

5. Country Profile: France

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Content

Page

5. Country Profile: France	1
5.1. Introduction	5
5.2. Background information on France	6
5.2.1. Development in the number of applicants	6
5.2.2. Number of asylum statuses granted	6
5.2.3. Main countries of origin	7
5.2.4. Costs	7
5.2.5. Benefits and costs	7
5.3. Organisation of the asylum procedure	8
5.3.1. Co-ordination	9
5.4. Legal basis	13
5.4.1. Main changes	15
5.5. Arrangements immediately upon arrival	15
5.6. Accommodation	17
5.6.1. Names and addresses of reception and accommodation centres	18
5.6.2. Special treatment	21
5.6.3. Standard and facilities of reception and accommodation centres	21
5.6.4. Possible changes and developments	22
5.7. Means of subsistence	22
5.8. Access to education	23
5.9. Access to the labour market	23
5.10. Access to health care	24
5.11. Rules on detention and other restrictions on free movement	25
5.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought	26
5.13. Political atmosphere surrounding refugees and immigrants	27
5.13.1. The public debate	27
5.13.2. The political debate	28
5.13.3. International co-operation	29

5.1. Introduction

The information gathered in this profile is based on three different sources of information:

- Responses returned by the Direction de la Population et des Migrations, Bureau Demandeurs d'Asile et Réfugiés
- Background documentation (mainly statistics)
- Information gathered during visits and interviews with key actors in the French asylum procedure.

The visits and interviews in France were carried out on 22nd June 2000.

The following persons and institutions were visited:

Direction de la Population et des Migrations, Bureau Demandeurs d'Asile et Réfugiés:

Mme Kapler, Head of section

Ministère de l'Intérieur

M. Dominique Groult, Head of Section

Ambassade Royale du Danemark

M. Caroline Henault

France Terre d'Asile, ONG (Coordination des centres d'accueil)

M. Henry

Ministère des Affaires Étrangères

M. Wiet

5.2. Background information on France

5.2.1. Development in the number of applicants

The number of asylum seekers in France fell sharply at the beginning of the nineties, from almost 55,000 in 1990 to 29,000 in 1992, and down to 17,000 in 1996. This decline can be attributed to the 1991 abolition of the previous right of asylum seekers to work. While asylum seekers remain barred from legal employment, numbers started to rise again in 1997, reaching 33,000 in 1999. This indicates that to-day, other factors than access to legal employment are inducing people to apply for asylum in France.

Table 5.1: Total number of asylum seekers in France 1990-1999

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
54,813	47,380	28,872	28,466	25,964	20,170	17,153	21,416	22,374	Approx. 33,000

5.2.2. Number of asylum statuses granted

The number of asylum seekers granted refugee status has been generally decreasing since the beginning of the 1990s. Table 5.2. shows that the number of asylum statuses granted has been falling from around 13,000 persons per year in 1990 to approximately 4500 persons per year in 1999.

Table 5.2: Total number of asylum seekers granted refugee status 1990-1999

1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
13,490	15,470	10,270	9,910	7,030	4,530	4,430	4,112	3,684	4,659

5.2.3. Main countries of origin

Statistics for shifts in the main countries of origin of applicants and refugees are only recorded officially for numbers exceeding 50 applicants per year or more than 25 recognized cases per year. Source: OFPRA.

Table 5.3: Number of applicants and refugees by main country of origin

1995		1996		1997		1998		1999	
Natio- nality	Appli- cants	Natio- nality	Appli- cants	Natio- nality	Appli- cants	Natio- nality	Appli- cants	Natio- nality	Appli- cants
Romania	4005	Romania	4,035	Romania	5,140	Romania	3,027	China	5,169
Algeria	1,800	China	1,435	China	1,744	China	2,075	Ex-Yugo	2,457
Turkey	1,6760	Turkey	1,205	Sri Lan- ka	1,582	Sri Lanka	1,832	Congo	2,272
China	1,617	Sri Lan- ka	1,169	Turkey	1,367	Congo	1,778	Sri Lan- ka	2001
Zaire	1,243	Zaire	1,064	Congo	1,187	Turkey	1,621	Mali	1,665

5.2.4. Costs

The French State fully finances the reception of asylum seekers in the 'waiting zones'. This assistance covers lodging, three daily meals, a phone card and essential medical assistance. It is available for a maximum of 20 days while it is decided whether the applicant has the right to apply for asylum or not.

Once asylum seekers have been granted the right to enter French territory, theoretically the French State provides and finances reception centres for them. In practice the existing centres have insufficient capacity and NGOs are trying to fill the gap.

The French state also finances the 'global aid', the social security and the medical aid the asylum seekers are entitled to once they are on French territory.

Education for children up to 16 years of age is financed by the French state. Some local authorities arrange free language classes. Where this is not the case classes are financed by NGOs.

5.2.5. Benefits and costs

It has not been possible to obtain information about the costs of the various stages of the asylum procedure.

5.3. Organisation of the asylum procedure

Responsibility for asylum is distributed among several central government ministries. Compared to other EU countries' arrangements, the Ministry of Foreign Affairs plays a strong role in the procedure and the government agency dealing with asylum requests (OFPRA) has been put under its overall authority. NGOs take on an important role in delivering social assistance to asylum seekers, under structured agreements (either as understandings or contractual arrangements) and co-operation with the government.

1. **The Office Francais de Protection des Réfugiés et Apatrides,**
OFPRA (French Office for the Protection of Refugees and Stateless Persons).
Public institution under the Ministry of Foreign Affairs, with civil personality and financial and administrative autonomy.
Responsibilities: Examination and decision on convention refugee and “constitutional asylum” status (see below under 'Legislative framework')
2. **Ministry of Foreign Affairs**
Responsibilities: Granting of visas and decision on admissibility of asylum requests submitted to French embassies abroad;
Consultation on admissibility of individual cases at the border;
Co-ordination with countries of origin in repatriation issues.
3. **Ministry of Interior**
Responsibilities: Decision on entry to the territory (if the applicant lacks proper documentation, by consultation with the Ministry of Foreign Affairs);
Decision on territorial protection status.
4. **Ministry of Employment and Solidarity**
Responsibility: Implementation of social and labour aspects of immigration and asylum policy.
5. **The Commission des Recours des Réfugiés, CRR (Refugee Appeal Commission) : Administrative tribunal**
Responsibility: 1st instance appeal on negative decisions on asylum status by the OFPRA.

6. Administrative Court:

Responsibility: 1st instance appeal on negative decisions on asylum status by the Ministry of Interior (i.e. on Territorial Asylum cases).

7. Conseil d'Etat (Supreme Court)

Responsibility: 2nd instance appeal on negative decisions.

8. France Terre D'Asile: NGO, under Government convention

Responsibilities: Overall co-ordination of Accommodation Centres;
Training and quality control of organisations running the accommodation centres.

9. Local Préfectures:

Responsibilities: Registration of asylum seekers
Decision on admissibility
Provision of application forms
Provision of residence permits

10. Regional and Local Administrations

Responsibilities: Administration of social assistance and accommodation

5.3.1. Co-ordination

France's asylum procedure consists of the following main stages:

Submission of request:

The possibilities for requesting asylum in France are:

A Initial request at the border:

Prescreening procedure, which decides whether an application is manifestly unfounded (no legal definition of criteria, but unofficially applying of the London criteria). During this examination, asylum seekers are held in "waiting zones" (i.e. detention) at French airports, harbours and some railway stations (not applicable at external borders, when applicants have not yet entered France). If a decision has not been taken within 4 days, prolongation of detention requires the decision of a judge. The overall length of detention must not exceed 20 days.

The decision on entry is taken by the OFPRA in consultation with the Ministry of Interior. In the event of a negative decision, the applicant is kept under detention until deportation. No application for a residence permit on humanitarian grounds is possible. An appeal to the administrative court is possible, but it does not have suspensive effect.

In the event of a positive decision, the applicant receives permission to enter French territory. The OFPRA issues a “safe conduct” pass valid for 8 days, during which the asylum seeker can travel to a local *préfecture* in order to register and request an asylum application form.

B Initial request abroad, at a French embassy or consulate:

Prescreening of admissibility by the embassy, and in the event of a positive decision, granting of a visa to enter France to submit an asylum request to the OFPRA.

C Request inside the Country, at a local *préfecture*:

The following procedures are applied subsequent to an initial request abroad or at the border, or after illegal entry into the country:

Identification and (further) decision on admissibility: If it judges an application as manifestly unfounded, the *Préfecture* initiates an “accelerated procedure” on the basis of the Pasqua Act (see 'Legislative framework' below). It is applicable in four situations: 1. Responsibility of another state under the Dublin procedure; 2. Possibility of return to a safe third country; 3. The presence of the applicant in France represents a threat to public order; 4. The application is fraudulent. Dublin cases, when responsibility is accepted by another member state, do not enter the French asylum procedure. In the other three cases, the OFPRA takes a decision under the accelerated procedures, against which only a non-suspensive appeal is possible.

If the *Préfecture* judges an application admissible, it issues a 1-month residence permit and provides the asylum application form, to be filled out and submitted to the OFPRA within one month. The language of the written application is supposed to be French, but officers accept forms completed in other languages if they understand them.

Some NGOs have reported cases in which the *préfectures* obstruct access to the asylum procedure, in particular to insufficiently documented applicants.

Submission of the application to the OFPRA

Upon receipt of the form, the OFPRA issues a certificate confirming that the application has been registered.

Issue of provisional residence permit by the Préfecture

The applicant must present the certificate to his Préfecture, which will issue a 3-month residence provisional permit, renewable every three months until a decision on his application has been taken.

Decision on the Application by the OFPRA

The OFPRA reviews the written application, and invites the applicant for an interview if it considers this necessary to obtain additional clarification. However, this is only done for about 2/3 of the cases, with only 40% or so being invited for an indepth interview.

In the event of a positive decision, the applicant is granted refugee status and a residence permit.

In case of a negative decision, a suspensive appeal to the Refugee Appeals Commission can be filed.

1st instance appeal decision by the CRR:

Applicants are required to attend the hearing in person, and may be assisted by a lawyer. Free legal aid is granted only for persons who have entered France legally, which is the minority. Hearings are normally held in French, but free interpretation is granted if requested.

2nd Instance Appeal to Supreme Court

A second instance appeal may be submitted to the Supreme Court

Final Rejection:

In the event of a final rejection, the OFPRA issues an invitation to leave the country, which sets a 1-month period for voluntary departure. Upon expiry of this period, a deportation order is issued which may be implemented immediately. A suspensive appeal to the administrative tribunal can be filed within 24 hours, on which a decision must be taken within 48 hours.

The deportation of rejected asylum seekers is exceptional. This is explained by a number of reasons, in particular:

- The long duration of the appeals process, which results in the quasi-integration of the asylum seeker at the end of the procedure whether his application is accepted or not;
- The physical and practical difficulty of extraditing people by force, in particular when using commercial airliners.
- Lack of co-operation from countries of origin in readmitting nationals who have requested asylum in the EU.

Therefore, most rejected applicants are de facto tolerated to stay in the country, albeit without documents and residence permit. These persons find themselves marginalized and highly vulnerable.

The possibility of granting temporary residence permit on humanitarian grounds to rejected asylum seekers:

For this to happen, one of two conditions must be fulfilled:

- (a) The applicant must have lived in France for many years and be integrated into French society;
- (b) The applicant cannot return because of serious risk to life or liberty. This decision can be taken by the local prefect (who is a representative of the Ministry of the Interior). A work permit may be granted.

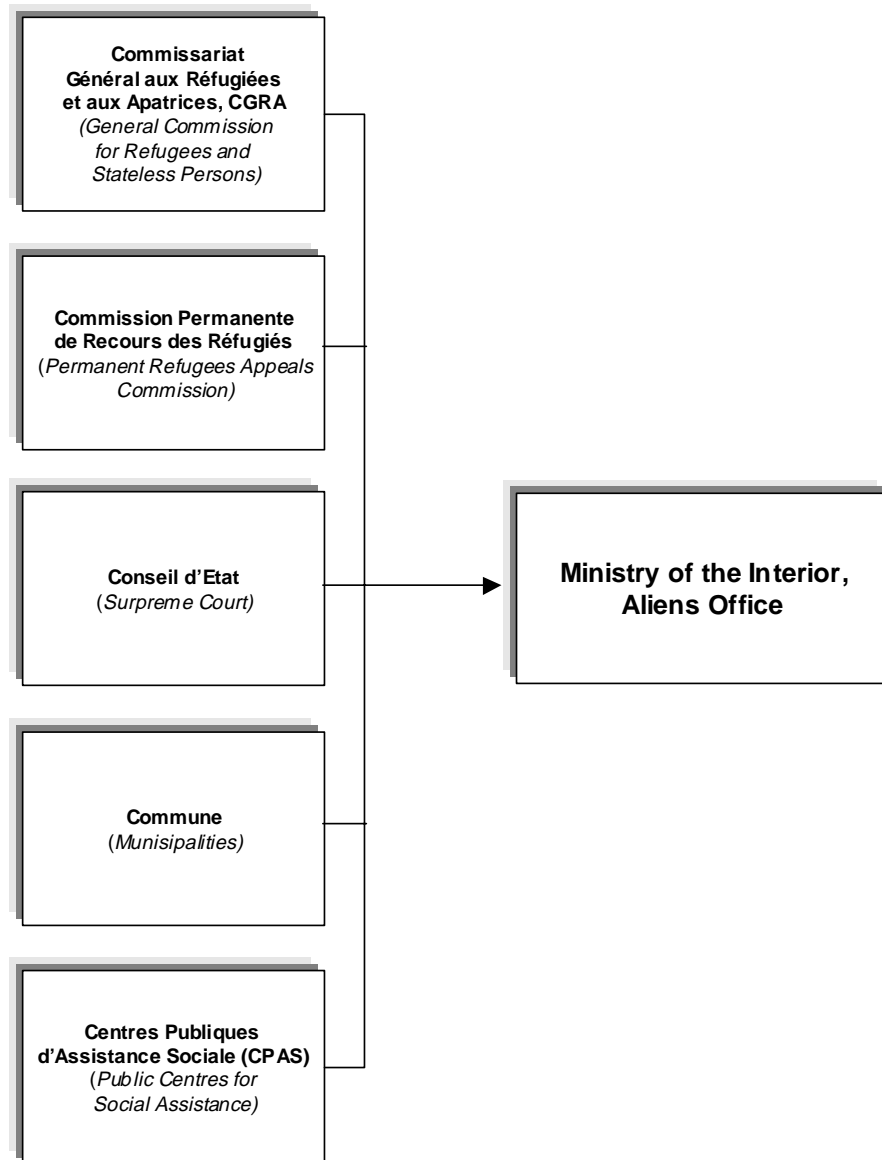
Overall duration of the procedure

The duration of the asylum procedure is anywhere between one month and several years.

Accelerated procedure

In some cases the determination of an application may be accelerated. This is the case if an applicant's behaviour represents a threat to public order, if the asylum application is considered abusive by the local authorities or if article 1C5 of the Geneva Convention (cessation clause) has been applied to the applicant's country of origin. This procedure only covers in-country applicants.

Figure 5.1: Institutional Structure of Asylum Procedure in France



5.4. Legal basis

France's asylum procedure is based on the following international and national legal instruments.

International Law:

- The Geneva Convention of 1951 and New York Protocol of 1967 (geographical restriction to Europe)
- The Schengen Accord
- The Dublin Convention

National Law:

- The Law of 2 November 1945 on the conditions of entry and residence of foreigners in France, amended by further Acts of 1981, 1994, 1986, 1989, 1992 (on the introduction of “waiting zones” at internal border points, 1993 (the “Pasqua Act” on the control of immigration, establishing an accelerated procedure for cases that are considered non admissible in France) and 1994 (prescreening procedure at the border).
- The 1952 statute establishing the Office Français de Protection de Réfugiés et Apatrides OFPRA (French Office for the Protection of Refugees and Stateless Persons) and the Commission de Recours de Réfugiés CRR (Refugee Appeals Commission)
- The Decree of 27 May 1982 on the conditions of entry into France
- The Law of 11 May 1998 (“Chevènement Law”), separating existing asylum legislation as distinct from immigration legislation and consolidating it, and the creation of two supplementary forms of protection in addition to Convention status.

The first of these is “territorial asylum”, which provides a legal basis for the temporary protection that the French Government has been granting on an ad hoc basis since the early 1990s. It applies to people fleeing threats to their lives or freedom from risk treatment contrary to Article 3 of the European Human Rights Convention. According to refugee advocates, the application of this provision has been restrictive in requiring proof of individual threat similar to that required for Convention status. In addition, a lower level of social rights is accorded under territorial protection, thereby giving little incentives to persons to seek this status rather than convention status.

The second is “constitutional asylum”, reserved for those persecuted for their activities in support of freedom. The new law gave an explicit legal basis for a status that had previously been accorded through jurisdiction.

5.4.1. Main changes

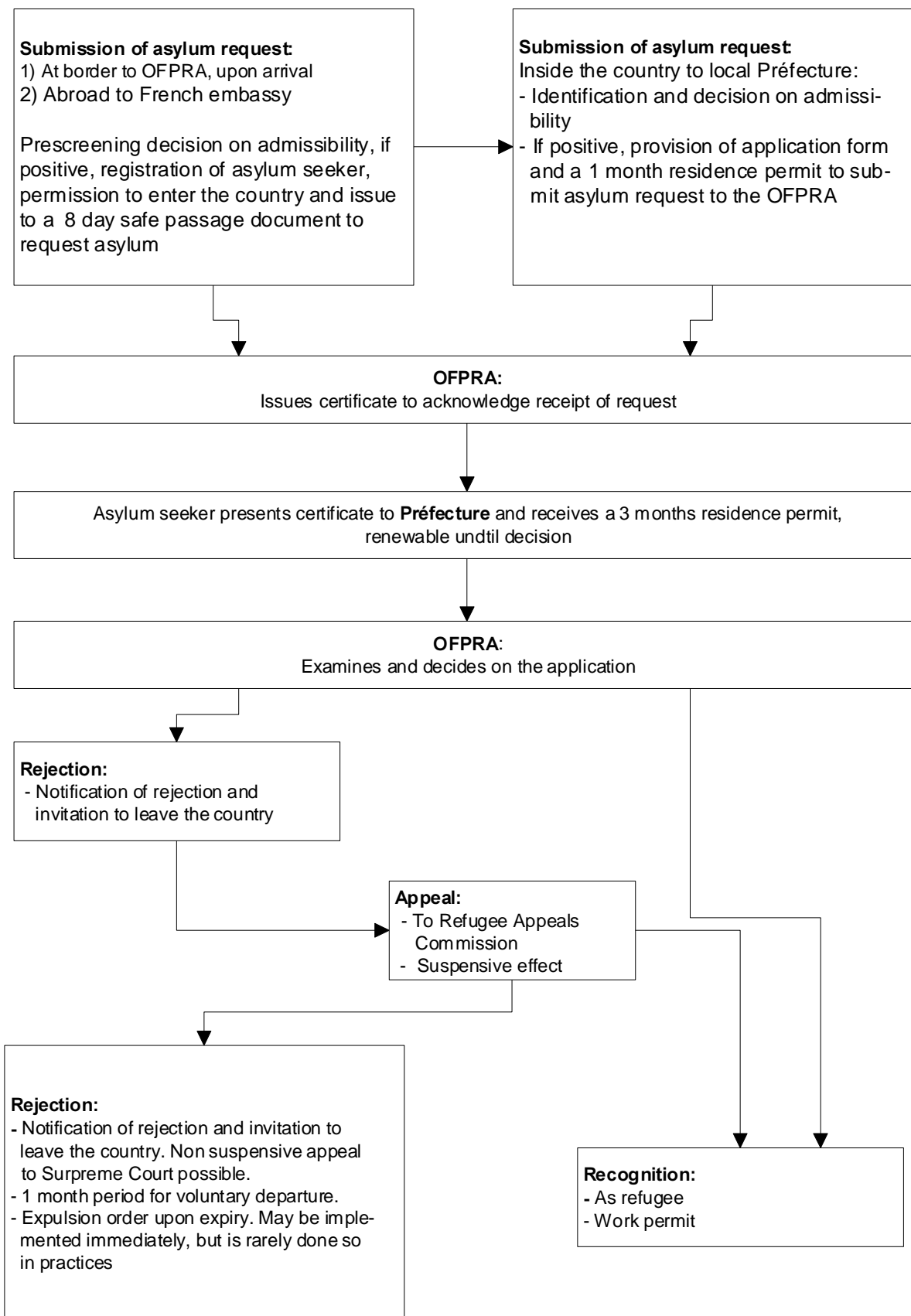
Important Ministerial Acts

- A Ministry of Interior circular dated 3 August 1992 provided the basis for granting temporary protection for citizens of the former Yugoslavia. Permission to work was included in this temporary protection regime.
- A decree of the Ministry of Interior from 1998, facilitating access to waiting zones by the UNHCR and selected (accredited) NGOs.

5.5. Arrangements immediately upon arrival

If requesting asylum at the border immediately upon arrival, asylum seekers are submitted to a prescreening procedure to decide on the admissibility of the request (London criteria). During this examination, asylum seekers are held in “waiting zones” (i.e. detention) at French airports, harbours and some railway stations (not applicable at external borders), when applicants have not yet entered France. If a decision has not been taken within 4 days, prolongation of detention requires the decision of a judge. The overall length of detention must not exceed 20 days.

Figure 5.2: The asylum and reception procedure



5.6. Accommodation

The system of asylum seeker's accommodation is co-ordinated in France by the non-governmental organisation France Terre D'Asile (FTDA), under government convention and in close co-operation with the Ministry of Employment and Solidarity. The accommodation centres - or 'centres d'accueil pour demandeurs d'asile', CADA - are run by different organisations across the country under the authority of the respective local and regional administrations. FTDA provides training and quality control for the operation of the centres, as well as legal advice.

Asylum seekers are not automatically given a place in a CADA. Rather, needy asylum seekers have the possibility to apply to FTDA, and a decision on allocating them a place is taken by the National Admission Board, consisting of FTDA members and a representative of the Ministry of Employment and Solidarity. The capacities and character of these centres vary depending on their location (different regions, whether urban or rural), and the organisation running it, but overall standards are monitored by FTDA. Capacities range between 30 and 220. Social activities, sports and training are often organised in co-operation with outside organisations – with the intention of not only giving the asylum seekers something to do, but also the opportunity to meet people outside the centre. Furthermore, the CADA offers legal assistance in relation to the asylum procedure.

A rejected asylum seeker, even if temporarily permitted to stay in the country, loses any place previously occupied in an accommodation centre. For recognised asylum seekers, "provisional housing centres" (CPH) provide temporary housing plus support for their quest for employment, housing, and social integration. 28 such centres offer a total 1028 places.

In principle, asylum seekers may choose whether to live in an accommodation centre or independently. However, given the limited number of places in centres, only around 10% can in fact presently be accommodated in a centre.

Those who cannot obtain a place in a CADA are often placed in emergency establishments that normally shelter the homeless or other socially vulnerable French nationals. Mixing these different groups - e.g. asylum seekers including families with children on the one hand, and homeless people, alcoholics, and other marginalized persons on the other hand, tends to create very difficult situations and tensions for both.

Other asylum seekers who do not find a place in a CADA may find a place to stay on their own, mostly in hostels or other short-term housing facilities. A large proportion is housed by the same illegal organisations (“filiaries”) that provide them with clandestine employment.

Table 5.4: Number of reception centres

Number of reception centres (“pre-screening waiting zones”)	
Capacity of reception centres	
Transit Centres (awaiting placement in CADA)	2
Capacity of transit centres	80 + 46
Number of accommodation centres	83 (CADA, run by regional and local authorities) + 1 Croix Rouge
CADA for unaccompanied minors	1
Capacity of accommodation centres	Ca. 5000
Places in CADA for unaccompanied minors	30
Number of persons accommodated in private housing	n.a.

5.6.1. Names and addresses of reception and accommodation centres

Reception / Accommodation centre	Name and Address	Authority managing	Capacity
Accommodation	Culoz, Ain	CADA	65
Accommodation	Miribel, Ain	CADA	130
Accommodation	Miribel, Ain	CPH	50
Accommodation	Laon, Aisne	CADA	42
Accommodation	Nice, Alpes Maritimes	CADA	85
Accommodation	Nice, Alpes Maritimes	CPH	16
Accommodation	Carla-Bayle, Ariège	CADA	65
Accommodation	Bar Sur Aube, Aube	CADA	45
Accommodation	La Chapelle St Luc (Troyes), Aube	CADA	90
Accommodation	Saint André Des Vergers, Aube	CADA	50
Accommodation	Alzonne, Aude	CADA	36
Accommodation	Carcassonne, Aude	CPH	30
Accommodation	Rodez, Aveyron	CADA	30
Accommodation	Rodez, Aveyron	CPH	20
Accommodation	Marseille, Bouches du Rhône	CADA	40
Accommodation	Miramas, Bouches du Rhône	CADA	180
Accommodation	Miramas, Bouches du Rhône	CPH	40

Reception / Accommodation centre	Name and Address	Authority managing	Capacity
Accommodation	Caen, Calvados	CADA	60
Accommodation	Angouleme, Charente	CADA	56
Accommodation	Bourges, Cher	CADA	40
Accommodation	Vierzon, Cher	CADA	40
Accommodation	Chatillon Sur Seine, Côte D'Or	CADA	95
Accommodation	Dijon, Côte D'Or	CADA	65
Accommodation	Quetigny, Côte D'Or	CPH	35
Accommodation	Besancon, Doubs	CPH	36
Accommodation	Besancon, Doubs	CADA	60
Accommodation	Besancon, Doubs	CADA	40
Accommodation	Chateaudun, Eure et Loir	CADA	30
Accommodation	Muret-Sardelis, Haute-Garonne	CADA	60
Accommodation	Muret-Sardelis, Haute-Garonne	CPH	40
Accommodation	Toulouse, Haute-Garonne	CADA	15
Accommodation	Toulouse, Haute-Garonne	CPH	38
Accommodation	Talence, Gironde	CADA	30
Accommodation	Villenave D'Ornon, Gironde	CADA	82
Accommodation	Villenave D'Ornon, Gironde	CPH	20
Accommodation	Biziers, Herault	CADA	80
Accommodation	Rennes, Ille et Vilaine	CADA	74
Accommodation	Rennes, Ille et Vilaine	CPH	59
Accommodation	Tours, Indre et Loire	CPH	50
Accommodation	Grenoble, Isère	CADA	57
Accommodation	La Verpillière, Isère	CADA	64
Accommodation	Dole, Jura	CADA	70
Accommodation	Mont de Marsan, Landes	CADA	60
Accommodation	Andrezieux / St Étienne, Loire	CADA	190
Accommodation	Chambon Sur Lignon, Haute Loire	CADA	52
Accommodation	Nantes, Loir Atlantique	CPH	40
Accommodation	Gien, Loiret	CADA	55
Accommodation	Orleans, Loiret	CPH	40
Accommodation	Pompey, Meurthe et Moselle	CADA	40
Accommodation	Bar le Duc, Meuse	CADA	45
Accommodation	Clermont en Argonne, Meuse	CADA	50
Accommodation	Verdun, Meuse	CADA	25
Accommodation	Pontivy, Morbihan	CADA	25
Accommodation	Fameck, Moselle	CADA	80
Accommodation	Rosselange, Moselle	CADA	80
Accommodation	Chantenay Saint Imbert, Nièvre	CADA	70
Accommodation	Nevers, Nièvre	CPH	18
Accommodation	Clamercy, Nièvre	CADA	45
Accommodation	Lille, Nord	CADA	30

Reception / Accommodation centre	Name and Address	Authority managing	Capacity
Accommodation	Lompret, Nord	CADA	30
Accommodation	Marcq en Baroeul, Nord	CPH	42
Accommodation	Sailly Lez Lannoy, Nord	CADA	35
Accommodation	Tourcoing, Nord	CADA	45
Accommodation	Noyon, Oise	CADA	45
Accommodation	Noyon, Oise	CPH	30
Accommodation	Senlis, Oise	CADA	70
Accommodation	Alencon, Orne	CADA	60
Accommodation	Bayonne, Pyrénées Atlantiques	CADA	40
Accommodation	Pau, Pyrénées Atlantiques	CADA	40
Accommodation	Pau, Pyrénées Atlantiques	CPH	60
Accommodation	Lannemezan, Hautes Pyrénées	CADA	68
Accommodation	Fuilla, Pyrénées Orientales	CADA	50
Accommodation	Strasbourg F.J.T. , Bas-Rhin	CADA	40
Accommodation	Strasbourg Haute-pierre, Bas-Rhin	CPH	60
Accommodation	Strasbourg Robertsau, Bas-Rhin	CADA	135
Accommodation	Ingersheim, Haut-Rhin	CADA	70
Accommodation	Mulhouse, Haut-Rhin	CADA	40
Accommodation	Mulhouse, Haut-Rhin	CPH	20
Accommodation	Mulhouse- Acces, Haut-Rhin	CADA	20
Accommodation	Mulhouse- Espoir, Haut-Rhin	CADA	25
Accommodation	Bron, Rhône	CADA	220
Accommodation	Lyon, Rhône	CPH	45
Transit	Villeurbanne, Rhône		46
Accommodation	Villeurbanne, Rhône	CPH	40
Accommodation	Lure, Haute-Saône	CADA	40
Accommodation	Lure, Haute-Saône	CPH	30
Accommodation	Digoin, Saone et Loire	CADA	80
Accommodation	Le Mans, Sarthe	CADA	55
Accommodation	Saint Michel de Maurienne, Savoie	CADA	50
Accommodation	Rummilly, Haute-Savoie	CADA	40
Accommodation	Saint-Jeoire, Haute-Savoie	CADA	35
Accommodation	Paris-Bercy, Paris	CADA	160
Accommodation	Brou sur Chantereine, Seine et Marne	CADA	55
Accommodation	Melun, Seine et Marne	CPH	26
Accommodation	Porcheville, Yvelines	CADA	30
Accommodation	Gargenville, Yvelines	CADA	28
Accommodation	Amiens, Somme	CADA	50
Accommodation	Amiens, Somme	CPH	30
Accommodation	Albi, Tarn	CADA	40
Accommodation	Albi, Tarn	CPH	30
Accommodation	Monclar de Quercy, Tarn et Garonne	CADA	47

Reception / Accommodation centre	Name and Address	Authority managing	Capacity
Accommodation	Montauban, Tarn et Garonne	CADA	30
Accommodation	Montauban, Tarn et Garonne	CPH	33
Accommodation	Limoges, Haute-Vienne	CADA	99
Accommodation	Joigny, Yonne	CADA	84
Accommodation	Villepinte, Seine Saint Denis	CADA	56
Transit	Créteil, Val de Marne		80
Accommodation	Créteil, Val de Marne	CADA	120
Accommodation	Créteil, Val de Marne	CPH	50
Accommodation	Créteil, Val de Marne	Relais	35
Accommodation	L'Hay les Roses, Val de marne	CADA	60
Accommodation	Osny, Val D'Oise	CADA	64
Accommodation	Persan, Val D'Oise	CADA	27
Accommodation	Aint-Gratien, Val D'Oise	CADA	75

France has only provided the city location for each reception and accommodation centre, not the exact name or address. France has neither informed PLS Ramboll on, which authority is financing the accommodation and reception centres.

5.6.2. Special treatment

The FTDA runs an accommodation centre for unaccompanied minor asylum seekers between the age of 13 and 18 years old who are waiting for more permanent accommodation in the reception centres run by the national child care services. These centres often lack expertise in meeting the needs of minor asylum seekers. Additionally, young asylum seekers may face important obstacles if their actual age is being contested on the basis of medical examinations. If this happens, the child care service might refuse to accommodate the asylum seeker. Simultaneously, the ordinary reception centres might refuse to accommodate the asylum seeker on basis of the age mentioned in the original application.

There are differences in the standards of the reception centres, but generally speaking each centre tries to adapt its facilities to make it possible for families to stay together. Single men and women are accommodated separately in single or twin rooms.

5.6.3. Standard and facilities of reception and accommodation centres

According to NGOs severe conditions prevail in the so-called “waiting zones”, i.e. the centres of first reception during the prescreening for admission into the country. The main deficiencies are the inadequate capacity for receiving the rising numbers of asylum seekers, plus the poor sanitary conditions. Most of the asylum seekers in the waiting zones are located in Roissy airport, where two floors of a hotel are reserved

for the applicants. The capacity of the hotel is limited and it often happens that asylum seekers must sleep in a police station or in the airport itself.

Due to the limited capacity in the reception centres for asylum seekers managed by various NGOs, a large number of asylum seekers have been placed in the system for accommodating homeless people. These centres are unable to meet the special needs of the asylum seekers, and the overall situation is critical.

Almost half of the reception centres house not only asylum seekers, but also others in need such as migrant workers or the unemployed.

5.6.4. Possible changes and developments

PLS RAMBØLL Management has not received any information suggesting that changes are about to be made with respect to the accommodation of asylum seekers.

5.7. Means of subsistence

Upon submission of the asylum request to the OFPRA and during their waiting period, asylum seekers receive a monthly allowance of 1,700 FF, and an initial, one-off “waiting allowance” (allocation d’attente). The full allowance of 1,700 FF applies for those providing their own accommodation. Those entering a CADA receive a reduced allowance to cover essential basic expenses. This can mean pocket money only if food is supplied by the centre, or an allowance to pay for food if self-catering is available at the centre.

Table 5.5: Means of subsistence for asylum seekers in France

	In cash	In kind
Per individual asylum seeker, if not accommodated in an accommodation centre	1,700 FF / 259 EURO per month, for a duration of 12 months. 2,000 FF/ 305 EURO one-off initial allowance	<i>Ad hoc</i> assistance; after 12 months, social assistance in kind.
If in accommodation centre	Pocket money. Higher level if persons cook for themselves in the centres.	Lodging, food and social assistance

5.8. Access to education

Access to the official education system in France is granted to all children including asylum seekers. Francophone children are usually placed in ordinary classes, while for non-francophone children some preparatory teaching is organised. Special preparatory classes exist in the cities. In the countryside, preparatory teaching is organised according to the available resources.

Adults do not have access to vocational or other further education. Some training in languages and technical skills is provided for those living in CADAs.

Table 5.6: Access to education for asylum seekers in France

	Children	Adults
Mother tongue tuition	No	No
Language tuition	Not provided by the State, but programmes run by municipalities or NGOs may be available	
Access to primary school	Yes	No
Access to secondary school	Yes	No
Access to vocational training	No	No
Access to further education	No	No

5.9. Access to the labour market

Under previous legislation asylum seekers in France had the right to work. As this was seen to have become a 'pull factor' attracting asylum seekers for reasons of employment, this right was withdrawn in 1991 via a circular of the Prime Minister. The underlying assumption at this time was that decisions on asylum requests could be made within 6 months, and that exclusion from work was reasonable during this limited period of time.

Work permits are granted only for people under the "territorial asylum" (temporary protection) regime.

However, the government is aware that the majority of asylum seekers are engaged in some kind of illegal work, especially after the first year of the asylum procedure when they no longer receive financial assistance. A concern in this regard is the existence of employment in exploitative conditions organised by existing networks of traffickers.

According to our interlocutors at the Ministry of Foreign Affairs, the government is considering the introduction of a right to work after the first year of the procedure.

5.10. Access to health care

Immigration law provides for people with residence permits, which includes registered asylum seekers, having access to state health care. They are, however, not covered by regular national health schemes and care is mostly limited to emergency cases and the treatment of serious illnesses. In practice, asylum seekers' access to health care is restricted by a lack of clear information and guidance on their rights and means of access.

The authorities and CADA staff attach high importance to the initial health screening, given that many asylum seekers arrive in poor health, some of them with serious contagious diseases such as TB. The health screening is carried out systematically if and when an asylum seeker enters an accommodation centre. However, while health screening is available for asylum seekers living outside the centres, taking it up depends on their individual initiative, which means it does not happen in the majority of cases.

During the asylum procedure, people living in an accommodation centre receive free medical treatment and medication via a local physician serving the centre, or transfer to a hospital in an emergency. The overall quality of medical services is monitored through the non-governmental organisation "ASIRE" (Association pour l'accès aux soins et l'insertion des réfugiés et des exclus"), under an agreement with the Ministry of Employment and Solidarity.

People living outside accommodation centres receive free health care based on their participation in the national social security system (enabled via the issuing of a social security card) and affiliation to a *caisse de maladie*.

When staying in some of the larger reception centres asylum seekers can benefit from psychological care once or twice a week. They are also entitled to help from a social worker in dealing with the health care system, which can be fairly complicated in itself. Children have the same rights, but no specific measures are in place for their rehabilitation.

Table 5.7: Access to health care by asylum seekers in France

	Children	Pregnant women	Adults	Victims of torture or rape
Health screening on arrival	Yes	Yes	Yes	Yes (but no special screening)
Psychological assistance	Yes	Yes	Yes	Yes
Other specific Health Care for persons with special needs	Yes	Yes		Yes
Enrolment in health care programme	Yes, through "caisse de maladie" within national health insurance system			

5.11. Rules on detention and other restrictions on free movement

Once the asylum seeker has obtained access to French territory and received a certificate from the OFPRA proving he is actually applying for asylum, he receives a three-month temporary residence permit from the local authorities. This permit is renewable every three months until the asylum claim has been determined.

When carrying this temporary residence permit, an asylum seeker has the right of free movement within the country. Our interlocutors underlined the high importance attached to this principle in France. Asylum seekers have the right to decide for themselves whether they wish to stay in the reception centres or find their own accommodation. If they choose to stay in a centre they must inform the centre whenever they plan to be absent.

However, if an asylum seeker does not carry valid documents including a valid residence permit, temporary detention is possible, if necessary until deportation.

Generally speaking asylum seekers are not detained as a consequence of applying for asylum. However, two exceptions do exist:

The first exception is the asylum seekers in the waiting zones. These are not allowed to move from the zones until it has been decided whether they have the right to apply for asylum. This detention should not exceed 20 days.

The second exception applies to asylum seekers who have already obtained the right to stay in the country, but whose applications are being processed under the accelerated procedure. These applicants are held in administrative detention. This takes place in detention centres specifically for foreigners staying illegally in France. Applicants can stay in this type of detention for a maximum of 12 days.

Asylum seekers whose applications are rejected can be detained for two days through administrative decision. A civil court can prolong this period by five days on two occasions. If a rejected asylum seeker has not been deported within a period of 12 days after the formal rejection, he will be released but without any formal documents.

5.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought

Generally speaking asylum applicants are treated the same way regardless of the stage of the asylum procedure and the type of status sought. But there is one exception though:

The Kosovo Albanians who arrived under the UNHCR humanitarian evacuation programme have been given a temporary residence permit valid for three months, with the possibility of renewing it for one year. Those who arrived spontaneously have a three-month residence permit with the possibility of renewing it for 6 months. Both groups have the right to work in France.

Those Kosovo Albanians who had already been staying in France before the evacuation began were issued with a six-month residence permit with the right to work.

Table 5.8: Differences in treatment

Differences in treatment according to:			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	The asylum seekers stay in the 'waiting zones' for a maximum of 20 days until it is decided whether they have the right to apply for asylum.	None	Unaccompanied minors are accommodated in a special centre. Women have priority of access to accommodation centres, but this is not official policy.
Means of subsistence	In the waiting zones asylum seekers receive meals from the authorities. Once granted permission to enter French territory the asylum seeker receives 1,700 FF / month for a duration of 12 months and a 2,000 FF one-off initial allowance if not staying in an accommodation centre. After the first 12 months persons receive <i>ad-hoc</i> assistance. If staying in an accommodation centre they receive pocket money.	None	No.
Education	Once granted a temporary residence permit, children have the right to primary and secondary school. NGOs or local authorities provide language classes to a limited extent.	Adult Kosovo Albanians with a residence permit have the right to participate in vocational training.	No.
Labour market related activities	Asylum seekers do not have permission to work.	Kosovo Albanians with a temporary residence permit have the right to work.	No.
Health care	Asylum seekers with a temporary residence permit have the right to be treated in the state health care system. Due to lack of information about this right and a complicated administrative procedure asylum seekers often only get treated in emergency cases.	None	Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for minors and pregnant women.

5.13. Political atmosphere surrounding refugees and immigrants

5.13.1. The public debate

Similarly to other EU countries, France has faced growing numbers of asylum seekers during the past few years while still relying on procedures and an assistance system designed for lesser numbers. Both government officials and NGO representatives appear satisfied with the overall design and management of the asylum procedure and the social assistance system, but agree on it being undersized to cope with the cur-

rent numbers. The Ministry of Foreign Affairs identified the present challenge as one of making the system more efficient while maintaining its fairness, and in adapting measures to meet the demand without increasing it.

In addition to an increase in volume, our interlocutors in the administration emphasised the changed characteristics of asylum seekers. Whereas until the beginning of the nineties most asylum seekers were representatives of the political opposition and the intellectual elites of countries under dictatorship, the vast majority today are passive victims of conflict and economic decline. Both their increased numbers and their generally low level of education make it more difficult to integrate of these people than the former asylum seekers. In this respect it is relevant to note that not all asylum seekers entering France intend to stay there, but are using France as a transit country, mostly making for the United Kingdom, which attracts asylum seekers by virtue of its overall superior and more liberal employment conditions.

The change in the characteristics of asylum seekers relates also to the percentages of rejected cases and deportations. Ten years ago only about 10% of cases were rejected, and repatriation in most cases did not pose significant problems. Today, by contrast, the vast majority of asylum seekers are rejected. Together with the overall increase in numbers, the forceful deportation of these people has become politically and practically problematic. Most rejected asylum seekers are therefore left to stay in the country under precarious conditions. FTA points at the likelihood of rising social costs due to the marginalisation and delinquency rates among this group.

Our interlocutors in the administration and NGOs showed awareness of the connectedness of international migration and asylum, and pointed at the insufficiently clear distinction between the two made by government policy. Both migration and asylum are considered as politically highly sensitive issues, and the formulation of a clear government policy is hampered by fears of public criticism for taking wrong choices. In consequence, ad hoc crisis management and measures prevail.

5.13.2. The political debate

EU common policy is potentially seen as offering a useful level of external pressure on governments to take steps that they consider necessary, but which are difficult to force through in their respective national political debates. In this context, our interlocutors at the Ministry of Foreign Affairs stated that the last French presidency had

expected a Commission initiative to improve and more particularly to harmonise asylum procedures, but that this expectation had not been fulfilled.

The general public is mostly apathetic in relation to asylum issues, although hostile attitudes towards asylum seekers have increased during the past years. The media have so far failed to take up questions of asylum and immigration in a profound or persistent manner, and have instead restricted their interest to crisis situations. Celebrities have demonstrated their commitment to the cause of asylum seekers, for example by temporarily sharing their homes with asylum seekers. However, this has not led to wider public discussion of the issue.

5.13.3. International co-operation

France is participating in a range of intergovernmental co-operations regarding asylum policies. These include the following organisations and tasks:

UNHCR (United Nations High Commissioner for Refugees)

- Participation in workshops and seminars
- Reception of refugees referred by UNHCR
- Information on countries of origin

Council of Europe/CAHAR (Ad hoc Committee of Experts on the legal aspect of territorial asylum, refugees and stateless persons)

- Reporting to the Council of Europe
- Exchange of experience
- Investigations, meetings and seminars on refugee- and asylum issues
- Writing of proposals for resolutions to the Committee of Ministers

France supports as well the EU efforts to reach common ground with respect to social conditions for asylum seekers.

