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RÉPUBLIQUE FRANÇAISE

MINISTÈRE DE L'INTÉRIEUR

DIRECTION GÉNÉRALE DES ÉTRANGERS EN FRANCE

# GUIDE

## FOR ASYLUM SEEKERS

### 2013

information and orientation





# GUIDE FOR ASYLUM SEEKERS

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# 1. THE VARIOUS FORMS OF PROTECTION

In France, there are 3 forms of protection: refugee status, subsidiary protection and stateless person status.

## 1.1. REFUGEE STATUS

Refugee status can be granted on 3 grounds:

- **The Geneva Convention** dated 28 July 1951 on the status of refugees: refugee status is granted to « *any person who [...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself or herself of the protection of that country* »;
- **so-called constitutional asylum**, taken from the fourth paragraph of the preamble to the 1946 Constitution: refugee status is granted to « *whoever is persecuted for his or her activities in pursuit of freedom* » ;
- **the mandate of the United Nations High Commission for Refugees (UNHCR)**: if you have refugee status recognised by the UNHCR on the basis of Articles 6 and 7 of its Statute.

## 1.2. SUBSIDIARY PROTECTION

The benefit of subsidiary protection is granted to « *any person who does not meet the requirements laid down for refugee status [...] and who has established that he or she is exposed to one of the following serious threats in his or her country of origin:*

- a) the death penalty;
- b) torture, inhuman or degrading treatment;
- c) for a civilian, a direct and individual serious threat against his or her life or well-being owing to generalised violence resulting from an internal or international armed conflict ». (Code on the Entry and Residence of Foreigners and the Right to Asylum (CESEDA), Article L.712-1)

The French Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides, OFPRA*) can refuse to renew subsidiary protection if the grounds on which it was granted no longer exist.

In France, refugee and subsidiary protection status are granted by OFPRA, under the judicial control of the National Court of Asylum (*Cour nationale de droit d'asile, CNDA*).

### 1.3. STATELESS PERSON STATUS

According to the New York Convention dated 28 September 1954 on the status of stateless persons, this can be granted to any person « *who is not considered as a national by any State under the operation of its law* ». This status is different from the other two forms of protection and only concerns persons who have no nationality. It does not take risks of persecution into account. An application for this status can be made at the same time as for asylum.

Stateless person status is granted by OFPRA, under the control of the Administrative Court.

## 2. CONDITIONS FOR ISSUING AN AUTHORISATION TO STAY AS AN ASYLUM-SEEKER

In order to apply for asylum, you must first go to the prefecture and apply for authorisation to stay in France as an asylum seeker. This action is compulsory for all persons aged 14 years or older. You must go to the prefecture promptly. If you have a visa, you are advised to go to the prefecture before it expires.

The prefecture where you should apply for authorisation to stay in France as an asylum seeker is, generally speaking, the departmental prefecture in the capital of the region.

<b>Region / <i>département</i> where you are domiciled</b>	<b>Where you should apply for an autorisation to stay as an asylum-seeker : Prefecture</b>
<u>ALSACE</u> - Bas-Rhin - Haut-Rhin	- Bas-Rhin (Strasbourg) - Haut-Rhin (Colmar)
<u>AQUITAINE</u> Gironde, Dordogne, Landes, Lot-et-Garonne and Pyrénées-Atlantiques	Gironde (Bordeaux)
<u>AUVERGNE</u> Puy-de-Dome, Allier, Cantal and Haute-Loire	Puy-de-Dome (Clermont-Ferrand)
<u>BURGUNDY</u> Côte d'Or and Nièvre, Saône-et-Loire Yonne	Côte d'Or (Dijon) Saône-et-Loire (Macon) Yonne (Sens Sub-prefecture)
<u>BRITTANY</u> Ille-et-Vilaine, Côtes d'Armor, Finistère and Morbihan	Ille-et-Vilaine (Rennes)
<u>CENTRE</u> Loiret, Cher, Eure-et-Loir, Indre, Indre-et-Loire and Loir-et-Cher	Loiret (Orléans)
<u>CHAMPAGNE-ARDENNE</u> Marne, Ardennes, Aube and Haute-Marne	Marne (Châlons-en-Champagne)
<u>CORSICA</u> Corse-du-Sud Haute-Corse	Corse-du-Sud (Ajaccio) Haute Corse (Bastia)
<u>FRANCHE-COMTÉ</u> Doubs, Jura, Haute-Saône and the Belfort Territory	Doubs (Besançon)
<u>ÎLE-DE-FRANCE</u> Paris Seine-et-Marne Yvelines Essonne Hauts-de-Seine Seine-Saint-Denis Val-de-Marne	Paris Police Prefecture Seine-et-Marne (Melun) Yvelines (Versailles) Essonne (Evry) Hauts-de-Seine (Nanterre) Seine-Saint-Denis (Bobigny) Val-de-Marne (Créteil)

Val-d'Oise	Val-d'Oise (Cergy-Pontoise)
<u>LANGUEDOC-ROUSSILLON</u> Hérault, Aude, Gard, Lozère and Pyrénées-Orientales	Hérault (Montpellier)
<u>LIMOUSIN</u> Haute-Vienne, Corrèze and Creuse	Haute-Vienne (Limoges)
<u>LORRAINE</u> Moselle, Meurthe-et-Moselle, Meuse and Vosges	Moselle (Metz)
<u>MIDI-PYRÉNÉES</u> Haute-Garonne, Ariège, Aveyron, Gers, Hautes-Pyrénées, Lot, Tarn and Tarn-et-Garonne	Haute-Garonne (Toulouse)
<u>NORD-PAS-DE-CALAIS</u> Nord and Pas-de-Calais	Nord (Lille)
<u>BASSE-NORMANDIE</u> Calvados, Manche and Orne	Calvados (Caen)
<u>HAUTE-NORMANDIE</u> Seine-Maritime and Eure	Seine-Maritime (Rouen)
<u>PAYS-DE-LA-LOIRE</u> Loire-Atlantique, Mayenne and Vendée Maine-et-Loire and Sarthe	Loire-Atlantique (Nantes) Maine-et-Loire (Angers)
<u>PICARDY</u> Oise, Aisne and Somme	Oise (Beauvais)
<u>POITOU-CHARENTES</u> Vienne, Charente, Charente-Maritime and Deux-Sèvres	Vienne (Poitiers)
<u>PROVENCE-ALPES-CÔTE-D'AZUR</u> Bouches-du-Rhône, Alpes-de-Haute-Provence, Hautes-Alpes and Vaucluse Alpes-Maritimes and Var	Bouches-du-Rhône (Marseille) Alpes-Maritimes (Nice)
<u>RHÔNE-ALPES</u> Rhône, Ain, Ardèche, and Loire Isère, Drôme, Haute-Savoie and Savoie	Rhône (Lyon) Isère (Grenoble)
Guadeloupe	Guadeloupe (Basse-Terre)
Martinique	Martinique (Fort de France)
French Guiana	French Guiana (Cayenne)
La Réunion	La Réunion (Saint-Denis)
Mayotte	Mayotte (Dzaoudzi)
Saint-Pierre et Miquelon	Saint-Pierre et Miquelon (Saint-Pierre)
French Polynesia	French Polynesia (Papeete)
New Caledonia	New Caledonia (Nouméa)
Wallis-et-Futuna	Wallis-et-Futuna (Mata-Utu)

You may apply for asylum even if you have entered France illegally or if you are in an illegal situation on French soil.

If you apply for stateless person and refugee status at the same time, you must go to the prefecture so that first of all a decision can be taken on your application for authorisation to stay as an asylum-seeker.

However, if you only apply for stateless person status, a provisional residence permit (*autorisation provisoire de séjour, APS*) will not be issued while your application is being considered. Accordingly, you must go directly to the French Office for the Protection of Refugees and Stateless Persons (*Office français de protection des réfugiés et apatrides, OFPRA*) without going to the prefecture.

## 2.1. DOCUMENTATION REQUIRED

To be issued with an authorisation to stay as an asylum-seeker, you must submit an application together with a certain number of documents. You can obtain the list of the documents required at the prefecture.

These are :

1. the application form for an asylum-seeker's entry document (available in 24 foreign languages). This form must be completed in French;
2. four identity photos, front view, bareheaded, in 3.5 cm x 4.5 cm format, recent and a very good likeness;
3. information on your civil status and, if appropriate, that of your spouse and your dependent children;
4. documents or information about the conditions under which you entered France and your itinerary since you left your country of origin.

You may apply for asylum even if you do not have a passport, visa or identity documents. In this case you will have to make a written declaration of your civil status.

5. documentary proof of the address where you are living: The prefecture needs your address to send you correspondence regarding your stay in France. If you do not have fixed accommodation, you can use an address of a private household, a hotel or an association approved by the prefecture.

In all cases, the address you give must be in the department of the region where you are making your application for asylum.

If you move to a new address at any time during the asylum procedure, you will have to inform the prefecture and also the OFPRA or the CNDA.

## 2.2. DECIDING ON THE STATE RESPONSIBLE FOR CONSIDERING YOUR ASYLUM APPLICATION

When you hand over your application for authorisation to stay as an asylum seeker, the prefecture will take your fingerprints to determine if France is the European Union State responsible for considering your asylum application under the regulation of the Council of the European Union dated 18 February 2003, called the Dublin II Regulation.

### **The States concerned by the Dublin II Regulation**

The 28 Member States of the European Union and 4 associated countries:  
Austria, Belgium, Bulgaria, Cyprus, Croatia, Czech Republic, Denmark,\* Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom and also Iceland, Liechtenstein, Norway and Switzerland.

\* Denmark is not subject to the Dublin II Regulation, but continues to apply the Dublin Convention, signed on 15 June 1990.

In fact, it is possible that another European State and not France will be responsible for considering your application for asylum, for instance:

- if you have already applied for asylum in another Member State;
- if you entered the European Union by initially crossing the borders of a Member State for which you do not need a visa;
- if it is established that you crossed the external border of another Member State illegally, by land, air or sea;
- if another Member State has issued you with a residence permit or a visa that is still valid;

The processing of your asylum application by another Member State: If a Member State other than France is responsible for considering your asylum application, the prefecture will then approach that State to ask it to process your application. The prefecture will give you a document which will allow you to remain in France while waiting for a response from that State.

If that State agrees to process your application, the prefecture may either leave you to make your own way there, or ask you to contact the police services to have them organise your departure.

If the other State justifies its definitive refusal to process your application or if France is responsible for considering your asylum application, the procedure will continue as described below.

### 2.3. PROVISIONAL RESIDENCE PERMIT – issued or refused

Once your application for authorisation to stay has been submitted, your asylum application will be considered by OFPRA. Depending on your situation, it will be considered either **under normal procedure** once the prefecture has issued you a provisional residence permit (APS), or **under priority procedure** if the prefecture does not issue you a provisional residence permit (APS).

#### The normal procedure

Under this procedure, the prefecture will give you:

1. an asylum application form that you must complete and send or hand in to OFPRA no later than **21 days** after the provisional residence permit (APS) was issued. For example, if your provisional residence permit (APS) was issued on 10 January, you have to have handed in or sent your application to OFPRA on or before 31 January;
2. a provisional residence permit (APS) bearing the mention « **For the purpose of application to OFPRA** » (*En vue de démarches auprès de l'OFPRA*) **valid for 1 month**. This provisional residence permit (APS) is issued to you within 15 days after you hand in to the prefecture your completed application form for authorisation to stay as an asylum-seeker with all the documentation required (see point 2.1).

By the time the provisional residence permit (APS) expires, you have to give the prefecture the letter from the OFPRA that acknowledges the receipt of your asylum application. If you do not do so, the prefecture may refuse to let you stay in France.

As soon as you receive the OFPRA acknowledgement letter with your reference number, you should go to the prefecture with this document and new documentary evidence of your address. Within the three days after your provisional residence permit (APS) expires, the prefecture gives you a receipt recording the filing of an asylum application (« *récépissé constatant le dépôt d'une demande d'asile* »). This acknowledgement is valid for **6 months**. It has to be renewed every 3 months after the first 6 months, for as long as the procedure is ongoing. At the first renewal of this receipt (*récépissé*), and on each subsequent renewal, you will have to provide **documentary proof of the address where you are living**. A postal address that does not correspond to the place where you are living is normally not acceptable, except in cases of extreme precariousness.

The receipt does not allow you to work without authorisation.

## The priority procedure

### The prefecture may refuse to issue you with a provisional residence permit (APS) and send your application to OFPRA by the priority procedure.

The prefecture makes such a decision when:

1. You are the national:
  - of a Member State of the European Union;
  - of a country for which OFPRA deems that, in general, there is no longer any risk of persecution (*Chile*);
  - of a country on the list of « safe countries of origin». At the time of writing, the following countries are on this list: Armenia, Benin, Bosnia-Herzegovina, Cap Verde, Ghana, India, the former Yugoslavian Republic of Macedonia (FYRM), Mauritius, Moldavia, Mongolia, Montenegro, Senegal, Serbia, Tanzania and Ukraine;
2. Your presence in France constitutes a serious threat to public order, public safety or the safety of the State;
3. Your application is thought to be deliberately fraudulent or you are suspected of having misused the asylum procedure (e.g., if you submitted several asylum applications under different identities or if you applied for asylum only after you were given notice to leave French territory or after you were arrested and you had been in France for some time).

If you are in one of these situations, the prefecture will give you a decision in writing stating the grounds on which the provisional residence permit (APS) has not been issued and enclosing the asylum application form.

In fact, the refusal to issue you with a provisional residence permit (APS) for the reasons given above does not prevent you from applying to OFPRA through the intermediary of the prefecture.

OFPRA will decide within 15 days.

## 3. HOW AN ASYLUM APPLICATION IS CONSIDERED

The prefecture has just given you the asylum application form.

When you submit your application for asylum, you do not need to specify the type of protection you would like to obtain (refugee status or subsidiary protection). Asylum application is a single procedure: your application will be considered first of all by OFPRA from the standpoint of refugee status then, if you do not qualify for that category, from the standpoint of subsidiary protection.

If OFPRA refuses to grant you either refugee status or subsidiary protection, you can lodge an appeal at the National Court of Asylum (CNDA). Similarly, you can lodge an appeal at the CNDA if you wish to contest OFPRA's decision to grant you subsidiary protection instead of refugee status.

The information contained in your asylum application is confidential. Under no circumstances will it be communicated to the authorities of your country.

### 3.1. FRENCH OFFICE FOR THE PROTECTION OF REFUGEES AND STATELESS PERSONS (OFPRA)

#### To fill in the OFPRA form

You must sign and date your application. If you do not do so, OFPRA cannot register it. (For a minor, the legal representative must sign it.)

The application must be written **in French**;

Your address must be **easily readable**;

You must fill in all the sections in the OFPRA making sure that you:

- give exact details of your personal and family situation;
- describe all the **personal reasons** that led you to flee your own country and the reasons why you cannot return there;
- pay attention to the **chronological order** and make sure that the sequence of events is logical;
- give **dates, places and the names of persons**;

You may enclose with the application any element you feel would be useful when your application is considered. If you have any special requests with regard to your hearing, you can point them out to OFPRA.

## Documents required by OFPRA

You must submit:

- a photocopy of your valid provisional residence permit (APS) issued by the prefecture;
- 2 recent identity photos

If you have them, you must submit:

- the originals of your identity papers (passport, national identity card, birth certificate ...);
- documents to support your account.

## Filing your application

**- If your application is processed under normal procedure:**

You must **send your complete application to the address below at the latest on the 21<sup>st</sup> day** after your provisional residence permit (APS) was issued:

**Office français de protection des réfugiés et apatrides (OFPRA)  
201, rue Carnot  
94136 FONTENAY-SOUS-BOIS CEDEX**

**If you delay beyond the 21-day time limit or if your application is incomplete, your application will not be registered by OFPRA.** You are advised to send your application by “registered letter with request for acknowledgement” (*recommandé avec accusé de réception*), and to make sure that your name is written clearly in the section “sender” (*expéditeur*).

You can also hand in your dossier at the same address at the reception desk of OFPRA, from Monday to Friday, between 9 a.m. and 3 p.m.

**If your application is processed under priority procedure:**

You must hand in your **completed and signed** asylum application at the prefecture within 15 days, **in a sealed envelope**. The prefecture must not know the contents of your asylum application: they are confidential. When the asylum application is received, the prefecture will send it to OFPRA stating that it is a priority.

Whatever your situation, keep the proofs of posting and acknowledgements of your correspondence carefully. If possible, keep photocopies of your complete application (including the OFPRA form) and all the documents you send to OFPRA.

At any point of the procedure, you may send OFPRA additional elements for your dossier. On every letter you send to OFPRA do not forget to quote your registration number. You will find it on the letter from OFPRA that informs you of the registration of your asylum application.

## Proof of registration

If your dossier is complete and received within the time limits, OFPRA will send you a letter informing you that your application is registered and quoting your application dossier number. This document officially certifies the registration of your asylum application. In principle, you should receive this letter before your one-month

provisional residence permit (APS) expires. However, it is important to keep with you all proofs of having sent your application so that, if required, you can show them to the prefecture when your provisional residence permit (APS) expires.

If your application is incomplete when it reaches OFPRA before the 21-day deadline has expired, OFPRA will return it to you requesting additional information or items. You must send it back or hand it in to OFPRA as soon as possible with the items requested in order not to exceed the 21-day deadline. If you fail to provide the extra elements within the deadline, OFPRA will not register your application and your provisional residence permit (APS) will not be renewed.

### The interview at OFPRA

OFPRA issues a notice for an interview unless:

1. The documents supporting your application are sufficient for OFPRA to grant you asylum;
2. You are a national of a country for which OFPRA considers, generally speaking, there is no longer any risk of persecution;
3. Your application is obviously unfounded; in other words, the grounds you have put forward bear no relation to the criteria stipulated by the laws on asylum.
4. Medical reasons prevent you from attending the interview.

If you receive a notice for an interview, you must go to OFPRA head office. You will be interviewed by an OFPRA official, called a « protection officer ». OFPRA will provide an interpreter for the language that you stated you speak in your asylum application form, or which it is reasonable to think that you speak. The interview is confidential. The protection officer records your statements in a report.

There is an OFPRA branch office at Basse-Terre (Guadeloupe) which has jurisdiction to deal with applications for asylum submitted in the three departments of that region: Guadeloupe, Martinique and French Guiana. If you have handed in your application in one of these three departments, you will be called for an interview at Basse-Terre and not in Fontenay-sous-Bois.

If you do not attend this interview, your absence will impede your asylum application. It is therefore essential that you inform OFPRA at least 48 hours beforehand if you are unable to attend or if you are going to be late.

If you have changed your address, it is also essential that you inform OFPRA in writing as soon as possible, preferably by registered letter with acknowledgement of receipt. In fact, OFPRA will inform you of its decision by letter to the last address that you provided. Keep a copy of the letter informing OFPRA of your change of address and the post office slips of paper that prove that the letter has been sent and received.

## The OFPRA decision

The time required for OFPRA to make a decision can vary (15 days for a priority procedure, up to several weeks for a normal procedure). If you do not hear from OFPRA for some time, this does not mean that your application has been rejected. If OFPRA cannot take a decision within six months, you will be informed of this by letter. You must therefore be vigilant and check your post very frequently.

- **If your asylum application is successful, you will:**

- **either be granted refugee status** -.OFPRA will send you, by registered letter with acknowledgement of receipt, the decision to grant you refugee status;

- **or be granted subsidiary protection**. OFPRA will send you, by registered letter with acknowledgement of receipt, a decision to grant you subsidiary protection.

- **If your asylum application is rejected:**

OFPRA will send you a rejection decision written in French and a document translated into a language that it is reasonable to expect that you speak, giving the meaning of this decision. The rejection decision is accompanied by a copy of the report of the interview you had at OFPRA.

You can appeal against OFPRA's decision to reject your asylum application before the National Court of Asylum (CNDA).

If you do not appeal to the CNDA, you must leave French territory.

## **3.2. NATIONAL COURT OF ASYLUM (CNDA)**

### The deadline for an appeal

You have **one month from the time you are notified of the rejection** by OFPRA to lodge your appeal at the National Court of Asylum.(CNDA). In the case of rejection by OFPRA, you can ask the CNDA to grant subsidiary protection. If OFPRA has granted subsidiary protection, you can ask the CNDA to grant refugee status. In the second case, the CNDA can refuse refugee status: it cannot revoke the decision to grant subsidiary protection.

Your appeal has to be entered in the register of the CNDA before one calendar month is up. (For example, if the post office date stamp shows that you received the rejection decision on 20 January, your appeal must be entered in the CNDA register by 20 February at the latest.) Your appeal has therefore to be sent by registered post with acknowledgement of receipt several days before the deadline to allow for transit time in the postal service. If this one-month deadline is exceeded, your appeal will be deemed inadmissible, in other words it will be rejected without a hearing and without further consideration.

If you are not at home when the postman calls, a notice will be left to inform you that there is a letter for collection at the post office (the one containing OFPRA decision). The post office keeps the letter for 15 days. If after 15 days, you still have not collected the letter, the post office sends it back to OFPRA. In this case, the one-month deadline for appeal starts from the date of the notice left by the postman (and not the date on which the letter was returned to OFPRA).

### The appeal

- First of all, read carefully all the explanations on the back of OFPRA's decision to reject the application.

- The appeal must be **written in French** on plain paper (there is no special form): you should indicate your surname(s), first name(s), full information about dates of birth, marriage, children, etc., profession and address. You must state that it is an appeal and give the registration number of your OFPRA asylum application.

- It is compulsory to enclose OFPRA's original decision (or a copy of it) with your appeal.

- You must justify your appeal. In other words, you must explain why you do not agree with the reasons put forward by OFPRA for its rejection or with the reasons which led OFPRA to grant you **subsidiary protection** and not refugee status. Explain the reasons why you are unable to return to your own country.

- You must enclose the documents that prove your identity and your nationality.

For the documents proving your nationality, it is preferable to enclose a copy and keep the original of your passport or your identity card. You will need them at the post office to collect letters that the Court will send to you by registered letter. You will be able to show the originals on the day of the hearing if formally requested to do so in order that the ruling can be made.

- You must also enclose documents that complete your account of events.

For the documents proving your account of events, it is preferable that you submit the originals with your dossier, keeping a copy of them. These documents will be returned to you on the day of the hearing if you ask for them, or sent to you at a later date by post. The documents proving your account of events **must be translated into French**. If there is no translation, the CNDA will not be able to use them. It is not compulsory that the translation is done by an accredited translator.

- You must sign your appeal. If you are a minor, your legal representative must sign it for you.

- Take care to keep the proofs of all document sent. Also keep the proof of lodging your appeal as well as a copy of your appeal.

Inform the CNDA of any change of address.

You can provide additional information up to three full days before the hearing. *For example, if you are asked to go for a hearing on Wednesday 20 July at 2 p.m., you must make sure that additional documents arrive on 16 July at the latest.*

You can ask in writing to have your asylum application sent to you.

If your appeal does not bring any serious element that could call OFPRA's decision into question, the CNDA may issue a written adjudication after a court officer has examined your dossier, without calling you to a hearing.

### « Receipt of an appeal »

After you send your appeal, the CNDA sends you a document entitled « receipt of an appeal » (*reçu d'un recours*) to the address you have indicated. This document acknowledges that your appeal has been registered. You must present this document to the prefecture so that your receipt recording the filing of your asylum application (*récépissé*) can be renewed for 3 months. Afterwards, in every letter to the CNDA, do not forget to refer to your appeal registration number (six figures) which is on your « receipt of an appeal » .

### Assistance of a lawyer

You may be assisted by a lawyer at the CNDA hearing.

You can request a lawyer under the legal aid system. If you qualify for legal aid, the costs are then totally or partially paid by the State and the lawyer will not ask for any fees.

To apply for legal aid, you must, within one month from the date you received the « receipt of an appeal » go to **the CNDA legal aid office (BAJ - Bureau d'aide juridictionnelle)** at the following address:

**Cour nationale du droit d'asile  
35, rue Cuvier  
93558 MONTREUIL-SOUS-BOIS CEDEX**

The lawyer's fees can be paid under the legal aid system:

- if your income does not exceed a certain limit;
- and if your appeal does not appear to be obviously inadmissible or unfounded.

You can either give the name of a lawyer who has accepted to act for you under the legal aid system or ask the CNDA to appoint one for you. If you qualify for legal aid, you must not pay the lawyer appointed, even if he/she asks you to do so.

## The CNDA hearing

The CNDA will send you a notice to attend a hearing to consider your appeal. You will receive this notice by post about three weeks before the date of the hearing. The hearing will take place at the CNDA premises in Montreuil-sous-Bois or, if you submitted your application in an overseas department, before a panel of the Court that comes to the department where you made your application.

The panel of the CNDA that considers your appeal is chaired by a magistrate. It includes, in particular, a qualified person appointed by the United Nations High Commissioner for Refugees (UNHCR). First of all, the Court hears a court officer, who presents a summary of your asylum application and offers a solution. Then the Court hears your explanations and those of your lawyer, if you have one. After that the Court takes a decision on your appeal.

The CNDA provides an interpreter in the language you have indicated you speak on the OFPRA form or in a language it is assumed you understand. It is strongly recommended that you attend. If you are unable to attend or are going to be late, you must inform the CNDA. If you cannot attend the hearing, you can ask for a postponement, explaining in writing why you cannot attend. The magistrate of the CNDA Court is the sole person who decides whether it is appropriate to postpone your hearing to a later date.

The hearing is public. However, you can ask the magistrate for it to be held behind closed doors, in other words, to ask for your case to be heard without the public being present.

## The CNDA decision

The CNDA sends you its decision (written in French) by registered post with acknowledgement of receipt, together with a document translated into a language that it is reasonable to expect that you understand, explaining the meaning of this decision.

The CNDA can:

- cancel OFPRA's rejection and grant you refugee status or subsidiary protection. You will then have from the same rights as if OFPRA had accepted you under one of the two protection statuses.
- confirm OFPRA's decision and reject your appeal.
- cancel OFPRA's decision to grant you subsidiary protection and grant you refugee status.

A further appeal against the CNDA's decision may be made to the Council of State. The Council of State does not re-consider the whole of your application but only certain legal questions. It is a long procedure that requires a specialised lawyer (but legal aid may be applied for). It will not allow you to extend your stay in France and will not prevent you from being returned to your country of origin. You should seek advice from an association or a lawyer.

### 3.3. REJECTION OF THE ASYLUM APPLICATION

#### How the rejection of an asylum application affects the right to stay in France

If OFPRA rejects your asylum application, you can appeal against this decision before the CNDA.

If your application is treated as a normal procedure and the prefecture has given you a provisional residence permit (APS), the appeal has a suspensive effect. This means that you cannot be removed from French territory until you have received notification of the CNDA's decision.

If your application is treated under priority procedure and you have no provisional residence permit (APS), the appeal does not have a suspensive effect. This means that you can be subject to a notice to leave French territory that is applicable even if you have made an appeal to the CNDA and even if it has not yet issued its decision.

If you do not appeal to the CNDA, the OFPRA rejection decision ends the validity of your provisional residence permit.

The CNDA rejection of your application also ends the validity of your provisional residence permit, unless you apply to have your application re-considered under the conditions laid down hereafter in Section 4.

**When your provisional residence permit is no longer valid, you must leave France**, unless you can be accepted for residence on a basis other than asylum.

#### Return to your country of origin

The prefecture will notify you of a decision to refuse permission to stay together with a notice to leave French territory (*obligation de quitter le territoire français, OQTF*). You will then have 1 month to leave France voluntarily.

During this month, you can, in some cases, apply for assistance to help you return to your country of origin. To do this you must contact the French Immigration and Integration Office (*Office français de l'immigration et de l'intégration, OFII*). There are more details in Section 8 below.

At the end of the one-month period, if you have not left French territory, nor asked the OFII for repatriation assistance, nor appealed against the removal notice (*OQTF*), you will be **an illegal immigrant on French territory**. You may be escorted to the frontier by the police. This measure may be accompanied by placement in an immigration detention centre prior to sending you back to your own country.

If you have been served with a notice to leave French territory (*OQTF*) that does not have a voluntary return period, you are an illegal immigrant as soon as the notice has been delivered to you. You can be escorted to the frontier forthwith.

The notice to leave French territory (*OQTF*) can be contested before the Administrative Court within one month of its delivery date. You can apply to the relevant Administrative Court for legal aid to make this appeal.

The Administrative Court has three months to issue its decision. However, if you have been placed in a detention centre at the end of month fixed by the notice to leave French territory (*OQTF*), the Administrative Court will issue its decision within 72 hours.

The appeal against the notice to leave French territory (*OQTF*) has a suspensive effect: Thus, you cannot be removed during the month allowed for the appeal and - if you have referred the case to the Administrative Court - before the Court has issued its decision.

You can also be the subject of an order from the prefecture to be escorted to the border (*arrêté préfectoral de reconduite à la frontière, APRF*) which can be contested within 48 hours before the Administrative Court. The Court's decision will be made within 72 hours. This appeal also has a suspensive effect.

## 4. RE-CONSIDERATION

After your asylum application has been rejected by the CNDA, you can ask OFPRA to re-consider your application **only if you have a « *new element* »** that is:

- subsequent to the date of the CNDA decision or prior to this decision but you only learnt about this element after that date;
- of such a nature as to justify the personal fears of persecution or serious threats that you cite if you return to your own country.

You can take advice from an association or a lawyer. **You must go to the prefecture once more to ask for a provisional residence permit (APS)**. The prefecture considers your application for a provisional residence permit (APS) in the same way as for the first application.

There are 2 possibilities:

- **the prefecture issues you a 15-day provisional residence permit (APS)** and the OFPRA 'request for re-consideration' form. You then have 8 days to send your completed request for re-consideration to OFPRA. OFPRA registers it and decides whether your situation should be re-considered. OFPRA will inform you of its decision.
- **the prefecture refuses to issue you a provisional residence permit (APS)** for one of the reasons listed in Section 2.2. The prefecture gives you the 'request for re-consideration' form to complete and a summons to return to the prefecture within 15 days with your completed and signed request for re-consideration in a closed, sealed envelope. The prefecture must not know the elements in your application for re-consideration. They are confidential. When the prefecture receives the request for re-consideration, it will pass it on to OFPRA indicating that it has priority. OFPRA will inform you of its decision.

If OFPRA rejects your request for re-consideration, you may lodge an appeal before the CNDA under the same conditions as those mentioned in Section 3.2.

## 5. STATELESS PERSON STATUS

**Unlike asylum seekers, those who ask for stateless person status are not entitled to a provisional residence permit while their application is processed.**

For this reason, you must not go to the prefecture. You must write directly to OFPRA. Indicate your surname(s), first name(s) and address and the reasons for your application.

OFPRA will send you the form to apply for stateless person status. You must complete it and explain the circumstances that lead you to believe that you are stateless.

The form should be returned to OFPRA by registered post with acknowledgement of receipt (« *lettre recommandée avec accusé de réception* »).

You will receive a notice summoning you to OFPRA for an interview.

- **If you are granted stateless person status**, the prefecture will issue a **temporary residence permit endorsed « *Private and family life* »** (*Vie privée et familiale*). The same kind of residence permit will also be issued to your spouse (if your marriage took place prior to your obtaining stateless person status, or, if this is not the case, if your marriage took place at least one year previously) and to your children – underage when you were granted stateless person status – as soon as they reach the age of 18 years (or 16 years, if they wish to work). This permit is **valid for 1 year**. It is renewable and gives you the right to work. If you wish to travel outside French territory, you have to go to the prefecture to obtain a stateless person's travel document.

OFPRA will provide you with civil status documents if you cannot obtain them from the country or countries where your life events (birth, marriage ...) occurred.

- **If OFPRA rejects your application**, you can appeal against this decision before the Administrative Court of your place of residence within the time limit of 2 months from the date when the rejection decision was delivered to you. This appeal does not have suspensive effect. This means that you can be the subject of an order to leave French territory (Notice to leave the French territory or an order from the prefecture to be escorted to the border) which can be implemented without waiting for the Administrative Tribunal's decision on your appeal requesting the annulment of OFPRA's rejection of your application for stateless person status.

## 6. HELP AVAILABLE TO ASYLUM SEEKERS

The status of asylum seeker gives you access to certain types of help: accommodation, financial assistance, access to healthcare. Financed by the State, these types of help vary according to your administrative situation, the type of your residence permit and its validity period. You can obtain more detailed information at the reception office for asylum seekers in your region.

### 6.1. ACCOMMODATION

#### Accommodation in a reception centre for asylum seekers (CADA)

There are almost 300 reception centres for asylum seekers (*centres de reception pour demandeurs d'asile, CADAs*), spread throughout France. They are only available to asylum seekers and their direct families. To be eligible for this accommodation, you have to have a 1-month provisional residence permit (*APS*) or a 6-month receipt recording the filing of an asylum application (*récépissé de 6 mois*).

There are no reception centres for asylum seekers in the departments or local entities overseas.

In the reception centres for asylum seekers you will benefit from administrative support (guidance in the asylum application procedure), social services support (health care, children's schooling, etc ...) and financial aid for food. These centres are funded and coordinated by the State; they are generally managed by associations.

The offer of accommodation in a reception centre for asylum seekers is presented to you by the prefecture of the department where you submitted your application for asylum, when you receive your provisional residence permit. If you refuse this offer, you will not be eligible for the temporary waiting allowance (*allocation temporaire d'attente, ATA*). This allowance is paid to asylum seekers before their admittance to a reception centre.

**When you have accepted the accommodation offer at the prefecture, you must present your application for admittance to a reception centre for asylum seekers to the reception platform for asylum seekers', generally located in the main town of the region.**

Your application for accommodation in a reception centre for asylum seekers (CADA) will be examined by the State officials according to the number of places available in the department, the region or the whole country.

Accommodation may be offered to you outside the region where you have submitted your application. If you refuse this proposal, you will not be paid the temporary waiting allowance and no other accommodation in a reception centre for asylum seekers will be offered.

If there are no places available in a reception centre for asylum seekers, you will be placed on a waiting list with a view to being offered accommodation in one of these centres later on. You may be directed towards temporary accommodation solutions.

If you are accepted in a reception centre for asylum seekers, this accommodation is for the whole period of your asylum application, including, if applicable, the period of your appeal to the CNDA. If the OFPRA or the CNDA final decision is positive, you will have to leave the centre within three months. You can renew this three-month period once only. If the decision is negative, you must leave the centre within one month.

### Emergency accommodation

If the national system for receiving asylum seekers cannot accommodate you in a reception centre for asylum seekers, emergency accommodation in a hostel or a hotel may be offered to you, based on what is available in the location where you are.

If no solution can be offered to you, you can dial the following **freephone number from any public telephone box 24/7 – any time, any day: 115**. By giving your name and where you are, you will be accepted for the night and accommodated in an emergency reception centre. This line is often busy. Do not hesitate to call again.

## 6.2. TEMPORARY WAITING ALLOWANCE (ATA)

**As an asylum seeker, you are not authorised to work.** However, you will be able to work if your asylum application is under consideration by OFPRA for more than one year or if you have made an appeal to the CNDA.

You will be able to ask the prefecture for a work permit if you show the prefecture a contract of employment. This authorisation may be refused, in particular with regard to the employment situation in the region or the sector concerned, unless you apply for a job which is on one of the lists of « shortage » occupations.

Asylum seekers who are waiting for accommodation in a reception centre, those whose application is treated with the priority procedure and those who are subject to a Dublin readmission procedure may benefit from the temporary waiting allowance. (If you are located in an overseas *département*, depending on your situation, you may be able to apply for the temporary waiting allowance or help in kind for new arrivals and food aid. On the other hand, the temporary waiting allowance is not paid to persons who have submitted an application in an overseas entity.

To be eligible for the temporary waiting allowance, you must have a 6-month asylum-seeker's application receipt (*récépissé de 6 mois*) and not have refused the offer of accommodation in a centre proposed by the prefecture when you were granted an asylum-seeker's entry document, nor any proposal for accommodation in a reception centre for asylum seekers. You can also be eligible for the temporary waiting allowance if your application is being considered under the priority procedure and if you are subject to the Dublin readmission procedure.

You have to apply for this allocation at an Employment Centre by providing a copy of the registration letter from OFPRA or, for asylum seekers subject to the Dublin procedure, the Dublin summons that was given to you by the prefecture. You must

also provide a document certifying that you have no resources and that you do not benefit from accommodation from State social services.

**The daily amount of the temporary waiting allowance (ATA) for 2013 is €11.20 per day that is €336 for a 30-day month.** This allowance is paid to each adult not accommodated in a reception centre for asylum seekers who has not refused an offer of accommodation during the entire asylum application procedure. On the other hand, if your application is finally rejected by OFPRA or the CNDA, these payments come to an end. Asylum seekers under the Dublin procedure stop receiving this allocation the day they are transferred to the Member State responsible for considering their application.

After 6 months of this allowance, you must inform the Employment Centre of your resources for payments to go on. If not, no further payments will be made.

### 6.3. ACCESS TO HEALTH CARE

#### Emergency treatment

While waiting for the health care cover offered to asylum seekers who have a provisional residence permit, under the Universal Health Care Cover (*Couverture maladie universelle, CMU*), you may go to hospitals where there are health care access points (*Permanences d'accès Aux soins de santé, PASS*). You will be given treatment by doctors and medication will be given to you free of charge.

In addition, some associations offer dental, ophthalmological and psychological care access points without your having to have health insurance.

Depending on where you are living, the Maisons du Département often house **mother-and-child clinics** (*protection maternelle et infantile, PMI*) responsible for regular check-ups and vaccinations for children and **family planning and family care centres** for women (information on contraception and pregnancy check-ups). You can use these services before you get your Universal Health Care Cover (*CMU*).

#### Universal Health Care Cover (CMU)

As an asylum seeker, you are eligible for basic and supplementary Universal Health Care Cover (*CMU*). You can have this free health cover as soon as you lodge your asylum application **if you show either a summons to the prefecture, or a provisional residence permit (APS) or asylum application receipt (récépissé), together with a document certifying the address where you are living.**

The Universal Health Care entitles you to free medical and hospital treatment for you, your spouse and your children.

To get Universal Health Care (*CMU*) **you must make an application to the health insurance office** (*Caisse primaire d'assurance maladie, CPAM*) of the district where you are living. You can be assisted in this procedure by an association, a community centre or an inter-communal welfare action centre or a hospital social services unit.

The right to Universal Medical Cover (*CMU*) is permanent. The right to supplementary *CMU* is valid for one year. You must therefore apply for the renewal of the supplementary cover every year.

The health insurance office (*CPAM*) may also ask you for additional documents (particularly your asylum application receipt - *récépissé*) so that they can assign you a permanent personal identification number and issue an electronic health care card called a "*Carte Vitale*".

**If you have not received a provisional residence permit and your application for asylum is being considered under the priority procedure, you are eligible for State medical assistance (*aide médicale de l'État, AME*) on condition that you can prove 3 months' residence in France. Your application for State medical assistance (*AME*) must be made to your local health insurance office (*CPAM*) or to a hospital where there is a health care access point (*Permanences d'accès aux soins de santé, PASS*).**

## 7. THE RIGHTS OF REFUGEES

If you are granted refugee or subsidiary protection status, you will be able to claim various rights and services.

### 7.1. PROTECTION IN FRANCE

From now on, you will be under the protection of the French authorities.

The OFPRA acts as a public record office for protected persons. This office will issue civil registration certificates and administrative documents on the basis of the information you provided about your life events.

If you take the initiative of once again approaching your country's diplomatic or consular authorities, OFPRA may withdraw the protection granted.

If subsidiary protection is granted, OFPRA can consider, in certain circumstances, that you should contact the consular authorities of your country of origin to obtain civil certificates (birth and marriage certificates) and a passport.

### 7.2. RESIDENCE IN FRANCE

- **As a refugee, you will have the right to a 10-year residence permit**, automatically renewable, authorising you to move freely around French territory.

When you receive the letter granting you refugee status, you must go to the prefecture of your *département*. You will be given a first receipt (*récépissé*), marked « Granted refugee status » (*Reconnu réfugié*). This is valid for 3 months and is renewable. Then, when you present the civil registration certificates produced and sent by OFPRA, the prefecture will give you another receipt marked « Has applied for a first residence permit » (*A demandé la délivrance d'un premier titre de séjour*). This is valid for 3 months: it will be renewed until the residence permit is finally issued.

- **If you have been granted subsidiary protection status, you will have the right to a temporary residence permit valid for one year**, renewable, authorising you to freely move around French territory.

When you receive the letter granting you protection status, you must go to the prefecture of your *département*. There you will be given a first receipt valid for three months (*récépissé*), renewable, marked « Has applied for an first residence permit ». This receipt, valid for 3 months, will continue to be renewed until the residence permit is finally issued. Before your temporary residence permit expires, you should apply to the prefecture to have it renewed. The prefecture will then refer the matter to OFPRA which may refuse to renew your protection if the reasons for which it was granted no longer exist.

The prefecture can refuse to issue you a residence permit if it considers that your presence in France is a threat to public order. Under certain conditions, the prefecture may withdraw your residence permit; for example, if you leave French territory for a period of more than 3 consecutive years.

### 7.3. TRAVELLING ABROAD

- **If you have been granted refugee status** and you wish to travel outside France, apply to the prefecture: a travel document valid for 2 years will be issued to you.
- **If you have been granted subsidiary protection status** and OFPRA considers that you can no longer apply to the authorities of your country of origin, you will be able to obtain a travel document from the prefecture which is valid for one year.

These travel documents do not authorise you to go to your country of origin. Under no circumstances should you approach your country's diplomatic or consular authorities.

Nevertheless, in the case of exceptional circumstances (death of a close relative, for example) you will be able to apply to the prefecture to be issued with a *laissez-passer* of limited duration. This will authorise you to make a short visit to your country of origin.

On the other hand, if OFPRA does not consider it necessary to reconstruct your civil registration certificates since you can obtain them from the authorities of your country of origin, you keep your original passport: you may use it to travel freely.

### 7.4. RESIDENCE AND PROTECTION OF CLOSE FAMILY

- **If you have been granted refugee status**, your spouse (if the marriage took place prior to obtaining refugee status or, if this is not the case, if it took place at least 1 year previously and cohabitation has been continuous) and your children when they reach the age of 18 (or 16 if they wish to work), have the right to apply for a 10-year residence permit. Your spouse and your children must apply to the prefecture of your department.

They will also obtain protection by the French authorities through OFPRA on the basis of being part of a family unit.

- **If you have been granted subsidiary protection status**, your spouse (if the marriage took place prior to obtaining protection status or, if this is not the case, if it took place at least 1 year previously and cohabitation has been continuous) and your children when they reach the age of 18 (or 16 if they wish to work), have the right to apply for a 1-year temporary residence permit.

Your spouse and your children must apply to the prefecture of your *département*.

In addition, if your family is still in your country of origin when you are granted refugee or subsidiary protection status, you will be able to have them come to France

under the procedure of family reunification by sending an application to the following address:

Ministry of the Interior  
**Direction de l'immigration**  
Sous-direction des visas (Visas division)  
Bureau des familles de réfugiés (Refugees' families office)  
11, rue de la Maison Blanche  
BP 43605  
44036 NANTES CEDEX 01

If you started a family after being granted a protected status, your family will be able to join you in France under the principle of family reunification. The acceptance of your application to reunify your family depends on various conditions: how long you have been living in France (18 months), your income and your accommodation. To start the process, you have to prepare your application and all the supporting documentation and hand them in to the OFII delegation in the *département* where you are living.

## 7.5. RECEPTION AND INTEGRATION

As a refugee or beneficiary of subsidiary protection, you will have to sign a contract called “reception and integration contract” (*contrat d'accueil et d'intégration, CAI*). This is a contract between you and the State. Its aim is to facilitate your integration in France.

As a result of this contract, you will have the following advantages:

- **a one-day course in civics, to give you some information** on French institutions, republican values and how the State is organised and run;
- **an information session on living in France** where you will learn about daily life (work, schooling, social welfare, housing, etc.);
- **a language training course** if you need one. At the end of your French language course, you will sit the first-level French language exam (*Diplôme initial de langue française, DILF*);
- **an assessment of your work skills:** this will enable you to review your strengths and weaknesses and define your project for professional integration in France.
- **counselling by a social worker**, if you need it, from the social service of the OFII or an organisation under contract to it.

For further information, contact the regional office of the OFII in the region where you live.

### Access to the labour market

- **If you have been granted refugee status**, you will have access to the labour market once you have obtained the first residence-permit application receipt marked « Granted refugee status » (*Reconnu réfugié*).

- **If you have been granted subsidiary protection status**, you will also be able to work once you have obtained the first residence-permit application receipt marked « Has applied for a first residence permit » (*A demandé la délivrance d'un premier titre de séjour*).

You will be able to enter an employment contract, either fixed-term (CDD) or open-ended (CDI). You will be able to register on the list of job seekers with an Employment Centre and benefit from personalised counselling. You will be able to follow a training course.

Some occupations are subject to conditions concerning diplomas or nationality. A residence permit issued in a *département* or entity of Overseas France does not entitle the holder to work in Mainland France.

### Access to housing

If you have been living in a reception centre for asylum seekers (*CADA*) while your asylum application was being considered, you may remain in this centre after you have been granted refugee or subsidiary protection status for the time required to look for accommodation, which can last up to 3 months, renewable once if the Prefect agrees.

As a protected person, you can ask the OFII for a place in a temporary accommodation centre (*centre provisoire d'hébergement, CPH*). If you meet the conditions for admission, you will be housed there for a period of 6 months, renewable once. The team at the centre will support you in your outreach towards integration.

You will also be able to apply for housing in the private or public sector by making an application to the relevant institutions or organisations.

## 7.6. HEALTH CARE

When you have received notification of your status, you will be summoned by the OFII office in the region where you live to undergo a medical examination and sign the reception and integration contract.

If you were given a provisional residence permit during your asylum procedure, you are already covered by the basic Universal Health Care Cover (*CMU*). This cover continues. You will nevertheless have to inform your local health insurance office (*CPAM*) about the change in your administrative status.

If you were not issued with a provision residence permit as your asylum application was processed under the priority procedure, you will have to apply for the Universal Health Care Cover (*CMU*) at your local health insurance office (*CPAM*).

As soon as you have salaried employment, you will have to contact your local health insurance office (*CPAM*) to join the basic system for salaried employees.

## 7.7 WELFARE AND FAMILY BENEFITS

As a protected person, you can obtain various financial allowances by applying to the local family allowance office (*Caisse d'allocations familiales, CAF*) and to other organisations in your place of residence.

If you meet the required conditions, you will thus be able to apply for active solidarity allowance (*Revenu de solidarité active, RSA*), family allowance, housing allowance, single-parent allowance, caring for pre-school child(ren) allowance, or again a disabled adult's allowance.

## 7.8. NATURALISATION

- **If you have been granted refugee status**, you can apply for French nationality by decree immediately after notification of this status.

- **If you have been granted subsidiary protection status**, you will have to prove 5 years' legal residence in France before applying for naturalisation.

You will also have to meet various criteria relating to your integration in France (in particular, knowledge of the French language) and on your good conduct.

An application for naturalisation is submitted at the prefecture of the *département* where you live.

## 8. HELP FOR VOLUNTARY RETURN TO THE COUNTRY OF ORIGIN

If your asylum application is rejected by OFPRA or the CNDA, the prefecture sends you a document ordering you to leave French territory within 1 month (*obligation de quitter le territoire française, OQTF*). During this time, you can choose to return to your own country voluntarily. The OFII manages programmes and assistance for this purpose.

If you wish, at any moment of your stay in France you, your spouse and your children under the age of 18 can be granted assistance to return to your country.

### 8.1. REPATRIATION GRANT

- **material assistance for departure**

This includes payment of the travelling costs from the town of departure in France to the town of arrival in your country of origin, the cost of 40 kg excess baggage per adult and 20 kg per child under 18 years old and help in obtaining travel documents;

- **flat-rate financial assistance**

Financial assistance rates are €500 for each adult and €250 for each child under 18 years old.

### 8.2. ASSISTANCE FOR REINSERTION IN THE COUNTRY OF ORIGIN

In addition to the repatriation grant described above, if you wish to start a business in your own country, you can also benefit from assistance from the OFII to set up an income-generating economic activity.

This assistance is provided in the repatriation country by organisations approved by OFII. It includes help for developing and setting up your business plan as well as a grant for launching the project that can amount to €7,000, depending on your project.

This enterprise-creation assistance presently concerns the following countries: Armenia, Bosnia-Herzegovina, Cameroon, Democratic Republic of Congo, Georgia, Republic of Guinea, Mali, Moldavia, Romania, Senegal and Ukraine.

N.B: this list is not definitive. Do not hesitate to contact the OFII branch in the region where you are living for more detailed information.



# ANNEXES

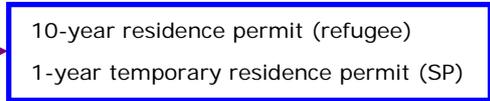
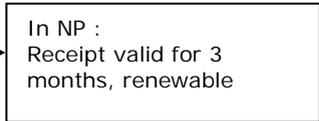
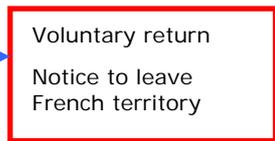
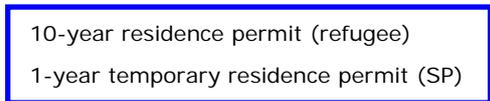
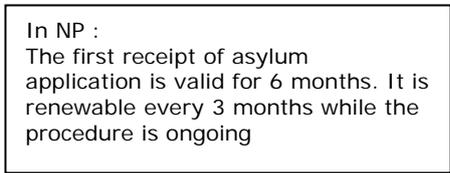
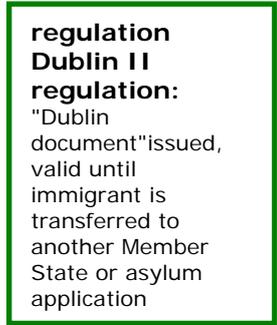
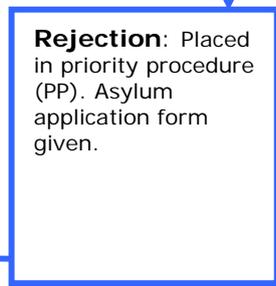
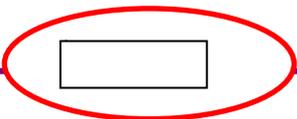
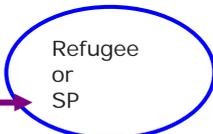
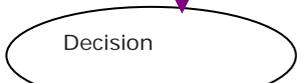
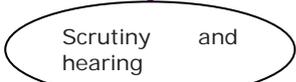
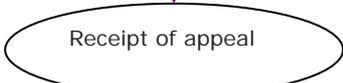
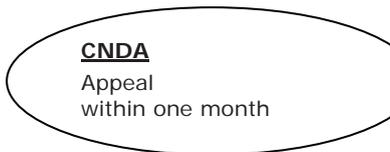
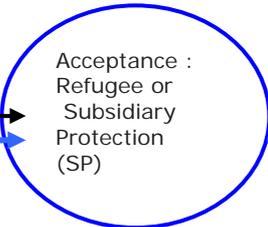
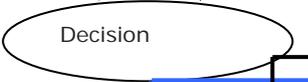
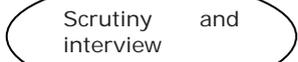
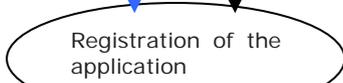
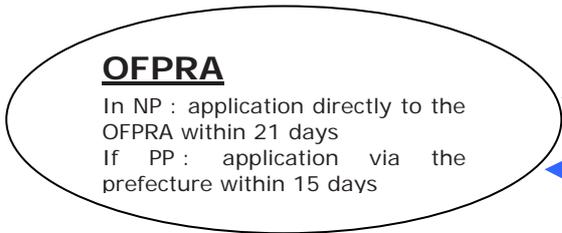
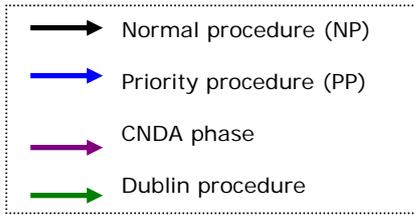


# FLOWCHART OF ASYLUM AND RESIDENCE APPLICATION PROCEDURES

## OFPRA - CNDA ASYLUM PROCEDURE

## PREFECTURE

ASYLUM-SEEKERS' AND REFUGEES' STAY IN FRANCE





## INFORMATION SHEET

### Collection of asylum seekers' fingerprints

You have applied for asylum in France.

#### 1 – Establishing your identity

The prefecture has to take your fingerprints in order to establish your correct « biometric » identity. This is in application of the European Council Regulation of 11 December 2000 concerning the establishment of the Eurodac system for the comparison of fingerprints for the effective application of the Dublin Convention.

You cannot refuse to comply with this procedure (Article 18, paragraph 1d of the Eurodac Regulation).

#### 2 – Procedure for the collection of asylum seekers' fingerprints

The prefecture employee uses a computer terminal with a scanner to take your fingerprints. If need be, ink will be used to print your fingerprints on paper.

The procedure takes place in two phases :

- a) First phase : **flat scan**
  - the four fingers of your right hand
  - the four fingers of your left hand
  - your thumbs
  
- b) Second phase : **rolling scan**
  - all ten digits

The computer file containing your fingerprints will be transmitted to the "Eurodac" European database for comparison with all the fingerprints collected by Member States of the European Union.

This database then transmits a response that will determine which State is to examine your asylum application ( France or another Member State).

#### 3 – Rights of asylum seekers

You have the right of access to and rectification of your personal data (listed in Article 5 of the Eurodac Regulation) in accordance with the French law of 6 January 1978 relating to data processing, databases and individual liberties. The data holder is the General Secretariat for Immigration and Integration, Ministry of the Interior.



## INFORMATION SHEET

### Implementation of the Dublin II Regulation

You have applied for asylum in France.

#### 1 – Which State is responsible for considering your asylum application?

In application of the Regulation of the Council dated 18 February 2003, known as the « Dublin Regulation », establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application, it may be possible that France is not the European State responsible for examining your asylum application.

After studying your situation (documents in your possession, declarations, consultation of the European asylum seekers fingerprint database, EURODAC), it appears that one or more Member States could be responsible for examining your asylum application.

As a result, the Prefect has referred your application to the following Member State(s):

<b>1</b>	GERMANY	<b>11</b>	GREECE	<b>21</b>	NETHERLANDS
<b>2</b>	AUSTRIA	<b>12</b>	HUNGARY	<b>22</b>	POLAND
<b>3</b>	BELGIUM	<b>13</b>	IRELAND	<b>23</b>	PORTUGAL
<b>4</b>	BULGARIA	<b>14</b>	ITALY	<b>24</b>	ROMANIA
<b>5</b>	CYPRUS	<b>15</b>	LATVIA	<b>25</b>	UNITED KINGDOM
<b>6</b>	CROATIA	<b>16</b>	LIECHTENSTEIN	<b>26</b>	SLOVAKIA
<b>7</b>	DENMARK	<b>17</b>	LITHUANIA	<b>27</b>	SLOVENIA
<b>8</b>	SPAIN	<b>18</b>	LUXEMBOURG	<b>28</b>	SWEDEN
<b>9</b>	ESTONIA	<b>19</b>	MALTA	<b>29</b>	ICELAND
<b>10</b>	FINLAND	<b>20</b>	CZECH REPUBLIC	<b>30</b>	NORWAY
				<b>31</b>	SWITZERLAND

#### 2 – Why could another European State be responsible for considering your asylum application?

The State contacted by the French authorities (as indicated above) has to examine your asylum application if:

1 - A member of your family (spouse, co-habitee or child under 18 years old) is a resident of that State as a refugee or has an asylum application under consideration there.

2 - That State must examine the asylum applications of the members of your family that are with you now.

3 – That State has issued to you a residence permit that is still valid or expired less than two years ago.

4 – That State has issued to you a visa that is still valid or expired less than six months ago.

5 - You entered the territory of that/those Member State(s) illegally or you have stayed there.

In any or all of these cases, the authorities of the State indicated above have to make a ruling within two months.

If you have already applied for asylum in another State, that State will make a ruling within one month. The deadline is reduced to 15 days if your fingerprints are already present in the European database EURODAC.

### **3 – What is your status in France while you are waiting for a decision from the State contacted?**

You will receive notification from the Prefect of his/her refusal to issue a temporary residence permit. Nevertheless, you will not be removed from French territory while you are waiting for an answer from the State contacted.

A specific document will be given to you by the Prefecture. This document will consist of your name, your address in France, your family situation and a photograph.

Whenever you are required to come for an interview, you must bring this document with you. You must also inform the Prefecture immediately if there is any change in your situation (address, family situation).

### **4 - How will your asylum application be examined at the end of this procedure?**

a)The State contacted agrees to examine your asylum application.

Once the State contacted agrees to take responsibility for examining your application, you will receive notification of the French authorities' decision to pass your application to that State. This decision has immediate effect. This decision also concerns the members of your family that are with you at present.

You will be able to request the help of the Prefect's services to organise your travel to the State examining your application. They will issue you with a *laisser-passer*.

Nevertheless, the Prefect can implement a procedure of compulsory removal at any time.

In all cases, within 6 months you must be present in the State that agreed to examine your application. This deadline will be extended to 12 months if you are in prison and 18 months if you prevent your transfer intentionally.

b)The State contacted refuses to examine your asylum application.

If the State contacted refuses to accept responsibility, the French authorities will assume responsibility for examining your asylum application.

## USEFUL ADDRESSES

*This list is not exhaustive.*

### 1. NATIONAL ADDRESSES

#### **Office française pour la protection des réfugiés et apatrides (OFPRA)**

201, rue Carnot  
94136 FONTENAY-SOUS-BOIS CEDEX  
Tel: 01 58 68 10 10  
fax : 01 58 68 18 99  
<http://www.ofpra.gouv.fr>

#### **Cour nationale du droit d'asile (CNDA)**

35, rue Cuvier  
93558 MONTREUIL-SOUS-BOIS Cedex  
Tel: 01 48 18 40 00  
fax : 01 48 18 41 97  
<http://www.commission-refugies.fr>

#### **Haut Commissariat des Nations-Unies pour les Réfugiés (HCR)**

9, rue Kepler  
75116 PARIS  
Tel: 01 44 43 48 58  
fax : 01 40 70 07 39  
<http://www.unhcr.org>

#### **Office français de l'immigration et de l'intégration (OFII)**

44, rue Bargue  
75015 PARIS  
Tel: 01 53 69 53 70  
fax : 01 53 69 53 69  
<http://www.ofii.fr>

#### **Association des chrétiens pour l'abolition de la torture (ACAT)**

7, rue Georges Lardennois  
75019 PARIS  
Tel: 01 40 40 42 43  
fax : 01 40 40 42 44  
<http://www.acatfrance.fr>

#### **Act'up**

45, rue Sedaine  
75011 PARIS  
Tel: 01 48 06 13 89  
fax : 01 48 06 16 74  
<http://www.actupparis.org>

### **Amnesty International - section française**

76, boulevard de la Villette  
75019 PARIS  
Tel: 01 53 38 65 16  
fax : 01 53 38 55 00  
<http://www.amnesty.fr>

### **Association Primo Lévi**

107, avenue Parmentier  
75011 PARIS  
Tel: 01 43 14 08 50  
fax : 01 43 14 08 28  
<http://www.primolevi.org>

### **Association d'accueil aux médecins et personnels de santé réfugiés en France (APSR)**

Hôpital Sainte Anne  
1, rue Cabanis  
75014 PARIS  
Tel: 01 45 65 87 50  
fax : 01 53 80 28 19  
<http://www.apsr.asso.fr>

### **Comité d'aide exceptionnelle aux intellectuels réfugiés (CAEIR)**

43, rue Cambronne  
75015 PARIS  
Tel: 01 43 06 93 02  
fax : 01 43 06 57 04

### **Centre d'action sociale protestant (CASP)**

20, rue Santerre  
75012 PARIS  
Tel: 01 53 33 87 50  
fax : 01 43 44 95 33  
<http://www.casp.asso.fr>

### **CIMADE - Service œcuménique d'entraide**

64, rue Clisson  
75013 PARIS  
tél : 01 44 18 60 50  
fax : 01 45 56 08 59  
<http://www.lacimade.org>

### **Comité médical pour les exilés (COMEDE)**

Hôpital de Bicêtre  
78, rue du Général Leclerc  
BP 31  
94272 LE KREMLIN BICÊTRE  
Tel: 01 45 21 38 40  
fax : 01 45 21 38 41  
<http://www.comede.org>

### **Croix rouge française**

1, place Henry Dunant  
75008 PARIS  
Tel: 01 44 43 11 00  
fax : 01 44 43 11 69  
<http://www.croix-rouge.fr>

### **Fédération des associations de soutien aux travailleurs immigrés (FASTI)**

58, rue des Amandiers  
75020 PARIS  
Tel: 01 58 53 58 53  
fax : 01 58 53 58 43  
<http://www.fasti.org>

### **Forum réfugiés**

28, rue de la Baïsse  
BP 1054  
69612 VILLEURBANNE CEDEX  
Tel: 04 72 97 05 80  
fax : 04 72 97 05 81  
<http://www.forumrefugies.org>

### **France Terre d'Asile (FTDA)**

24, rue Marc Seguin  
75018 PARIS  
Tel: 01 53 04 39 99  
fax : 01 53 04 02 40  
<http://www.france-terre-asile.org>

### **Groupe accueil solidarité (GAS)**

17, place Maurice Thorez  
94800 VILLEJUIF  
Tel: 01 42 11 07 95  
fax : 01 42 11 09 91  
<http://pagesperso-orange.fr/gas.asso>

### **Groupe d'information et de soutien des immigrés (GISTI)**

3, villa Marcès  
75011 PARIS  
Tel: 01 43 14 60 66  
fax : 01 43 14 60 69  
<http://www.gisti.org>

### **Ligue des droits de l'homme (LDH)**

138, rue Marcadet  
75018 PARIS  
Tel: 01 56 55 51 00  
fax : 01 56 55 51 21  
<http://www.ldh-france.org>

### **Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)**

43, boulevard Magenta  
75010 PARIS  
Tel: 01 53 38 99 99  
fax : 01 40 40 90 98  
<http://www.mrap.asso.fr>

### **Secours catholique**

23, boulevard de la Commanderie  
75019 PARIS  
Tel: 01 48 39 10 92  
fax : 01 48 33 79 70  
<http://www.secours-catholique.asso.fr>

### **Service national de la pastorale des migrants (SNPM)**

269 bis, rue du Faubourg St Antoine  
75011 PARIS  
Tel: 01 43 72 47 21  
fax : 01 46 59 04 89  
<http://www.eglisemigrations.org>

## **2. DÉPARTEMENT ADDRESSES**

The list of useful addresses for the *département* where you are living is available at the prefecture.