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PRESS RELEASE

[Legal decision]

Public services: the Conseil d'État orders the State to guarantee normal access to the ANEF online platform

Following an appeal by several organisations, the Conseil d'État today ordered the State to take several measures to guarantee normal access for users to the digital administration for foreigners in France (ANEF) public service. In this decision, the Conseil d'État pointed out that any authority in charge of a public service must ensure that its users are effectively able to carry out procedures and exercise their rights.

ANEF is the online public service set up by the State to enable foreign users to carry out residence-related administrative procedures digitally. The platform allows them to submit an initial or renewal application for a residence permit, upload supporting documents and monitor the progress of their application.

Several organisations¹ petitioned the Conseil d'État to order the State to resolve the malfunctions affecting the ANEF online service, which they considered liable to undermine users' normal access to the public service compromising the exercise of their rights.

An online public service must be accessible

The Conseil d'État recalled that it is the responsibility of the manager of a public service, to meet the public interest requirements for which the service was established, to uphold the right of users to access the service under normal conditions, in accordance with the principle of equality, to guarantee the continuity of the service and make any adjustments required according to the principle of adaptability. In particular, it must correct any malfunctions affecting the service that are liable to unduly restrict users' right of access or compromise their ability to exercise the rights granted to them by the law. When the use of an online service is mandatory, it must ensure that users are actually able to carry out procedures.

With regard to the ANEF, given the diversity and complexity of situations involving applicants for residence permits, and the direct consequences for their right of residence, right to work or right to access social benefits, the authorities must provide support as well as an alternative solution in the event that the online service cannot be accessed ([article R. 431-2 of the French Code of Entry and Residence of Foreigners and of the Right to Asylum](#)).

The Conseil d'État noted that while the Minister of the Interior had already implemented several measures to improve access to the ANEF public service (support scheme, contact centre reachable by email and telephone, digital reception centres, an alternative solution provided when the online procedure cannot be completed), the operation of the service was affected by malfunctions seriously affecting the exercise of certain rights by residence permit applicants.

Pending the renewal of a residence permit, a temporary certificate must be issued to guarantee rights

¹ Fédération des Acteurs de la Solidarité, JRS France – Service Jésuite des Réfugiés, Comité intermouvement auprès des évacués (Cimade), Groupe SOS Solidarités, Secours Catholique, Forum Réfugiés, Emmaüs Solidarité, Aurore, France Terre d'Asile (FTDA) and Coallia.

The Conseil d'État pointed out that when the holder of a residence permit submits an application for renewal, the authorities are required to issue a certificate of extension of the processing of the application when the conditions are met – in particular, when the application is complete – before the expiry of the previous residence permit, and then renew it if the processing is extended. The issue of this certificate may not be made conditional upon the applicant taking any specific steps ([article R. 431-15-1 of the aforementioned code](#)).

It observed, however, that in many cases this certificate is neither issued nor renewed in a timely manner, leading to interruptions in the right to remain, even though the Minister of the Interior has recently announced new measures (increased staffing levels, prioritisation of applications for the renewal of permits, automatic renewal of certificates for 12 months). On these grounds, the Conseil d'État ordered the State to take all necessary measures to ensure full compliance with the obligation to issue or renew a certificate extending the processing period for applicants who are already holders of a residence permit within six months.

The Conseil d'État further noted that the certificate extending the processing period, which allows the holder to justify their continued right to remain, is not recognised under the regulations as a document granting entitlement to social benefits and housing, unlike certain receipts issued by other authorities. This inconsistency results in some bodies refusing these certificates, despite the Ministry's claims that they have the same effect as a receipt. The judge, therefore, ruled that the regulatory provisions must be brought into compliance to guarantee users' access to social rights.

If an application for a residence permit is approved, the Conseil d'État further noted that the certificate issued pending the delivery of the permit grants the same rights as the permit itself, although it does not clearly specify the rights conferred. This may prevent some users from engaging in employment. Therefore, the Conseil d'État ruled that the certificate must be supplemented and clarified within six months.

It must be possible to submit residence permit applications in different categories at the same time

The Conseil d'État noted that, for technical reasons, the ANEF does not allow users to submit multiple residence permit applications on different grounds, either simultaneously or successively, as long as the authorities have not ruled on their initial application. However, no legal provisions preclude this and it remains available for non-ANEF procedures. This restriction can have serious consequences, including when an initial application is refused, as this may result in an obligation to leave the country, preventing the examination of another right of residence.

The Conseil d'État, therefore, ruled that the authorities must modify the ANEF online service within six months to allow users to submit multiple residence permit applications, either simultaneously or successively, to allow them to assert all their rights.

It must be possible to correct and add to an application

The Conseil d'État noted that the ANEF does not always allow users to correct errors or update their application, in particular when renewal is wrongly refused due to the authorities' failure to record the issuing of the previous residence permit in the information system when a change of address occurs during the processing period, or when the addition of new supporting documents is required. Such blockages can have major consequences on the right to remain and the examination of the application.

The Conseil d'État, therefore, ruled that the authorities must allow users to report such errors, modify their information and supplement their applications within six months.