

# Input by civil society to the EASO Annual Report 2019

Fields marked with \* are mandatory.

The production of EASO's *2019 Annual Report on the Situation of Asylum in the European Union* is currently underway. The yearly [annual report](#) series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organizations, the UNHCR and researchers. To this end, we invite you to submit information on developments in asylum law, policy or practice in 2019 (and early 2020) by topic as presented in the online survey.

Please note that the EASO Annual Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections. It is preferred to provide your submission in bullet points to facilitate drafting.

All submissions are publicly accessible. For transparency, 2019 contributions will be published on the EASO webpage. Contributions to the 2018 annual report by civil society organisations can be accessed [here](#). All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO annual report is subject to terms of reference and volume limitations. Submissions may be edited for length and clarity or may not be included in the final report. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the annual report.

Please complete the online survey and submit your contribution to the 2019 annual report by **Thursday, 12 March 2020**.

## [Instructions](#)

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, please only include the following type of information:

- New developments and improvements in 2019 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2019.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

In 2018, the French police recorded 71,274 refusals of entry at the border, compared to 85,408 in 2017. Not date was made available for the year 2019, however. In December 2019, several NGOs have requested a parliamentary commission with the aim to investigate violations of the law at the border (<https://bit.ly/2FS8Vix>). The issues reported by these NGOs include violent practices, pushbacks, the absence of medical and social care as well as a lack of support to vulnerable applicants including unaccompanied minors.

Reports of people simply being refused entry without their protection needs being taken into account at the Italian border continued in 2019 (<https://bit.ly/2su3WkP>). A network of researchers focusing on the Italian land border has also been established in 2018 whose goal is to make visible the work on this theme, and to establish a dialogue with civil society (<https://bit.ly/2FS8Vix>). Since 2015, the French police has implemented operations to close the border and to prevent asylum seekers coming from Italy from entering France. The closure of the border has been maintained and police operations have been reinforced in recent years, as France maintains controls at its Schengen borders for three consecutive years. In 2019, the Government issued two decisions of temporary reintroduction of border control at internal borders which have been notified to the European Commission. The first temporary border control applied from the period of 1 May to 31 October 2019; while the second temporary border control is valid since 1 November and up until 30 April 2020.

Due to the increasing number of migrants arriving in Spain, the French-Spanish land border has become one of the main entry points to France since 2018. Spanish media have reported that migrants are pushed back from France to Spain without appropriate guarantees, in procedures lasting less than 20 minutes. (<https://bit.ly/2Cxr85Q>.) Civil society organisations have denounced what appears to be a practice mirroring the methods of the Border Police on the Italian border (<https://goo.gl/CdT9gC>). Médecins Sans Frontières (MSF) alerted in February 2019 that “[p]eople are denied the opportunity to apply for asylum in France, and minors are not considered as such; they are routinely turned away and sent back to Spain, instead of being protected by the French authorities as the law requires.” (<https://goo.gl/CdT9gC>) Local authorities in Bayonne have also criticised current practice vis-à-vis migrants arriving from Spain. On 12 November 2018, the French Minister of Interior declared that 10,500 refusal of entry decisions have been handed at the Spanish land border in the first 10 months of 2018. No figures were made available for 2019.

In 2018, concerns have been raised with regard to persons seeking to enter France by air. A worrying development has been witnessed in the waiting zone of Beauvais, near Paris. The Border Police in Beauvais refused to receive asylum applications where it deemed that the person fell within the scope of the Dublin Regulation. The situation seems to have changed in 2019 however, according to a declaration of the police during a visit by ANAFE at the airport in September 2019.

The average waiting time for appointments to register asylum claims decreased since 2018. However, in July 2019 the Council of State recognized that it remained a current issued and ordered to the authorities to take measures to respect the legal time. In the Ile-de-France region asylum seekers have to face an additional administrative layer in the registration process since the French Office of Immigration and Integration (OFII) operates a telephone appointment system. In November 2019, the Administrative Court of Paris ordered the Prefecture to increase the number of daily appointments.

## **2. Access to information and legal assistance (including counselling and representation)**

OFPPRA published a guide on procedures which has shown to be very useful both for asylum seekers and for practitioners. This includes information on the regular procedure, inadmissibility and accelerated procedures, appeals, the interview, the content of protection etc. The last version was updated in December 2019. (<https://bit.ly/2UdFQ9n>.)

Access to legal assistance is therefore uneven depending on the type of reception conditions provided. Asylum seekers in the most precarious situations, those without reception conditions are offered much fewer services than those accommodated in CADA. This situation leads to unequal treatment between asylum seekers accommodated in reception centres (a fortiori CADA), who receive support and in-depth assistance, and asylum seekers housed in emergency facilities, who are without direct support and are sometimes located far away from the regional PADA. Furthermore, the limited resources allocated to these platforms greatly limit the services provided.

Following the reform, the law provides that the legal aid application suspends the deadline to appeal before the CNDA. Time continues to run from the point the applicant or his or her legal representative receives the notification of legal aid from the Legal Aid Office. As a result, the time available to lodge an appeal will vary depending on how early a legal aid application is submitted e.g. if the legal aid application is submitted 2 days after receiving the negative OFPPRA decision, the deadline to appeal will be 28 days after the decision of the Legal Aid Office.

## **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

Following the 2018 asylum reform, the language declared by the asylum seeker upon registration at the GUDA is binding for the entire procedure and can only be challenged at the appeal stage. OFPPRA published a Code of Conduct for interpreters in November 2018. (<https://goo.gl/vSEYFT>.) It has also conducted trainings for interpreters, specifically concerning certain vulnerabilities of asylum seekers. There is no information yet on whether the Code of conduct is being well applied in practice

## **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

In 2019, 46,460 Dublin requests have been made by French authorities, up from 45,358 in 2018. At the end of the year, 36,900 of them were still in Dublin procedure and 9,560 persons re-channelled from a Dublin

procedure to a regular or accelerated procedure (requalifiés). As regards the actual implementation of transfers, no statistics were made available for the year 2019.

In 2019, a total of 26,350 asylum seekers were allowed to lodge applications with OFPRA after their Dublin procedure in France came to an end (requalifiés). Of those, 9,560 had been placed in a Dublin procedure in 2019 and 16,790 in previous years.

While there is no official data available on how long a transfer takes place after the responsible Member State has accepted responsibility, civil society organisations have reported that it can vary from 1 to 153 days. [5https://bit.ly/2uneV0d](https://bit.ly/2uneV0d)

In 2018, the Ministry on Interior has implemented a regionalisation plan for the Dublin procedure whereby the Dublin procedure is carried out by one Prefecture (pôle régional) per region, with a view to ensuring higher convergence across the French territory. This plan was consolidated in 2019. According to this plan, only one Prefecture per region is now responsible for the implementation of the Dublin procedure for the applications registered in its respective region. (<https://bit.ly/3axKAww>) The regionalisation plan creates difficulties for asylum seekers who have no means of travelling to the competent Prefecture after receiving a Dublin notice document, as missing an appointment led to reception conditions being withdrawn and applicants becoming exposed to destitution. The Council of State clarified, however, that where the applicant is required to travel from his or her place of residence to appear before the pôle régional, the transport costs have to be borne by the Prefecture. However, problems persisted throughout 2019 as transport vouchers were sometimes delivered too late. As a result, asylum seekers were not always able to attend their appointment.

The possibility to detain asylum seekers from the beginning of the Dublin procedure seems to have been used a few hundred times in 2019. Forum réfugiés-Cosi is aware of at least 200 cases as it provided legal assistance to that end in six different centres located in Lyon, Nice, Marseille, Perpignan, Sète and Nîmes.

## **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

In 2017, OFPRA took 214 inadmissibility decisions concerning asylum seekers who already enjoyed international protection in an EU Member State or refugee status in a third country. More recent figures on the number of inadmissibility decisions are not available.

According to Ministry of Interior statistics, 50,750 asylum applications were filed in accelerated procedures at the end of 2019, representing 33% of all caseloads.

## **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

In 2019, the number of asylum seekers accommodated remained far below the number of persons registering an application: at the end of the year, only 52% of asylum seekers eligible to material reception condition were effectively accommodated (<https://bit.ly/2RJsnLb>.)

Following successive rulings of the Council of State annulling the previous provisions due to the inadequacy of the set amount (4.20 € and 5.40 € respectively), the current amount granted is 7.40 € per day. This amount remains really low and renders the access to accommodation on the private market almost impossible.

The credit card on which the financial allowance is being provided can no longer be used for the withdrawal of cash since November 2019. The card can only be used for payments, both online and in shops. This development limits the possible use of money by asylum seekers, and has been strongly criticized by NGOs.

In Paris, there are still several informal camps as of early 2019, despite many dismantlement operations by the authorities. In January 2020, authorities lead the 60th dismentelement operation since 2015 and 1,436 migrants have thus been accommodated in emergency centers following the operation. During the previous operation in November 2019, about 1,600 migrants were accommodated. Among foreign nationals living in these camps there were irregular migrants but also asylum seekers, many of them in a Dublin procedure. According to the Prefecture, 15,640 migrants have been accommodated in emergency centres in 2018.

On 21 June 2019, the Council of State ordered the northern prefecture of France to adopt important sanitary measures to support around 700 migrants living near a sport hall of the commune of Grande-Synthe. The application to proceedings for interim measures had been filed by 9 civil-society organisations and the commune of Grande-Synthe. It demonstrated that both the inhumane living conditions of the migrants and the failure to act of the Government were a violation of the migrant's fundamental rights. Following the decision of the Council of State, the French prefect had 8 days to adopt numerous sanitary measures such as installing water points, showers and toilets, but also to provide information to migrants on their rights in a language they understand. The organisations Human Rights Observers and L'Auberge des Migrants based in Calais have also published a report in 2019 demonstrating that police evictions have increased to record levels, with more than 800 forced evictions since August 2018. It also describes the terrible living conditions on site, the loss and damage of belongings, the abusive practices and the arbitral arrests that migrants regularly face.

Since March 2019, access to the labour market is allowed only if OFPRA has not ruled on the asylum application within 6 months after the lodging of the application and only if this delay cannot be attributed to the applicant. This means that persons who do not lodge an asylum application, such as asylum seekers under a Dublin procedure, are excluded from access to the labour market. In this case, the asylum seeker is subject to the rules of law applicable to third-country national workers for the issuance of a temporary work permit.

## **7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

In 2019, the maximum length of detention has been extended from 45 to 90 days. As a result, tensions and violences in centres are increasing.

In the first 10 months of 2019, 236 children have been detained.

Hunger strikes were led in four CRA in January 2019

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

The average first-instance processing time for all procedures was 161 days in 2019, up from 150 in 2018. The latest report published in November 2018 contained mostly positive conclusions concerning interviews and decision-making at OFPRA. It confirmed diminishing disparities between OFPRA and UNHCR

examiners' positions. As mentioned in the previous quality control reports, no major difference was noticed in OFPRA's treatment of asylum applications under the accelerated procedure and under the regular procedure.

An OFPRA Decision of 14 December 2018 has established the list of approved premises intended to receive asylum seekers, applicants for stateless status, refugees or beneficiaries of subsidiary protection heard in a professional interview conducted by OFPRA by an audio-visual communication procedure. This includes several administrative detention centres, as well as waiting zones.

Decentralised missions in French cities out of the Paris region, in order to accelerate the examination of claims, doubled in 2019.

## **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

In 2019, the CNDA registered 59,091 appeals and took 66,466 decisions, compared to 58,671 appeals and 47,314 decisions in 2018. An important increase of decisions is due to the fact that strike actions had stopped activity of the court during several weeks in 2018.

The average processing time for the CNDA to take a decision increased to 7 months and 5 days in 2019 compared to 6,5 months in 2018, due to a rise in the number of appeals registered and to strikes. For the regular procedure, the average processing time was 9 months and 20 days.

The hearing takes place at the CNDA headquarters in Montreuil, near Paris, but the use of videoconferencing for CNDA hearings is allowed. Since 1 January 2019, the CNDA may use videoconferencing even without the consent of the applicant, to ensure "a proper administration of justice". The interpreter sits in a room together with the asylum seeker; if this is not possible, he or she is present from the side of the Court. Where videoconferencing is used, the CNDA shall prepare two transcripts, one in the seat of the Court and one in the hearing room where the applicant is present. The use of videoconferencing for the CNDA hearing was suspended due to lawyers' protests, which lead to the appointment of a mediator to find an agreement between the practitioners and the Court. Since no solution was found at the end of 2019, videoconferencing was still not applied.

Asylum seekers face several obstacles in challenging a negative OFPRA decision. Although time limits and appeal modalities are translated at the back of the refusal notification, some asylum seekers sometimes do not understand them, in particular those who are not accommodated in reception centres. Applicants are not eligible for support for the preparation of their appeal within the PADA. They can only rely on volunteer assistance from NGOs, whose resources are already overstretched. In addition, reception centres do not officially offer legal assistance regarding the appeal. Their mission is circumscribed to a legal orientation to lawyers and to filling the legal aid request form. In practice, most accommodation centres keep on assisting asylum seekers in writing and challenging their claim to the CNDA.

## **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

## **11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

Human Rights Watch published a report in 2019 relating to the treatment of unaccompanied children in the French Hautes-Alpes which demonstrated that France continues its practices of flawed age assessment procedures and summary returns of unaccompanied children at the border to Italy. According to the report, the authorities do not comply with international standards and use various justifications to deny children protection. Research by HRW indicates that the flawed age assessment practice is common across the country. The research also affirms previous reports of summary returns of unaccompanied migrant children by French border police at the border between Italy and France. In the nine cases examined by HRW French authorities did not comply with the “entry refusal” procedure specific for children. The threat of summary returns pushes children to take ever more dangerous routes across the Alps, increasing the number of injuries and other health risks. (<https://bit.ly/395iBTK> ; <https://bit.ly/2S3hldx> .)

On 21 March 2019 the French Constitutional Court ruled that bone tests determining the age of young migrants are not unconstitutional, stating that the existence of a margin of error does not make the use of the test unconstitutional. Moreover, the evaluation system is, under certain circumstances, deteriorated by the automated database for unaccompanied children created in 2018 within the asylum and immigration reform.

According to a recent report by the Equality Council, OFPRA has marked notable improvements in terms of sensitivity and professionalism vis-à-vis claims by women. In addition, by the end of 2019, more than 9,000 were under OFPRA protection on grounds of risk of female genital mutilation (FGM).

For the year 2019, the Ministry of Interior had requested Prefectures to develop places for asylum seekers with disabilities, but there is – no further information about whether this was implemented in practice. It had further announced the opening of places dedicated to women victims of violence or trafficking. About 300 places dedicated to these vulnerable women have been created in 2019, although there were not all open in practice at the end of the year)

## **12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

3503 new places were created in temporary accommodation centres (Centres provisoires d’hébergement, CPH) for beneficiaries of international protection in 2019. The actual overall capacity reaches 8710 places.

Since 1 March 2019, residence permits delivered to subsidiary protection beneficiaries are granted for four years (Carte de séjour pluriannuelle). The same residence permits are granted to their family on the basis of the same pattern than the one used for refugees.

Young girls were regularly granted asylum on the grounds of the Refugee Convention, considering the risk of being exposed to female genital mutilation (FGM). Their mothers or fathers accompanying them often had their asylum application rejected, since it is stated that opposing FGM does not expose them to a risk of persecution. However, since 1 March 2019 they are issued a 10-year residence permit.

The number of hours of French classes has been increased to to 400 in 2019.

## **13. Return of former applicants for international protection**

**14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

The 2018 reform has introduced the possibility for OFPRA to carry out resettlement missions in the law. 9 484 refugees were resettled in France (30 november 2019). (<https://www.immigration.interieur.gouv.fr/Info-ressources/Actualites/Communiqués/Programme-de-reinstallation-des-refugies-syriens-et-subsahariens-9-484-personnes-accueillies-au-30-novembre-2019>)

**15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

Furthermore, differential treatment of specific nationalities seems to be applied in the framework of ad hoc relocation schemes implemented since June 2018. Following “boat-by-boat” agreements following disembarkation in Italy, Malta and Spain, over 280 persons have been relocated to France. All relocated persons have previously undergone interviews with OFPRA, for the Office to assess their need for protection and potential threats to public order. No official data are available about this mechanism or the nationality of selected persons. However, it appears through communication on arrival in France from OFII and the Ministry of Interior that relocated persons are mainly from Sudan, Eritrea and Somalia. Following their arrival, these persons have been quickly received by OFII and granted refugee status by OFPRA.

**16. National jurisprudence on international protection in 2019 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**

**17. Other important developments in 2019**

**References and sources**

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**18. Please provide links to references and sources and/or upload the related material in PDF format**



AIDA France Report - 2019 : about to be published on <http://www.asylumineurope.org/>  
Forum réfugiés-Cosi's annual report on asylum in France - published on the 20th of January 2020  
Forum réfugiés-Cosi's reports: <https://forumrefugies.org/s-informer/publications/rapports>  
Forum réfugiés-Cosi's position papers: <https://forumrefugies.org/s-informer/positions/france>

## 19. Feedback or suggestions about the process or format for submissions to the EASO Annual Report

Please upload your file

The maximum file size is 1 MB

## Contact details

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