

Annex B. The Asylum process and legislation in France

Asylum legislative framework

In France asylum law establishes two sorts of international protection status: refugee and subsidiary protection. There are other specific mechanisms to access the refugee status i.e. (1) relocation schemes within the collective responsibility of EU member states; (2) resettlement; (3) asylum visas for specific vulnerable categories.

Recent years have been marked by changes in asylum legislation. In July 2014, the government presented two draft laws on immigration and asylum. The asylum law passed on July 2015 and came into force in November 2015 granting new rights to asylum seekers (i.e. automatically suspends decisions after appeals have been heard by the National Court of Asylum (CNDA), including fast-tracked cases; allows asylum seekers to take advice from the French Refugee Protection Agency (OFPRA), in line with EU directives; provides for improved assessment of and allowance for vulnerabilities at all stages of the application process (for those in poor health, female victims of violence, minors, etc.) (OECD, 2016a).

Another essential aspect of the law is that it has sped up the processes of application as the target was to be able to process asylum application in an average of nine months by the end of 2016. In 2016, according to numbers provided by the Ministry of Interior, the procedure lasted around 14 months. To prevent large numbers of asylum seekers from being concentrated in given parts of the country and to offer quality accommodation and social services, the new law has also set up a compulsory accommodation system (OECD, 2016a).

In February 2018 the national government produced a new asylum bill (*Loi Colomb*) engaged in reducing to six months the length of instruction of asylum claims (appeal included), which would especially apply to Île-de-France where the concentration of asylum seekers makes the procedure longer. It aims at reducing the time in the phases of registration (the asylum application would be processed under the accelerated procedure after 90 days of time once entered in the national territory, instead of 120 days previously), instruction and judgment. The law proposal has also reduced the time available for appealing the rejection of the protection status (from a month to 15 days).^[1] This law is under discussion at the moment of drafting this case and so its final characteristics cannot be presented here.

The asylum process step by step

1. PADA: Since 2015, all asylum seekers need to address the Reception Platform for Asylum Seekers (PADA, *Plateforme d'accueil pour les demandeurs d'Asile*) where a partner NGO informs them about asylum, requests online the first interview for asylum seekers registered at the single desk GUDA (see below (2)) and assists them through administrative procedures. In Paris, the CAFDA PADA

is in charge of receiving families and the France Terre d'Asile PADA handles single adults. Long delays for reception and saturation in the Parisian PADAs were indicated through OECD meetings.

2. GUDA: Since 2015, asylum seekers need to present themselves to the single desk (“*Guichet unique*” GUDA) which unites the services of the prefecture and the OFII to register as asylum seekers. The prefecture registers their identity and information and determine the European country eligible for their asylum request. If entitled to request asylum in France, the OFII inscribes the asylum seeker in the National Mechanism of Reception (*Dispositif national d'accueil* DNA) and evaluates the individual situation and its vulnerability, opening its right to the economic allowance for asylum seekers (ADA) and formulates if possible an accommodation proposal. If not considered as an asylum seeker, the person is required to leave the country or enters in a phase of irregularity.
3. OFPRA interview: Once registered, the asylum seeker can introduce his or her request to the OFPRA which independently examines the request. At the OFPRA, a personal interview is organised between the asylum seeker and a “Protection Officer” in which the former present the details of the claim through an interpreter. Since the 2015 Asylum Law, asylum seekers and refugees can be accompanied by a lawyer or a representative of an accredited association in the interview.
4. OFPRA decision: After the personal interview, OFPRA decides about the asylum request and notifies the asylum seeker. The average length of the process is 14 months and the 2018 reform of the asylum law aims at reducing it to 6 months. If the request is approved, the asylum seeker becomes a refugee or a beneficiary of subsidiary protection. If the OFPRA rejects the application, the asylum seeker can appeal and contest the decision in the National Court of Asylum Law (*Cour nationale du droit d'asile*, CNDA) which can approve the petition for international protection or reject it. In the former case, the asylum seeker becomes a “*debouté*” and needs to leave the country just like all irregular migrants. The 2018 Asylum reform reduces the delay of appeal to the CNDA from 1 month to 15 days after the rejection at the OFPRA.
5. Once asylum seekers become status-holders, they enter the “*Droit commun*” and are not entitled anymore to government-provided temporary accommodation dedicated to asylum seekers (*hébergement*). Theoretically, recognised refugees should be able to access autonomously either the private or social housing system.

The accommodation system for asylum seekers in France

The accommodation system for asylum seekers in France is complex and composed of multiple forms of facilities according to the administrative status of the beneficiary.^[2] There are three main types of temporary accommodation for asylum seekers connected to the National Reception System (*Dispositif national d'accueil*, DNA) in which the OFII can find available spaces for vulnerable asylum seekers: CADA, HUDA and AT-SA.

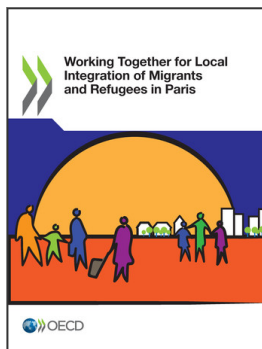
1. CADA (*Centre d'accueil pour demandeurs d'asile*) are the main type of reception facilities (40 450 spots across France in January 2018) offering housing as well as extensive administrative and social support provided by social workers. Three key actors participate in the governance of CADA: the Asylum Direction (within the Directorate for Foreigners under the Interior Ministry, DGEF), the Prefects and NGOs managing the centres. The asylum direction coordinates and finances these

structures through a call for projects that is disseminated by the Prefect which allocates their management to an association (i.e. COALIA, France Terre d'Asile, etc.).

2. HUDA (*Hébergement d'urgence pour demandeurs d'asile*) are emergency facilities intended to compensate for the lack of beds in regular reception centres. Theoretically, their mission is to accompany asylum seekers before their entry into CADA. These structures are managed directly at local level, and the services they can provide vary strongly from one centre to another. For instance, this category includes hotel stays, with no administrative and social assistance, as well as more stable structures, in which the housing and social support's quality can be compared to the services offered in CADA. All asylum applicants, including people under the Dublin status, can access these facilities. They are also managed by partner associations (e.g. Adoma, Coalialia etc.) and there are 21 000 HUDA spots in France.
3. The AT-SA (*Accueil temporaire – Service de l'asile*) is an emergency reception facility managed at national level that is mainly used to provide housing for asylum seekers settled in overcrowded territories, such as the Paris area, or in order to be able to dismantle makeshift camps. These structures (5 776 spots at the national level) have also been involved in the accommodation of asylum applicants in the context of the European relocation scheme.

Further, since 2015, along with the traditional structures of reception and accommodation of asylum seekers (CADA, AT-SA and HUDA), new specialised shelter categories were created in a context of camp dismantling. They aim to be transit shelters covering the period between camps or homelessness and accessing the *Dispositif national d'accueil* for asylum seekers. The CAO (Centres of Reception and Orientation) were created by the national government in 2015 when the Calais camp was dismantled. The CAOs are spread across the national territory except in Île-de-France to relieve the Parisian overcrowding. There are temporary centres (between 3 and 6 months) for shelter and administrative and health support. In the Parisian region, the CHUM (*Centre d'hébergement d'urgence pour Migrants*) are equivalent to CAO and temporarily host people after makeshift camps have been dismantled in Paris. CHUM are financed by the Prefecture (DRHIL) under BOP 177 and managed by partner NGOs.

Formally outside the asylum system but playing a critical role in hosting asylum seekers and refugees are the CHUs (*Centres d'hébergement d'urgence*, i.e. Emergency Accommodation Centres). These are universal structures managed by the SAMU Social providing shelter for homeless people in Paris which, since 2015, received many asylum seekers, especially after camp evacuation.



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