



ASYLUM AND RESIDENCE PERMITS PROCEDURES FOR PEOPLE IN EXILE

PROCEDURES

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PROCEDURES

You are a foreigner and want to stay in France: to have the right to stay on French territory without risking being deported, you should get a residence permit. You have different options (asylum claim, applying for residence permit) depending on your personal situation.

The informations in this guide will help you understand the steps to follow but it is better to see a specialised lawyer to examine your personal situation.

What worked for someone you know may not work for you. To get help, go to a legal aid clinic.



WHAT IS ASYLUM?

Applying for asylum means you ask for a country's protection because you are in danger as you have been persecuted and threatened in your country of origin due to your religion, nationality, political opinion, race, social group or sexual orientation.

The asylum request procedure evaluates if the French government will offer you protection: refugee status, subsidiary protection and protection of stateless persons (a person who has no nationality).

The protected person has the right:

- To live on the French territory
- To work
- To ask to bring their family to France (familyreunification)

If returning to your country does not pose a risk for you, you have little chance of obtaining asylum in France.

To get advice from a specialised organisation.

For more information on the different steps of the asylum request procedure.

WHAT ARE RESIDENT PERMITS ?

Residence permits are another way to have the right to stay in France, apart from asylum. **There are several types of residence permits** which correspond to different situations.

- **Residence permit for family reasons:** if you are in a civil partnership or married to someone who is a legal resident or of French nationality, or the parent of a French child...
- **Healthcare residence permit:** for people with an illness that cannot be treated in their countries of origin.
- **Work residence permit:** for people who have worked in France for several years and want to legalise their situation...
- **There are other types of residence permits.** They are granted individually and can depend on your nationality. Every situation is different!

Applying for a residence permit is a complicated process and involves risks. **It is very important that you get legal advice before starting the application process for a residence permit.**

Go to a legal aid clinic to explain your personal situation and fill in your application.

For more information on resident permit application.

REGISTERING YOUR ASYLUM CLAIM



Unaccompanied minors (under 18)



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Go to Forum Réfugiés, rue Neyret to try to have your minority (-18 years old) and unaccompanied status recognized.

If you get legally recognised as an unaccompanied minor, you will be taken care of by "Aide Social à l'Enfance" (ASE - Child Welfare Office) until you are 18 years old (accommodation, school, healthcare).

You can also apply for asylum. Reasons for claiming asylum as a minor are the same as for adults (see below), but the procedure is a little different for minors. If you are not already being assisted, you should ask help from an organisation.

Your first meeting with Forum Réfugiés (SPADA)

To start your asylum application in France, you must go to the «Structure de Premier Accueil des Demandeurs d'Asile» (SPADA). In Lyon, the SPADA is called 'la Maison du Réfugié'. It is managed by 'Forum Réfugiés'.

FORUM RÉFUGIÉS

326 rue Garibaldi, 69007 Lyon

Garibaldi

04 72 77 68 02

Monday, Tuesday, Thursday: 8:15am-4:30pm

Wednesday, Friday: 8:15am-12

Closed on public holidays

You have to go at the opening in the morning or in the afternoon to avoid waiting too long. In the case of heavy affluence, you may be given an appointment to return on another day.

If you are with your **FAMILY** (couples, spouses, children), your asylum claim is a family application: all members of your family living in France must come with you to the SPADA. Including those who already have a residence permit! If you have any questions, go to a legal aid clinic before going to the SPADA.

Forum Réfugiés will:

1. Give you information about asylum in France and ask you questions about:

- **Your personal details:** your name, age and family status.
- **The date you left your country and arrived in France.** Be careful, if you say that you came to France over 90 days ago, you will be placed in 'fast-track procedure', which is not in your favour.
- **The route you took** to come to France
- **The language you want to use** throughout the asylum process
- **Your email address** used for the rest of your procedure. If you do not have one, the SPADA helps you to create one.

2. Register this information into their system so it can be shared with the prefecture (French administration center). If you give false information, and the OFII realises it (notably giving a different identity) you risk being placed in 'fast-track procedure' ('procédure accélérée'), which is unfavourable to you and you will probably not have access to the accommodation and financial allowance.

3. Give you a notice ('convocation') to go to your prefecture's «Central Asylum Claim Desk» (GUDA) to register your application for asylum. They will give you an appointment to come back at Forum Réfugiés after the GUDA.

The Central Asylum Claim Desk (GUDA) at the prefecture



All the information you need is on your appointment notification letter: the prefecture's address, date and time of your appointment. **You must be on time!**

If you are late, you will not be received. Plan to spend at least half a day or the whole day there.

PRÉFECTURE DU RHÔNE SERVICE AUX ÉTRANGERS

97 rue Molière, 69003 Lyon
Place Guichard T 1 Saxe - Préfecture

At the GUDA, you will meet officials from:

1. The prefecture that will register your asylum application.

2. The OFII (Office Français de l'Immigration et de l'Intégration) which will evaluate your vulnerability level through an interview (your accommodation and medical status).

⚠ Be careful, these are two different appointments, do not leave if you have not met an agent of the Prefecture AND an agent of the OFII.

DO NOT LOSE THE DOCUMENTS given to you by the prefecture and the OFII. Take photos, photocopy them and keep copies (paper and digital) in several places.

The asylum procedure is for people who are in danger in their home countries. It is possible to ask for a residence permit for other reasons (health issues, family links...)

If you want to start your residence permit application at the same time as your asylum claim, you have 2 months to do it, starting from your visit to the GUDA. Once that delay has passed the prefecture can refuse to register your residence permit application.

Contact a legal organization for more information.

1. GOING TO THE GUDA

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An officer in charge of registering your asylum claim will...:

- Take your fingerprints
- **Check if you already applied for asylum** in France or in another country in the European Union
- **Give you a guide about the procedures** in your native language
- Ask you to choose the language you want to use during the entire procedure (your native language or another language you understand well enough). Once you have chosen your language, it is difficult to change during the procedure but at any time during your procedure you have the right to speak in French
- Give you a certificate of proof of your asylum application (récépissé) stating which procedure will be applied to your case: normal procedure, fast-track procedure or Dublin procedure.
- Give you an OFPRA file. It is very important to fill it out properly.

If you go to the GUDA after May 2nd 2022:

You will receive a login ID and code to access your personal OFPRA online account: ☐: <https://www.usager.ofpра.gouv.fr/ofpра/user/login>.

Starting May 2022, the distribution of OFPRA documents is digitalised for new asylum seekers. The OFPRA will give you the reception notice of your file, your appointment date and the answer to your asylum request through your online personal space. **You won't receive any more mail in the post!**

The SPADA can help you with the first login and consultation of your online space during the procedures on their computers.

⚠ The opening of your mail on your online personal space marks the beginning of the appeal timeframe. If you do not read OFPRA's letters when they are posted on your online space, OFPRA will still consider that you have read them after 15 days. You cannot tell OFPRA that you have not been informed.

2. GOING TO THE OFII'S RECEPTION DESK

The OFII (French Office for

Immigration and Integration) is an organisation supervised by the Ministry of Home Affairs. The OFII is responsible for the reception of asylum seekers in France and for assisting them throughout their asylum application procedure. It manages the national integration system (accommodation for asylum seekers, allowance).

An OFII employee will:

→ **Ask you questions about your personal situation.** You have to tell them if you have specific needs (if you are disabled, pregnant, ill, if you need to see a psychologist...)

→ **Give you a form called «Offer of support from the national reception centre»** (Offre de prise en charge au titre du dispositif national d'accueil). This will allow you to get accommodation and financial benefits (ADA).

To get the help offered by the OFII, sign the form by ticking the box that says "oui j'accepte de bénéficier des conditions matérielles d'accueil" (yes I agree to receiving the material reception conditions) in the bottom right of the form.



You can benefit from the financial allowance (ADA) and not apply for accommodation, but you must make this clear when you first go to the GUDA. If you request accommodation, you must accept the offer made to you; if you refuse, you will lose your right to accommodation AND your right to financial allowance (ADA).

The OFII can offer you an accommodation in a region that is different to the one where you applied for asylum. The OFII will provide you with a transportation ticket and the address that you have to go to within 5 days. You will have to remain in this area throughout the whole asylum procedure. You will not have access to accommodation or financial benefits (ADA) if you refuse.

3. GETTING A REGISTERED POSTAL ADDRESS AT THE SPADA (DOMICILIATION)

Domiciliation is a postal address where you can receive your mail. It is not a home address. It allows the OFPRA and CNDA to send you letters. This address will be used for all your procedures linked to your asylum process. Domiciliation is only valid during the asylum process.

The registered postal address (domiciliation) at the SPADA is required to renew the asylum application attestation with the prefecture.

After going to the GUDA, you have to go back to the SPADA (Forum Réfugié gave you an appointment date during your first visit). On this day, **Forum Réfugiés gives you a registered postal address (domiciliation).**

They also provide social and legal support: access to health insurance, reduced transport costs, help writing your story (récit) for the asylum application, access the OFPRA online portal.



Your domiciliation should be in the same region as the prefecture managing your asylum claim. If you are sent to an OFII in another region, your domiciliation is transferred there, even if you refuse accommodation in that region.

To find out if there is a letter waiting for you: see the list of numbers which is updated every evening, on display at Forum Réfugiés. They will also send you a text message (if they have been given a telephone number), or visit the Forum Réfugiés website.

To collect your mail from Forum Réfugiés, ask them questions or get help to access your OFPRA online personal space:

SPADA

⌚ Monday, Tuesday, Thursday: 8:15am-4:30pm

⌚ Wednesday, Friday: 8:15am-12

📞 04 72 77 68 02

📍 326 rue Garibaldi, 69007 Lyon

Ⓜ️ Ⓛ Garibaldi

No mail pickup on Monday.



ASYLUM PROCEDURES

Normal procedure

Your asylum application will be examined by **the OFPRA**

(Office Français de Protection des Réfugiés et Apatrides - French Office for the Protection of Asylum Seekers and Stateless People).

You are entitled to specific social rights for asylum seekers (social security, etc.), as well as financial benefits and accommodation if you responded "yes" ('oui') on the OFII form.

You have 21 days to fill in the OFPRA form the GUDA gave you and to send it to the OFPRA with all of the requested documents.

If your file is complete, the OFPRA will send you a confirmation letter. This letter allows you to renew your certificate of asylum application for another 9 months.



Renewing your certificate of asylum application can take a few days. Be sure to go to the prefecture a few days before the expiry date with a recent proof of domiciliation.

If your certificate of asylum application is expired, you risk getting arrested during an identity check.

Fast-track procedure

This procedure is not in your favour: the time they take to examine your file is shorter and you may not be able to benefit from material help (financial support and housing).

Ask the Prefecture to give you a document explaining why your application was sent to a fast-track procedure. Hold on to this document: it is essential for your application.

Follow the advice given for the normal procedure to renew your certificate of asylum application (récépissé).

You can be placed on a fast-track procedure if:

- You refuse to have your fingerprints taken or if they cannot be read
- You hide or give false information about yourself or your journey
- You received an order to leave French territory (OQTF)
- You already applied for asylum and are going through appeal.
- You sent your application more than 90 days after your arrival in France and you cannot justify why. This is considered a sign that you don not have an urgent need for your application to be accepted.
- You come from a country that is considered safe: Albania, Armenia, Bosnia-Herzegovina, Cape Verde, Ghana, Georgia, India, Kosovo, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal, Serbia.

If you believe your application should be examined through the Normal Procedure, you can indicate this to the OFPRA (by registered mail, in your story or during the interview).

OFPRA can place you in the normal procedure. If OFPRA refuses, you can ask for a reclassification to the normal procedure during your appeal to the CNDA (Cour Nationale du Droit d'Asile) with the help of a lawyer.

Dublin procedure



If you are «Dublined» (going through the Dublin procedure), it may be because your fingerprints were found in another European country where you already applied for asylum, or because you obtained a visa in another European country. This other country is responsible for your asylum application. The Prefecture will then ask that country to take you back and examine your application there. While you wait for the country's answer, you are allowed to stay in France with financial help (ADA) and health insurance (PUMA). The Prefecture will arrange several appointments mandatory to keep your housing and financial aid.

 Warning, the Prefecture will give you a transfer order («un arrêté de transfert») during one of these appointments. From that moment, you risk being sent to a detention center and transferred to the country in charge of your asylum application. The French state has 6 months to transfer you, starting from the date the country agreed to take you back.

 When you receive the transfer order, It is possible to appeal to ask France to be responsible for your asylum application so that you are not deported. The time limits for making the appeal range from 48 hours to 15 days. The chances of winning this appeal are very low. It depends on your personal situation (health, family, countries that you traveled through...).

 If you lose your appeal, the waiting time before you can file your asylum application in France will increase by six months from the date of the court decision, during which time you can still be transferred. Go to a legal aid clinic as soon as possible to get help and advice.

 If you are not transferred to the country in charge of your asylum application within the transfer period (6 months or more depending on your situation), France will be in charge of your asylum application.

Warning: every Dublin procedure is different, what worked for a friend might not work for you.



If you have been transferred but have returned to France, you can register your asylum application again. This can involve some risks: go to a legal aid clinic for advice.

In Lyon, the prefecture often refuses to register documents, if that is the case, go to a legal aid organisation or a lawyer.



If you don't go to the appointments given to you by the prefecture or if you refuse to be transferred, you risk being considered «on the run». In that case you will no longer have asylum seekers rights (housing and ADA financial aid).

The transfer period when France can deport you is extended and your récépissé is no longer valid.

As a precaution, wait 18 months after the time you stopped going to appointments before you go to the prefecture. After 18 months, France will become responsible for your asylum application.



It is very complicated to calculate these time periods, you should ask a lawyer for advice.



Whatever happens, go to a legal aid clinic with all your documents to get more information about the Dublin Procedure and your specific situation.

OPERA APPLICATION AND INTERVIEW

1. The OFPRA application

The OFPRA (Office Français de Protection des Réfugiés et Apatrides) is an administration in charge of the asylum procedure. It examines the asylum application and decides whether or not to grant the person international protection, i.e. refugee status, subsidiary protection or stateless status. Its decision can be contested before the National Court of Asylum (CNDA).

! The OFPRA's decision concerning your asylum claim is based on the OFPRA application and the interview. You should carefully read the information on the makeup of your file and on the preparation for the interview.

Through your story, you must convince the OFPRA that you are really in danger in your country and that you cannot return there without fearing persecution, torture or death. We highly recommend you get help from a specialised organisation or a lawyer to write your story.

You must return your asylum application file to the OFPRA within 21 days.

Keep copies of all your documents and/or take photos of all of your documents with your phone and contact organisations to photocopy the whole file. It is very important to have copies of all your documents.

HOW TO FILL IN THE OFPRA APPLICATION?

1. It must be written in french
2. It must be signed by the asylum seeker
3. It must include:
 - **2 identity pictures** in official format
 - **photocopy of the certificate of asylum application** (récépissé)
 - a photocopy of your passport, your identity card or any other identification documents you may have:

4. It must **show you and your family's personal information**: first and last names, date and place of birth...
5. It must **specify the language in which you wish to speak** during the interview.
6. It must **contain your story in French with all the reasons why you left your country** to seek asylum in France.

Writing down your asylum journey (récit) is the first way to communicate your fears, in context and in detail. **It should provide accurate and consistent information.** It should include the names of the people and places you are talking about and the dates in your country's calendar.

If you have **physical evidence** to support your story and attest to the persecution you have suffered (photos, identity papers, medical examinations, etc.), add copies of these documents to your file.

You can ask Forum-Réugiés, the SPADA to help you file your application and write your story in French.

Other organisations can help you with your OFPRA file.

Even if you get help from another organization or lawyer, carefully read the information in this guide regarding the OFPRA file: the information you give in your file is very important for your asylum application.

! We strongly advise against adding events that you yourself have not actually lived, or hiring a non-professional interpreter for the translation of your story: this could be very bad for the credibility of your asylum application. Specialized organisations can help write your statement in French for free.

→ **If you have made any mistake in your story, you can send more elements to the OFPRA by post before your interview (a letter with more explanation, a health certificate or other proofs). You can also ask to correct the mistakes during the oral interview at the OFPRA.**

The oral interview is more important than your letter.

HOW AND WHEN SHOULD I SEND MY OFPRA APPLICATION?

The application must be sent to the OFPRA within **21 days after** your visit to the prefecture. It must be sent **by registered mail** with acknowledgement of receipt (ask the post office) to this address. The receipt will allow you to prove that you have sent your file if it is lost.:

OPFRA

201, Rue Carnot, 94136 Fontenay-sous-Bois

If you submit your application directly to the OFPRA, you won't immediately get the receipt. **We advise asylum seeker to keep photocopies of their entire file** (form, story and attached documents) and proof of reception of the file by the OFPRA.

2. The interview

The interview with the OFPRA is the most important moment of your asylum application. You will receive the summons for your appointment by mail, often after the letter of registration of the asylum application. The date, time and conditions under which the interview will take place will be indicated in the letter. You must arrive on time on the day of your interview, and plan to stay at least 4 hours. Do not buy a return ticket too early (count at least 4 hours for the interview, plus the transport time to Paris).

There is a facebook group to find accommodation for the night in Paris before your OFPRA interview or CNDA hearing.

 Hosting in Paris for OFPRA and CNDA

You went to the GUDA before May 2 2022:

You will receive your notification by mail. Check for letters at your postal address every week!



The OFPRA can also notify you of your interview date by email and SMS if you have provided this information to the administration.

You went to the GUDA after May 2 2022:

You will receive your notification through your OFPRA online personal account. Check every week for new information.

WHO WILL BE AT THE INTERVIEW?

These people are obligated to respect their duties of neutrality and confidentiality::

→ **A protection officer from the OFPRA.** His title has nothing to do with the police.

→ **An interpreter if you do not speak French.**

Make sure the interpreter speaks the same language as you. If you do not understand the interpreter or if you feel that the interpreter is not neutral, you should report this to the protection officer

If you ask it, **an association representative or a lawyer can be present.** This person is a silent witness during the interview. They will be authorized to speak at the end of the interview.

WHAT HAPPENS DURING THE INTERVIEW?

During the interview, the OFPRA protection officer will ask questions based on the information in your OFPRA application, but it is your statements during the interview that will carry the most weight in the final decision.

1. The first part of the interview is about your civil status: the protection officer will ask you questions in order to verify your identity and your family situation. It is important to confirm the personal information of your family (spelling, for example) and not to forget anyone.

2. The second part of the interview focuses on your personal history and fears. It allows you to tell the events that led you to leave your country. You will be asked for details on the circumstances of these events (dates, places...). Your answers must be as detailed as possible and emphasize what has happened to you personally.

3. At the end of the interview, you will be asked to explain your current fears and what might happen to you if you return to your country.

An interview usually lasts 1.5 hours, but it can last from 45 minutes to several hours. You have the right to ask for a break to drink or use the restroom.

HOW TO BEST PREPARE YOURSELF?

The interview is confidential: you can express yourself freely. It is important to answer naturally and as spontaneously as possible. **Do not memorise your story**, try to tell in detail what you experienced while trying to remember the chronological order of events, dates, places, names of people and their roles: **all the details that will allow the protection officer to fully understand your story**.

It is important to say:

- if you don't know something
- if you forgot something
- if you do not understand the question asked
- if you feel you have not been understood or that the translation is wrong.

If you suffer from memory loss, have frequent nightmares, and if recalling events is too painful for you, it is important to tell the protection officer during the interview so that they understand your situation. You may be suffering from post-traumatic stress disorder. It may be useful to go see a doctor to talk about this and obtain a medical certificate to submit to OFPRA.

WHEN AND HOW WILL YOU RECEIVE THE ANSWER?

The OFPRA gives its decision within an average of 3 to 4 months. Sometimes, the decision may take longer than expected. In this case, the OFPRA will send you a letter to warn you. It is possible that you will be called for a second interview.

The time you were notified of the decision is important to know the deadlines to appeal.

You went to the GUDA before May 2 2022:

The final decision will be sent by registered mail to your address or by email. It is very important to check your mail at least once per week.

The post-person will leave an «Avis de passage» at your address. With this notice of passage and your certificate of asylum application, you can pick up this registered letter within the next 15 days at the post office. It is very important to pick up this letter as soon as possible in order to be able to request legal aid and have a free lawyer for the appeal process if the decision is negative.

You went to the GUDA after May 2 2022: the

decision will be communicated to you online on the OFPRA online space. You will no longer receive a letter. An SMS or e-mail will be sent to inform you, but it is important to check your OFPRA online space yourself every week.

If you do not read OFPRA's decision when it is posted on your online space, OFPRA will still consider that you have read it after 15 days. This is very serious, as the time limit for requesting a lawyer with legal aid may be exceeded, or worse, the time limit for appealing the refusal decision.

3. The decision

The OFPRA will decide if France should protect you: it can grant refugee status or subsidiary protection; it can also reject your application.

→ **If the OFPRA gives you refugee status:** you have the right to obtain a 10-year renewable residence permit from the prefecture

→ **If the OFPRA gives you subsidiary protection:** you will have the right to a 4-year residence permit, then possibly a 10-year renewable residence permit. It is possible to appeal the OFPRA's decision in order to try to obtain refugee status («faire un recours»). Appealing the decision will not make you lose subsidiary protection.

→ **If you obtain refugee status or subsidiary protection:** for information on the next steps.

→ **If the OFPRA rejects your application:** you can appeal to the Cour Nationale du Droit d'Asile (CNDAs).



Since the new asylum law, some people in the **fast-track process** (reexamination, safe country of origin, etc.) no longer have the right to stay after an OFPRA rejection decision. You can be sent back to your country, even during the CNDAs appeal. In that case, go to a free legal aid office to get help from a specialised organisation or a lawyer.



MAKING AN APPEAL (RECOURS)

If the OFPRA has rejected your application for asylum, you can appeal to the Cour Nationale du Droit d'Asile (CNDA) to contest the OFPRA's decision.

The CNDA (Cour Nationale du Droit d'Asile)

is an administrative court. It examines the appeals against OFPRA decisions. After carefully reviewing the arguments of the parties (the OFPRA and the asylum seeker), it will make a decision. It can cancel the OFPRA's rejection and grant refugee status or subsidiary protection. It can also reject the appeal. In this case, the applicant is refused asylum in France.

How to appeal to the CNDA?

The appeal must be presented in the form of a letter, which may be accompanied by documents, and must be written in French. The letter must contain certain important elements:

→ Your civil status and personal information

(first and last names, date and place of birth, nationality, address)

→ Arguments to refute the points of the OFPRA's decision that you contest.

You must clearly state the reason(s) why you think the OFPRA made the wrong decision about your case.

The appeal **must have arrived at the CNDA within one month after you received OFPRA's decision**: meaning within one month after the day you picked up the OFPRA's decision at the post office, or within one month after the post-person leaves a non-delivery notice.

Writing an appeal is not easy. You should seek the help of a specialized association or a lawyer.

→ You have 3 options:

1. Ask for a free lawyer to help you (legal aid)
2. Hire a paid lawyer yourself
3. Make your appeal alone (strongly discouraged).

If, for your appeal before the CNDA, you want to bring medical evidence of cruel, inhuman or degrading treatment you have experienced, Médecine et Droit d'Asile (MEDA) is an organisation of doctors, who offer a precise medical examination (for free), specifying the psychological and/or physical after-effects of your asylum journey, this assessment must be sent to the CNDA before your hearing.

MEDA LYON

Medical examination for people in appeal and who are waiting to be summoned to the CNDA.

⌚ Tuesday, Wednesday, Thursday: 9am-12 / 1:30-4:30pm, by appointment

📍 236-238 Cours Lafayette, 69003 Lyon

Ⓜ️ Brotteaux Ⓛ T1 / Ⓛ T4 Thiers-Lafayette

✉️ meda69@protonmail.com

📞 04 78 43 25 65

→ Make an appointment on this link:
https://medalyon.org/rv_da_isole/

→ Appointment made by a social worker:
<https://medalyon.org/demande-de-rendez-vous-med/>

1. Free lawyer

Be careful, the deadlines for requesting free legal assistance are very short: **you must apply within 15 days of the withdrawal of the OFPRA decision**. After this 15-day period, you will have to defend yourself alone or with a paid lawyer. This is not recommended.

If you have requested legal aid, your lawyer will accompany you in all the steps related to the appeal (they will receive a copy of your letters).

Two ways to apply for a free lawyer:

→ **Ask for help from the SPADA or a non-profit organisation:** you must go to the SPADA or a legal support session to get help.

→ **Apply for legal aid yourself:** write a letter with your signature, specifying your personal information, the number of your OFPRA file, and add a copy of the OFPRA decision.

You must send these documents by registered mail with an acknowledgment of receipt (ask the post office) to this address:

COUR NATIONALE DU DROIT D'ASILE

Bureau d'aide juridictionnelle

35 rue Cuvier, 93558 Montreuil Cedex
or by fax at this number

01 48 18 43 11

Or you can **drop off your letter** at the address.

You can also find a lawyer yourself who accepts clients who cannot pay. They will have to send a letter to the CND to inform them that they are taking your case.

If you request a free lawyer within 15 days of receiving your rejection letter from the OFPRA **the one-month time limit for appeal will be interrupted until you are granted a lawyer.**

You will receive two letters within 15 days:

- a letter of registration of your request
- a letter of acceptance of your request with the name and address of your lawyer.

From the moment you receive this letter, your lawyer has little time to make the appeal. They need to meet with you and listen to your story in order to prepare arguments against the OFPRA's decision.

Contact them quickly!

Lawyers are often very busy, but don't hesitate to ask for an appointment with them. If you cannot make an appointment with your lawyer, you can ask for help from a non-profit organisation.

2. Private lawyer

If you want to hire a lawyer of your choice to defend you before the CND, **you must find them yourself and pay their fees.**

Make sure that your lawyer is a specialist in immigration law.

With the help of your lawyer, you must send your appeal to the CND within one month of the notification of the OFPRA's rejection of your asylum application.

If you are unable to make an appointment with the lawyer you paid for, you can ask for help from a non-profit organisation.

3. File an appeal without a lawyer

This is not recommended.

You must defend your case at the CND without the help of a lawyer. If you want to make your appeal by yourself and defend your case, read the information above to know the important elements of an appeal.

What happens after you file your appeal?

The CND will examine your application.

- First, you will receive a letter that proves that your appeal to the CND is registered.
- Then you will receive a summons to the CND for a public hearing.



If the CND believes that your appeal does not present relevant arguments to challenge OFPRA's decision, a rejection akan «by ordonnance» which means without a thorough examination and without a hearing.

The hearing will take place in the CND office: 35 rue Cuvier, 93100 Montreuil, near Paris.

It is important to go to the hearing.

Be aware that the hearings are public. You can attend other people's hearings if you wish, to have an idea of how it works before you are called in yourself.

At the hearing, there will be three judges in the room.

Your lawyer will sit on your right and your interpreter on your left.

If you are in the fast-track procedure you will have only one judge.

On the day of your hearing, you can ask your lawyer to be heard à huis clos (in closed session), that is, without an audience.

1. The rapporteur will present your case

2. The judge(s) will ask you questions directly to understand your story. This part is very important because the judges are looking for the truth and must be convinced of the reality of your fears. You must answer their questions as naturally and spontaneously as possible, while providing the details requested (see tips for the OFPRA interview). At this point, rely only on yourself, and not on your lawyer, who does not have the same knowledge of the events that you have personally experienced;

3. Finally, your lawyer will take the floor to plead your asylum application, insisting on some important elements of your story to criticise the OFPRA's decision.

Three weeks after the hearing (normal procedure) or one week (fast-track procedure), the CENDA will send you its decision by registered letter. The decision will also be displayed at the CENDA and on its website. You will be informed of the posting date on the day of the hearing.

What to do when you have received the decision of the CENDA?

The final decision will be sent by registered mail to your address. It is very important to **check every week** if you have received mail at the address where you receive your mail.

The CENDA can either decide to cancel the OFPRA's decision, meaning you are given refugee status or «subsidiary protection,» or refuse your asylum application.

If the CENDA refuses to grant you protection, very few options are still possible:

- An appeal to the Conseil d'Etat within two months is possible, but the conditions are very strict: it is an appeal that only concerns problems related to the procedure and not the content of your file.
- A re-examination of your asylum application is possible but you must have new elements to request this.

If the CENDA refuses to grant you asylum, it means that you no longer have the right to stay on French territory. You can be arrested and sent back to your country. Go to a free legal help office to ask for advice.



APPLYING FOR YOUR CASE TO BE RECONSIDERED ("REEXAMEN")

If you are alerted to new events that concern your safety in your country, it is possible to ask the OFPRA to re-examine your asylum application. There is no time limit to initiate this review. The only thing that counts is that there are new events that confirm the threats against you if you return to your country.

Pay attention to what is considered as a new element. If you apply for reconsideration with a file that does not meet the criteria described below, your application will be rejected without an interview

New facts

A new fact is an event that indicates that you still have a fear of persecution or serious threats, meaning those threats are still going on. The fact is new if it occurred after the final rejection of your previous asylum application. This qualifies as a new fact if it happened:

- After the decision of the Cour Nationale du Droit d'Asile (CENDA)
- After the decision of the OFPRA (if you did not file an appeal with the CENDA).
- Or if you show that you were unaware of the event at the time of the rejection or that you did not have the opportunity to talk about it when you first applied.

Here are some examples of events considered as new facts if they have not already been raised before OFPRA or CENDA:

- The evolution of the political and/or security situation in the country if it has an impact on your personal situation.

→ The recognition of protection for a relative whose fear of persecution is linked to your situation.

⚠ New evidence is not a new fact. The request for reconsideration will not be granted if you bring back an element that only confirms your oral or written statements from the previous application.

Examples:

- A certificate of affiliation with a political party is considered only as new evidence if you had already disclosed your membership in that political party.
- A newspaper article or a letter from a lawyer attesting to facts already revealed during the previous application is considered to only be evidence confirming previous facts.

Be aware that a new element does not have to be a written document.

It can be an event that you can prove by simple statements. In this case, you will have to be very precise in your account (dates, places, names of people, ...) to allow the event to be retraced.

Just because the element is considered «new» does not mean you will automatically be granted protection.

Do not add any documents to your file without explaining how you obtained them and why you did not submit them during your first asylum application.

It is important to know that even if some documents report a new fact, applications for reconsideration are very often rejected by the OFPRA and the CNDP because they doubt their authenticity.

In case of rejection, it is possible to receive an Order to Leave the French Territory (Obligation de Quitter le Territoire Français, OQTF), and possibly a Prohibition against Returning to France (Interdiction de Retour sur le Territoire Français, IRTF).

How to apply for reconsideration?

The application for reconsideration is managed, as for the first application, by the OFPRA and the CNDP.

First, you must **go to the SPADA to get an appointment at the prefecture and file your application for reconsideration**. You should typically go to the SPADA of attached to the Préfecture of the area (or «département») where you made your first asylum application, but this is not required.

Depending on the date of your visit to the GUDA, you can apply for reconsideration by mail or through your OFPRA online account.

At the prefecture, you will be given a certificate of application for asylum and a file of application for reconsideration (pink). An application for reconsideration is necessarily placed under a fast-track procedure. The time required to examine the application will be quite short.



It is better to write your story with the new facts and ask a non-profit organisation for advice before going to the prefecture. **You will only have 8 days to send your application to the OFPRA.**

If your application for reconsideration is not considered acceptable by the OFPRA, you can appeal to the CNDP to contest this decision.

If your application has been considered acceptable, but after examination, has been rejected by the OFPRA, you can, as with your first application, appeal to the CNDP.



IF YOU HAVE BEEN GRANTED PROTECTION

At the end of your asylum application process, the OFPRA or the CNDP has granted you international protection: refugee status, subsidiary protection or stateless person status.

This means that:

- You are **protected by France**
- You have the **right to stay in France**
- You will **benefit from many of the rights** granted to French citizens.



As soon as you receive the decision, you must go to the prefecture with a certificate of residence or of administrative residence («domiciliation») and the asylum decision to obtain a récépissé.

The récépissé is a temporary document that affirms the «recognition of international protection» and allows you to start taking steps while waiting for your resident card or multiyear residence permit.

What are you rights?

→ The OFPRA will deliver you **civil status documents**, such as documents in your name which will be recognized by the French administrations (birth certificate, marriage certificate...).

Warning: it is a very long procedure.

You are no longer allowed to contact the administration of your country of origin, or you will lose the protection of France.

→ **Right to residency:** after receiving the civil status documents issued by OFPRA

→ **refugees** obtain a 10-year residence permit.

→ **beneficiaries of subsidiary protection** obtain a multi-year residence permit for a period of 4 years (renewable).

→ **You have the right to obtain a travel**

document that will allow you to travel abroad, except for your country of origin. The application must be filed at the prefecture by making an appointment on the website.

You will need 2 passport photos, your resident card, proof of residence, and proof of protection from the OFPRA. The travel document costs 45€.

- As soon as you receive the decision from the OFPRA or the CNDP, **you can have the right to receive social and family benefits** (RSA, CAF, social housing application, etc.)
- You have the **right to work in France** and to register with Pôle Emploi.
- You can resume your studies.
- You can **exchange your driving license for a French driving licence**. To do this, the licence must be valid, have been obtained before the first residence permit or long-stay visa was issued, and be written in French or accompanied by an official translation. The application must be submitted to the prefecture.

You have less than one year to start this procedure from the beginning of your récépissé's date of validity recognising the international protection.

→ You can **apply for French citizenship** (if you have had a stable and personal income for more than one year and have a good level of French):

- If you have obtained refugee status: you can do so as soon as your refugee status is recognised.
- If you have obtained subsidiary protection: you must prove 5 years of residence in France. You must apply for it at the prefecture of your place of residence.

Family reunification

You can bring your family members to France:

- Your spouse (husband or wife) or your partner (if you are not married)

 If the union or marriage took place after your asylum application, this will be a different procedure called «regroupement familial».

- Your children (under 20 years old) and your spouse's children (under 18 years old).
- If you are a minor, you can bring your parents and minor brothers/sisters to France.

HOW TO BRING YOUR FAMILY?

1. Your family must apply for a long-stay visa at the French Consulate closest to their place of residence.

The application they need to give to the consulate includes a form, the passport(s) of the members of your family, 4 identity photos per member, proof of your OFPRA protection and a copy of the birth and/ or marriage certificate for each family member.

It costs 99€ to have the application reviewed.

2. Once the application has been filed at the consulate, **the Office of Refugees' Families (Bureau des familles de réfugiés)** will contact you to get a copy of both sides of your residence permit or récépissé, a form concerning your family situation, proof of address or domiciliation, and any element likely to prove your family ties.

3. The procedure can take up to 8 months.

- If the long-stay visa is granted, your family has 3 months to travel to France.
- If the visa application is refused or if the consulate does not reply, you have 2 months to file an appeal to the Commission de recours against the visa refusal. Visit a lawyer, especially if it is a question of civil status.

How to get help?

These first steps may seem complicated but you can get help from different organisations to help you find housing, a job, a course and access to your rights:

- **If you have applied for asylum at the Rhône Prefecture**, you can benefit from Forum Réfugiés' Accelair integration program. For more information, contact Forum Réfugiés
- **Forum Réfugiés (SPADA)** or the shelter where you were housed during your asylum application can also help you with these procedures.
- **You can also make an appointment with a social worker to get help with your procedures**

In Lyon: contact the Maison de la Métropole pour les Solidarités (Metropolitan Solidarity Center) closest to where you live or where you are domiciled.

Around Lyon: you can contact the Maison de la Métropole or the CCAS of the commune in which you are domiciled.

- **You can also go to the legal help centres specialising in helping refugees.**



RESIDENCE PERMITS

Residence permits are another way than **asylum to have a right to stay in France** (to have “papers”). There are several residence permits, because they can be requested for several reasons: personal and family life in France, health, work...

The residence permit system is different from the asylum system. For asylum, you have to talk about the persecution you suffered in your country of origin, whereas to obtain a residence permit, it is your situation in France that matters.

In many cases, you will have to prove with physical evidence (official documents) how long you have been in France, your level in French, your connections with French or foreign people who have a right to stay...

You will need to have kept many documents to prove your presence in France.

For more advice and information on which documents to keep.

For most residence permits, you have to apply from your country of origin, at the French consulate. You must then apply for a longterm visa (visa D) which gives you the right to a residence permit (for example for family reunification, to study in France, to come to France for work). The long-term visa is the opposite of the tourist visa, which only lasts a maximum of 3 months (visa C).

But if you are already in France, you can apply for certain residence permits in order to have the right to stay in France. This is called «regularisation» (of formlaising your status).

It is possible to apply for a residence permit:

- **If you are in an «irregular situation»**, meaning you do not have papers that giving you the right to stay in France.
- **If you are applying for asylum:** When registering your asylum application, the prefecture will ask you if you also want to apply for a residence permit.

This must be done within 2 months, except for residence permits for health reasons for which the deadline is 3 months. Your application for a residence permit will only be processed once you have received a response to your asylum application.

You will not be able to apply for a residence permit if your asylum application is rejected, except in certain cases.



There are many conditions for obtaining a residence permit. Applying for a residence permit is a complicated and risky procedure. Each application is different and the chances of obtaining a residence permit depend on your personal situation.

You could be deported if your application for a residence permit is rejected.

For these reasons, **it is very important to get legal advice before starting a residence permit application procedure**. Go to a legal support session to evaluate your personal situation, to see if you meet the criteria for a residence permit, and to have help with your application. Some residence permits are more reliable than others. There is a difference between **“residence permits by right”** and **“discretionary residence permits”**.

RESIDENCE PERMITS BY RIGHT

The criteria for obtaining a **residence permit by right** are written in the law.

Normally, if you meet these criteria, the residence permit should be provided by the prefecture. In case it's refused, you can seek a lawyer to appeal.

The majority of «personal and family life» residence permits are issued by right (parent of a French child, marriage to a French person if you have entered the country legally, intensive personal and family life ties).

This is also the case for the health residence permit for very serious illnesses that cannot be treated in the country of origin. But, there are many conditions to get one of these permits, and they may be unclear.

DISCRETIONARY RESIDENCE PERMITS

Discretionary residence permits are more difficult to obtain because they are «at the discretion of the prefecture» i.e. subject to their goodwill. This means that even if you meet the criteria for a residence permit, the prefecture can still refuse to give it. For example, the work permit is discretionary.



Meeting the conditions - even for a residence permit by right - does not mean that you will automatically be granted a residence permit. There is always a risk of refusal and deportation. Do not start this procedure on your own, ask for help from an organisation specialised in residence permits.

If you have a residence permit from another EU country, go to a legal support session before going to the prefecture. Some residence permits will allow you to apply for a work permit, others will not.

RESIDENCE PERMITS IN THE CONTEXT OF A REGULARISATION IN FRANCE

- By right (you must meet the conditions, which may be unclear)
- Discretionary (meet the conditions + receive a favourable decision from the prefecture)

YOUR SITUATION				RESIDENCE PERMITS
● M2 Students in search of employment (APS* 12 months)	● Visitors	● Employees/ temporary workers	● Young people in the care of ASE after turning 16 and completing a training	→ Residence permit for work
	● Marriage with a French person (if entry with a visa)	● personal and family ties (intense, stable, long-established)	● Parents of a French child	→ Residence permit for family life
	● Sick foreigners (serious illness that can not be treated in your home country)	● Parents of a sick child (APS* 6 months)	● Work accident/ illness caused by your work	→ Residence permit for health
● Birth/entry into France before 13 years old and French residency	● Young people in the care of ASE before turning 16 years old	● Extraordinary or humanitarian reasons	● Has lived in France for at least 10 years.	→ Residence permit for private life
● Victims of domestic violence	● Victims of human trafficking or prostitution	● Beneficiaries of a protection order	● In a programme to leave prostitution (APS* 6 months)	→ Residence permits for survivors of violence

*APS = Temporary residence permit

The residence permits that Algerian nationals can apply for are different from others because they depend on the Franco-Algerian agreement.



PROCEDURE ENGLISH LYON

If you are in **Lyon**, as an asylum seeker, refugee or undocumented person, **this guide is made for you.**

It contains **useful addresses, advice and legal procedures updated each month!**

Our texts are written, reviewed and checked by social, asylum and foreigner's rights experts.

This guide is available and **updated each month** in **French and in English.**



Download the guide :
www.watizat.org

Do you have questions ? Contact us:
lyon@watizat.org



Watizat Lyon



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Si vous êtes une organisation, association ou collectif, contactez nous pour commander des guides en version papier

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