



## FIRST STEPS FOR DEMANDING ASYLUM

### **1. Getting an appointment for the registration of asylum claim**

In most cases, an organization takes in charge the mission to receive the asylum seeker at first. . This organization (called the platforms) fixes an appointment for you with the ‘asylum seekers office’ called the Guichet Unique’. The asylum seekers’ office (the Guichet unique) is responsible to register the asylum claims. **Therefore, you should at first go to this organization (platform).** For this step, you are not obliged to have an attestation of domiciliation or an accommodation. There you will get a form to fill up.

### **2. Go to the appointment with the asylum seekers office “Guichet Unique” in order to get your asylum claim registered**

At the “Guichet Unique”, which is located either at the *préfecture* or at the OFII, they will take your fingerprints and will provide you with:

#### **a- An asylum claim form to be filled in and sent to the OFPRA**

Attention: if, before arriving in France, you were checked in another European country or if you have already made the asylum claim, you will only get a “Dublin” convocation

#### **b- A one month permit to stay in France, called (Attestation de demand d’asile or ADDA)**

#### **c- Forms related to an offer of accommodation in a reception center for asylum seekers (CADA) and a subsistence allowances (page 2-Accommodation).**

During this appointment, the OFII will provide you either with an accommodation (which may be anywhere in France) or send to an organization which will you give a postal address and accompany you (help you) with your procedures.

**At this moment, the Préfecture might inform you that have been placed in *Procédure Accélérée*, this might happen for one of the following reasons:**

- You refuse to give your fingerprints or your fingerprints are not clear;
- You have already applied for asylum and now you are applying for a reexamination of your demand “*réexamen*” (ask for the document *Réexamen*);
- You have hidden information regarding your journey or your identify;
- You have received an obligation to quit French territories OQTF;
- You have applied for asylum after more than 120 days of your arrival in France, without justification;
- You have the nationality of one of the following countries: Albania, Armenia, Benin, Bosnia and Herzegovina, Cape Verde, Ghana, Georgia, India, Kosovo, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia or a country from the European Union.

The *Procédure Accélérée* is an expeditious procedure which offers less chance for obtaining asylum than the *Procédure Normale*.

### **3. you have to send the asylum seeker form to the OFPRA in 21 days**

- Your demand (your story) should be written in French. It is highly recommended that you seek help from an organization!
- You should sign the form;
- You should attach to the file : 2 ID photos, a copy of your one month’s stay permit (ADDA)” and the original of your passport or your ID card, if you have them;
- Your demand must be registered by the OFPRA in 21 days : either by sending it as a registered letter with acknowledgment of receipt (lettre recommandée avec accusé de réception) or by depositing it yourself at the OFPRA

*If your file is complete, the OFPRA will send you a registration letter of your asylum claim (lettre d’enregistrement), If the file is not complete, it will send back to you. You will have one week’s time to complete and send it back to the OFPRA.*

**When you receive the registration letter form OFPRA, you have to go to the préfecture, accompanied with this letter and your one month permit in order to get a new permit to stay valid for 9 months, renewable until you get the final decision.**



## SOCIAL RIGHTS

FICHE N°2

### 1. Healthcare

You have the right to benefit from a medical coverage that gives you free access to healthcare. In order to get those benefits, you should go to a medical insurance center “centre d’assurance maladie” accompanied with your stay permit and a proof of your address. In order to profit from a complementary medical coverage which takes in charge 100% of your medical costs, (given to people with low income), **you can ask for it (CMU Complémentaire) in the same time you ask for the main medical coverage.** The paper attestation of CMU Complémentaire is sufficient for giving you access to free healthcare. The bank account number “RIB” and the birth certificate “acte de naissance” (translated into French by a registered translator) could be sent later on to the social security “sécurité sociale” after demanding the medical coverage. You are not obliged to give these two documents in order to open your healthcare rights.

The procedure for opening your healthcare rights takes long time. During this period, if you needed to see a doctor, you can go to PASS “Permanences d’accès aux soins de santé” located in some hospitals which will provide you with free healthcare.

### 2. Accommodation

Upon your arrival to France, you can contact the 115 which is a free telephone number. This may give you access to a place to one night, free of cost, in some emergency housing. When you go to the “Guichet Unique”, the OFII will propose to you an offer of accommodation in a reception center for asylum seekers (CADA) or in a stable emergency housing.

**If you accept this offer, the OFII might propose to you an accommodation anywhere in France. In this case, you will also get living allowances (see 3).**

**If you do not accept the offer of the OFII, or if you refuse a specific accommodation presented to you, you will no longer be able to have another accommodation (in the extreme emergency you might get place to stay from 115). Furthermore, you will not receive asylum seekers allowances and if you are currently receiving it, the OFII will stop sending it to you. The OFII will inform you by mail that it will block your access to housing and allowances. In this case, you will get 15 days to reply by a written letter directed to the administration of the OFII near to you in order to avoid such results. After those 15 days, the refusal will become definitive. If needed, ask for the help of an organization.**

Attention: if you have started your asylum procedure more than 120 days after your arrival to France, without justification, or if you are demand a reexamination of your asylum demand, this offer of accommodation might not be presented to you.

### 3. subsistence allowances for asylum seekers (ADA)

**In order to receive the subsistence allowances for asylum seekers, you should accept the offer presented by the OFII on your first visit to the office of asylum seekers “Guichet Unique”.** At this moment, the OFII will open your right to the subsistence allowances. You will receive your allowance in your bank account “livret A”, if you have one, in the beginning of each month for the following month.

The amount of ADA is 6,80 € per day for a single + 3,40 € for each supplementary person: husband, wife, kids. An adult asylum seeker who doesn’t benefit from housing (CADA, emergency housing for asylum seekers, or 115) receives an additional amount of 4,20 € per day.

You will receive the allowances during the whole period of your asylum procedures until the end of the month following the CNDA decision. If you don’t have a bank account, you can ask the OFII to send you the allowances by check. From 2016, it will be possible to receive the money using a withdrawal card provided by the OFII.

### 4. Bank account “Livret A”

**You can open a bank account “Livret A” at the Banque Postale** if you provide the following documents:

- 1) Asylum seeker stay permit, 2) declaration of domiciliation. You have to deposit at least 1.50€ in your account the day you open the account. This account will allow you to receive your allowances each month. Once you open this account, you will receive a withdrawal card (by registered letter) and then you will receive your secret code that will allow you to use your card.



## THE EXAMINATION OF THE ASYLUM claim BY THE OFPRA

FICHE N°3

**The OFPRA is the French Office for Protecting Refugees and Stateless persons. It is responsible for taking the decision regarding your asylum request. The Préfecture and the OFII don't have the right to know the reasons behind your asylum request, that's a confidential matter. The Préfecture allows you to start your asylum demand and gives you the right to stay in France during the period of your asylum procedure.**

### **1. The OFPRA sends you a convocation for an interview**

This convocation is sent as a normal letter few days before the date of the interview.

If you do not show up at this interview, your chances of obtaining asylum will decrease a lot as the OFPRA may close your demand.

You should go to this interview accompanied with all your documents at the very date as indicated in the OFPRA letter.

During the interview, you can complete or correct your asylum story "récit". You can also bring new documents and evidences which you didn't have when you deposited your asylum demand. An interpreter in your language will be present during the interview in case you do not speak French. At least 4 days before the interview, you can demand the presence of another person during the interview: this person should be either member of an authorized organization or a lawyer. It's you who should find this person, the OFPRA won't help you in this matter.

If the *Préfecture* did place you in *Procédure Accélérée*, the OFPRA might reverse this decision and place you in *Procédure Normale*, which will increase your chances in obtaining asylum. Do not hesitate in asking the OFPRA to do so.

Attention: even if the *Préfecture* placed you in *Procédure Normale*, the OFPRA might inform you in the convocation or in its reject decision that you are placed in *Procédure Accélérée*.

**OFPRA has 15 days to take a decision regarding your asylum request in case you are in *Procédure Accélérée*.**

### **2. OFPRA decision is sent by a registered letter**

It is important that you check your mail at least once a week. The postman will leave a delivery notice "avis de passage" in your domiciliation center: accompanied with this delivery notice and your stay permit, you can go to the Post "la Poste" during 15 days to get your letter.

### **3. OFPRA will decide if France will protect you: it could give you the refugee status or the subsidiary protection**

If the OFPRA gave you the refugee status: you have the right to get a renewable residence card of 10 years from the Préfecture (ask for the information documents on the refugee status).

If the OFPRA gave you the subsidiary protection: you have the right to get a renewable residency card of one year.

### **4. If the OFPRA refuses your claim, you can appeal to the National Court of the Asylum right (CNDA)**



## THE APPEAL TO THE CNDA

The CNDA is the National Court of the Asylum right. It is the court where you can appeal against the decision of OFPRA. The appeal to the CNDA is suspensory, which means that you cannot be deported before the decision of the judge.

1. **After receiving your OFPRA decision, you have one month to appeal to the CNDA:** which means, one month after getting OFPRA decision from “La Poste” or one month after the date of the delivery notice (in case you could not get your letter from the post office within 15 days)
2. **You can ask for a free lawyer “demande d’aide juridictionnelle” in order to help you preparing your appeal.**

**Attention: you have only 15 days after receiving the OFPRA decision to ask for a free lawyer.** If you didn't do this demand in time, you can do it in the same time with the appeal. Once you send the appeal, it will become impossible to ask for a free lawyer.

You should send your appeal, written **in French**, to the president of the CNDA. This could be done via a registered letter with acknowledgment of receipt “lettre recommandée avec accusé de réception”, by fax or by depositing it yourself at the CNDA (at the CNDA you have a timestamp which allows you to indicate the deposit date on the envelope). You should provide answers to the reasons given by OFPRA to reject your asylum claim. It's highly recommended that you ask for help from a lawyer or from a specialized organization!

Your lawyer will accompany you in all of your procedures related to the appeal (he or she will receive a copy of all your corresponding mails).

Attention: if you are placed in *Procédure Accélérée*, you can contest this decision in the same time when you contest OFPRA's decision, in the appeal.

3. **The CNDA will send you a receipt for appeal “reçu de recours”** which you can use in order to renew your stay permit.
4. **The CNDA will examine your claim:**

**The CNDA has five weeks only to take a decision.** The judge responsible for your case might send you a **convocation** letter for a public hearing (15 days in advance). He can also refuse your demand by ordinance, which means: without a public hearing. This might happen if your demand is judged: not convincing. In this case, you will receive a letter from the CNDA giving you the possibility to complete your file in a very short period. If you don't already have a lawyer, it's highly recommended that you get one at this step (a paid lawyer).

5. **Three weeks after the public hearing, the CNDA will send its decision by a registered letter**

It may cancel the OFPRA decision and consider you as a refugee or give you the subsidiary protection. You can then go to the préfecture in order to get a récépissé of six month while your residency card is under fabrication.

It may also reject your appeal. If so your claim asylum in France has been refused.

In this case, the préfecture will refuse to renew your stay permit and will send you an obligation to quit French territories (OQTF).

If you want to appeal against this OQTF, you have to do it before the administrative court (tribunal administratif) within 30 days (sometimes this delay will only be of 48 hours). This appeal is suspensory (overrides the OQTF for this period) but it doesn't prevent your placement in a retention center. We can give you the addresses of some organizations which might help you doing this appeal.

If you wanted to go back to your home country, you can benefit from a specific help for this purpose which includes airplane tickets. You should send a request to the OFII.

6. **If you have new elements to be presented for a demand of reexamination**

Do not hesitate to ask as about information regarding reexamination.