2015 Yes, but 2001	2015 Yes, but 2013
?	N/A	N/A	No, but	?	No, but
0000	0000	0000	1999	0000	0000
			N/A		
			0000		
<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111.</p> <p>Cour de cassation, Chambre civile 1, 7 June 2012, n°11-30.261 and 11-30.262.</p>		<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111.</p> <p>Cour de cassation, Chambre civile 1, 7 June 2012, n°11-30.261 and 11-30.262.</p>		<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111.</p> <p>Cour de cassation, Chambre civile 1, 7 June 2012 Cour d'Appel de Pau, 26 January 2004.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23 May 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognised in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by same-sex partners granted abroad could be recognised in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognised.</p>		<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23 May 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognised in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by registered partners granted abroad could be recognised in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognised.</p>		<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23 May 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognised in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by registered partners granted abroad could be recognised in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognised. Although, the Cour d'appel de Pau refused to recognized the joint adoption. It gave effect to it regarding only one partner, the mother.</p>	

Jurisdiction: **France**

Source: **J. Kouzmine**, "Migration and legal family formats in France". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-FR-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2001	2015 Yes, but 2013	2015 Yes, but 1999	2015 Yes, but 2013	2015 Yes, but 2001	2015 Yes, but 2013
?	N/A	N/A	No, but	?	No, but
0000	0000	0000	1999	0000	0000
			N/A		
			0000		
<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111. Cour de cassation, Chambre civile 1, 7 June 2012, n°11-30.261 and 11-30.262.</p>		<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111. Cour de cassation, Chambre civile 1, 7 June 2012.</p>		<p>References to legal sources: Art. 370-5 of the Code civil as created by the law "relative à l'adoption internationale" of 6 February 2001/n°2001-111. Cour de cassation, Chambre civile 1, 7 June 2012 Cour d'Appel de Pau, 26 January 2004.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23rd May 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognized in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by same-sex partners granted abroad could be recognized in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognised.</p>		<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23rd May 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognised in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by same-sex partners granted abroad could be recognized in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognised.</p>		<p>Explanations and nuances: In France, International adoption is governed by The Hague Convention (23rd may 1993) and by Civil Code art. 370-5. By principle, adoption granted abroad is recognised in France, unless it is a violation of public policy. The Cour de cassation usually held that the absence of marriage between adopting parents is not against public policy. But in 2012, it held that full adoption by same-sex partners is against public policy (Civ 1, 7 juin 2012). So until same-sex full adoption was recognised in 2013, only simple adoption by same-sex partners granted abroad could be recognized in France. However, since 2013, same-sex full adoption is recognised. So any kind of adoption granted abroad should be recognized. Although, the Cour d'appel de Pau refused to recognised the joint adoption. It gave effect to it regarding only one partner, the mother.</p>	