



Input by civil society to the EASO Annual Report 2016

EASO has started production of the Annual Report on the Situation of Asylum in the European Union 2016, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). The report will be finalised by collecting information from EU+ countries, civil-society stakeholders, UNHCR and other relevant sources on main developments in asylum policies and practices of EU+ countries in 2016.

Previous reports can be consulted on EASO's website: <https://www.easo.europa.eu/information-analysis/annual-report>

We would kindly like to ask you to provide your **observations**, - preferably bullet points to facilitate further processing of your input - **on developments in asylum law or practice in 2016 (and early 2017) in the areas listed below, reflecting the usual structure of the report**. Observations may concern national practices of specific EU+ countries or the EU as a whole.

The EASO Annual Report will not describe the national asylum systems in detail but present key developments in 2016, including **improvements and new/remaining concerns**. The topics listed below reflect the structure of chapter 4 of the EASO report on the 'Functioning of the CEAS'. We kindly ask all contributors to provide brief summaries only on those topics/issues that have seen important **improvements/deterioration as well as new concerns or where previous relevant concerns remained in 2016**.

Please bear in mind that the EASO Annual Report is a public document. Therefore, your input should be, whenever possible, supported with references to written sources to ensure transparency. That can be done by providing links to any documents such as position papers, important press releases, studies, comments, input to the other reports, public statements to government programs, etc.

While EASO endeavours to cover all relevant developments and strives to include as many references as possible, the final content of the EASO Annual Report remains bound by its terms of reference and volume. Therefore, while all contributions are gratefully received and recognised, EASO may edit contributions for length and clarity and use the submissions to best serve the objective of the Annual Report: to improve the quality, consistency and effectiveness of the CEAS.

Please provide your input by filling in this document (with attachments if required) and emailing it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 20 February 2017**.

Within the areas, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.
- Please use the topics listed below as a guide to providing input for each section. **DO NOT** provide information unrelated to relevant new developments.

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For each of the below sections, more information are available in the [AIDA report on France updated in February 2017 and covering developments in 2016](#).

1) Access to territory and procedure

Access to the registration of asylum claim has proven to be really difficult in 2016 following the implementation of the asylum reform. In several areas, platforms in charge of registering the applicants to give them their appointment to the Prefecture (responsible for registering the claims) have been overwhelmed and the Prefectures have not been able to process asylum claims within the deadlines foreseen by the law. These dysfunctions have prevented many asylum seekers from getting access to the procedure in reasonable times and from getting access to accommodation. **More p.23 of the report**

2) Access to information and legal assistance

In 2016, NGOs have started to be present with asylum seekers during their asylum interview at the French Protection Office for Refugees and Stateless persons (OFPRA). 14 NGOs are today accredited to support asylum seekers during their interview. However, there is still no funding to conduct such mission which therefore remains limited in terms of the number of people who can be accompanied. **More p.30 of the report**

3) Providing interpretation services

4) Dublin procedure

The amended law on immigration was on 7 March 2016. The immigration reform allows Prefectures to systematically use house arrest orders against asylum seekers placed under the Dublin procedure, during the determination of the Member State responsible for their asylum claim. The time limits for challenging a removal order taken against denied asylum seekers have been shortened. The regular deadlines to challenge such an order are normally one month. Where a detained asylum seeker has been ordered to leave the country, the delays to contest the order are only 15 days. **More p.41 of the report**

The situation of Dublin returnees is described with new evidences p.44 of the report

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicant for international protection:

Reception system: The national scheme is now completely managed by the French Office on Immigration and Integration (OFII). The organisations running accommodation centres have faced several difficulties regarding the orientations made by OFII. On many occasions, social workers have reported that the vulnerability was not taken into account, especially regarding disabilities.

Accommodation: 8,703 accommodation places have been opened in 2016. Despite this increase number, the national reception scheme is insufficient to accommodate all the asylum seekers. These limitations have been particularly highlighted by the crisis in Calais and in Paris. The dismantlement in Calais led the government to create 241 accommodation and orientation centres (CAO) to channel people living in the slums. Asylum seekers living in camps in Paris have also been channelled to these centres. Two humanitarian centres have also been created by Paris municipality in Paris and in Ivry-sur-Seine to empty out camps settled in the downtowns. In 2017, 1,800 additional places will be opened in reception centres for asylum seekers (CADA). The objective is to reach 60,854 accommodation places in total, among which 40,352 would be in CADA.

Financial allowance: Access to the living allowance remains an issue, 18 months after the recast asylum law was adopted. Many asylum seekers are not receiving their monthly allowance in due time or do not perceive the expected amount. Support organisations encounter many difficulties to communicate with OFII about these issues. **More p.73-93 of the report**

7) Detention:

Applying from detention: The immigration law reform has modified the conditions for lodging an asylum claim in detention. Upon hearing their rights, asylum seekers have 5 days to lodge it. It is however possible to lodge a claim after these 5 days if the asylum seeker is in position to present new elements. Asylum seekers coming from safe countries of origin cannot benefit from this provision. Their claim will be irremediably deemed inadmissible if it is lodged after 5 days.

Judicial review: The immigration law has also modified the judicial review of detention. It is now possible for the Judge of Freedoms and Detention (JLD) to be seized for the first time within 48 hours after the placement in detention. The Judge can extend the detention for 28 additional days or uphold the release of the detainee. It will be then possible to seize the judge at the end of the aforementioned 28 days.

House arrest: Asylum seekers placed under the Dublin procedure and subjected to a house arrest order can be placed in administrative detention if they do not present themselves for their appointment at the Prefecture. Before the placement is upheld, the Prefect can also require from the Judge of Freedoms and Detention to send police forces to the residence of the asylum seekers in order to ensure they are not absconding.

Access to detention centres: Journalists are allowed to visit detention centres. Access must be authorised by the Prefect. Their presence must be compatible with detainees' dignity, security measures and the functioning of administrative detention centres.

More p.94-113 of the report

8) Procedures at First instance:

Provisional statistics for 2016 refer to an average processing time of 5 months, thereby reducing the length of the procedure compared to previous years. **More p.28 of the report**

9) Procedures at Second Instance:

The first hearings with a single judge at the French National Court of Asylum (CNDA) were settled on 27 February 2016. Stakeholders feared that this type of hearing might have a negative impact on asylum claims, increasing the rejection rate. In practice, this rate seems to be the same as regular hearings. **More p.33 of the report**

10) Availability and use of Country of Origin Information:

On 9 October 2015, OFPRA Management board had reintroduced Kosovo in the list of safe countries of origin. The reintroduction of Kosovo has been challenged to the Council of State by several French NGOs, including Forum réfugiés – Cosi, Cimade, Dom'Asile, GISTI, Elena France and JRS France among others. Some of these NGOs also asked for the withdrawal from this list of Senegal, Albania, Armenia and Georgia. On 30 December 2016, the Council of State rejected the claims and upheld the list in its current form. When upholding the legality of the inclusion of Kosovo in the list, the Council of State took into account the fact that the country has been inserted in the European Commission proposal for an EU list of safe countries of origin. **More references to cases and jurisprudences p. 67 of the report**

11) Vulnerable applicants:

The French Office on Immigration and Integration (OFII) interviews regarding the assessment of the asylum seekers' special needs and vulnerability are not always conducted or are not systematically conducted with an interpreter. **More p.56 of the report**

12) Content of protection – situation of beneficiaries of protection

A Decree adopted in March 2016 provides beneficiaries of international protection to be hosted in a temporary accommodation centres (Centre provisoire d'hébergement, CPH) upon an OFII decision. They will be then allowed to stay there for 9 months. This stay can be renewed for a 3-month period. **More p.114-122 of the report**

13) Return of former applicants for international protection

14) Resettlement and relocation

On relocation see p.68 and 69 of the report practices reported in France

15) Other relevant developments