



Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, 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). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 16 February 2018**.

Within each area, 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.

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Name of the contributing stakeholder: Forum réfugiés-COSI

[Contact details]

1) Access to territory and access to asylum procedure

Access to territory: There have been increasing reports of people simply being refused entry at the border. 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 2017. According to the Prefect of Alpes-Maritimes, more than 50,000 migrants have been arrested at the border in 2017. Out of those, a striking 98% are pushed back to Italy. Border controls have also led to new forms of detention, which has been upheld by the Council of State as lawful during the period necessary for the examination of the situation of persons crossing the border, subject to judicial control.¹ (P.22 [AIDA Country Report - France](#))

Access to asylum procedure: The registration of asylum claims in France has been deeply reorganised with the reform of the law on asylum, fully applicable as of 1 November 2015. A “single desk” (guichet unique) has been introduced in order to register both the asylum claim and the need for material reception conditions. There are 34 “single desks” across France. While the “single desk” system aimed at reducing delays relating to registration and avoid long lines of people presenting themselves in front of Prefectures, this additional step has led to more complexity and delays in accessing the procedure in practice. To restore the 3-day time limit, the Minister of Interior published a Circular on 12 January 2018 which plans to increase the staff in Prefectures and OFII and to reorganise services. This plan envisages fully open “single desks” every day of the week, as well as overbooking to compensate for ‘no show’ appointments. (P.23-24 [AIDA Country Report - France](#))

2) Access to information and legal assistance

Access to information: A general “Guide for asylum seekers in France” (*guide du demandeur d’asile en France*) has been compiled² and is supposed to be provided by the Prefecture. The 2015 Asylum Seeker’s Guide is available in French and, at the time of writing, in 18 other languages on the Ministry of the Interior website. Practices used to vary from one Prefecture to another, and many fail to provide the guide. From the point of view of stakeholders supporting asylum seekers, even though this guide is a good initiative, it appears that most of asylum seekers cannot read or do not understand the meaning of the guide. (P.72 [AIDA Country Report - France](#)). In the waiting zones at the border, Forum réfugiés – Cosi notes a serious lack of information on the possibility of requesting admission to French territory on asylum grounds. Many stakeholders doubt that the information provided and the rights listed therein are effectively understood. In addition, as the telephone in certain waiting zones is not free of charge, contact with NGOs or even UNHCR is not easy. (P.73 [AIDA Country Report - France](#))

Access to legal assistance: Access to legal assistance is 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 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 orientation platforms. Furthermore, these platforms do not have the same capacity as CADA, and this greatly limits the services provided to these persons. (P.35 [AIDA Country Report - France](#))

A few organisations have requested to be authorised to accompany asylum seekers during the interview at OFPRA, and 21 have been authorised by OFPRA in two Decisions dated 21 March 2016 and 2 March 2017. These organisations are frequently requested to accompany asylum seekers, most of the time from applicants not accommodated in the centres they run. However, the lack of specific funding dedicated to this mission renders such assistance difficult in practice. Forum réfugiés – Cosi has been requested only about 106 times during the year 2017, out of more than 6,000 asylum seekers benefiting from its assistance and support. (P.30 [AIDA Country Report - France](#))

¹ Conseil d’Etat, Order No 411575, 5 July 2017.

² Ministry of Interior, *Guide du demandeur d’asile en France*, November 2015, available at: <http://bit.ly/2jRKjum>.

3) Providing interpretation services

The presence of an interpreter during the personal interview is provided if the request had been made in the application form. Interpreters are usually available,³ but some difficulties are frequently observed (for instance translation in Russian is often imposed even though the language requested was Chechen and Serbo-Croatian can be imposed even if the Romani language has been requested). Rare languages (such as Susu or Edo) are often not well represented. The law provides for a choice of interpreter according to gender considerations, in particular if the asylum seeker has been subjected to sexual violence.⁴ This new provision also applies to protection officers. According to some stakeholders, the quality of the translations provided can vary widely. Some asylum seekers have reported issues with translations that are too simplified (approximate translations or not in line with their answers) or with inappropriate behaviour (inattentive interpreters or interpreters taking the liberty to make personal reflections or laughing with the protection officer). Finally, sometimes the protection officers themselves act as interpreters and this can have a diverse impact. Some asylum seekers report difficulties to open up to a person who speaks the language of the country involved in the invoked persecutions. Nevertheless, some advantages have also been reported, such as demonstrating a particular interest for the region of origin. (P.30 [AIDA Country Report - France](#))

4) Dublin procedure

Statistics on the application of the Dublin Regulation are not made available by the authorities prior to their publication on the Eurostat database. However, provisional figures refer to an estimated 41,500 applications placed under the Dublin procedure.⁵ This represents a substantial increase in Dublin procedures, compared to 25,963 outgoing Dublin requests in 2016.⁶ Available information on outgoing Dublin transfers also suggests an increase in the number of persons transferred to other Member States. France carried out 1,248 outgoing transfers in the first six months of 2017,⁷ compared to 1,293 in the entire year 2016.⁸ These still represent a very low rate of success in the implementation of Dublin transfers. (P.37-38 [AIDA Country Report - France](#))

In line with the CJEU's ruling in *Al Chodor*, the Court of Cassation clarified on 27 September 2017 that the absence of a legislative provision setting out the objective criteria for determining the existence of a "significant risk of absconding", specific to the Dublin system, precluded the applicability of detention for the purpose of carrying out a Dublin transfer.⁹ In response to the Court of Cassation ruling, a bill has been introduced to define the following criteria for the existence of a "significant risk of absconding", where an applicant *inter alia*:¹⁰

- a. Has previously absconded from the Dublin procedure in another country;
- b. Has received a rejection decision in the responsible Member State;
- c. Has been found on French territory following the execution of a transfer; (P.99-100 [AIDA Country Report - France](#))

5) Specific procedures (border, accelerated, admissibility)

According to Ministry of Interior estimates, an approximate 33,450 asylum applications were channelled into the accelerated procedure in 2017, representing 27.6% of all caseloads.¹¹ (P.54 [AIDA Country Report - France](#))

³ OFPRA, *2016 Activity report*, 92 mentions that 93% of interviews held in 2016 were conducted with an interpreter, compared to 83% in 2015.

⁴ Article L.723-6 *Ceseda*.

⁵ Ministry of Interior, *Chiffres clés – Les demandes d'asile*, 16 January 2018.

⁶ La Cimade, 'Application du règlement « Dublin » en France en 2016', 8 July 2017, available in French at: <http://bit.ly/2CXA3MX>.

⁷ Assemblée Nationale, *Projet de loi de finances 2018 – Rapport n° 273*, 12 October 2017, available in French at: <http://bit.ly/2rn0VI6>.

⁸ La Cimade, 'Application du règlement « Dublin » en France en 2016', 8 July 2017, available in French at: <http://bit.ly/2CXA3MX>.

⁹ Court of Cassation, Decision No 1130, 27 September 2017.

¹⁰ Proposition de loi permettant une bonne application du régime d'asile européen, 24 October 2017, available in French at: <http://bit.ly/2DUKsac>. See also the concerns raised by the Ombudsman: Opinion n. 18-02, 10 January 2018, available in French at: <http://bit.ly/2Dvkpte>.

¹¹ Ministry of Interior, *Chiffres clés – La demande d'asile*, 16 January 2018.

6) Reception of applicants for international protection

As of 31 December 2017, the national reception scheme (*dispositif national d'accueil*, DNA) included:¹²

- ❖ 40,450 places regular reception centres (both collective and private housing) for asylum seekers (CADA);
- ❖ 5,776 places centrally managed emergency centres (AT-SA);
- ❖ 18,514 places in decentralised emergency shelters (HUDA);
- ❖ 5,351 places in the reception and accommodation programme for asylum seekers (PRAHDA);
- ❖ 10,130 places in reception and orientation centres (CAO).

In 2018, the aim is to reach 87,500 places, among which 42,000 would be in CADA.¹³

Despite the increase in reception capacity and creation of new forms of centres, including PRAHDA and CAES in the course of 2017, a number of regions continue to face severe difficulties in terms of providing housing. In Paris, several informal camps have been set up, for instance in 2016 in the 19th *arrondissement*, near the metro stations Jaurès and Stalingrad and in 2017 at Porte de la Chapelle. Among foreign nationals living in these camps there were irregular migrants but also asylum seekers, most of them joining the camps after the dismantlement of Calais camps. In Calais, despite the destruction of slums in 2015 and 2016 by the French government, as of January 2018, hundreds of migrants were still living in makeshift camps in Calais area. NGOs denounce the deterioration of the living conditions in the camp after the arrival of Emmanuel Macron in power in 2017.¹⁴ In July 2017, the Council of State ruled that state deficiencies in Calais exposed migrants to degrading treatment and enjoined the State to set up several arrangements for access to drinking water and sanitary facilities.¹⁵ (P.85 [AIDA Country Report - France](#))

7) Detention of applicants for international protection

Overall: French law does not allow the detention of asylum seekers for the purpose of the asylum procedure. There are 27 Administrative detention centres (CRA) and 26 administrative detention places (LRA)¹⁶ on French territory (including in overseas departments). This amounts to a total of 2,054 places.

In 2016, 1,293 third-country nationals lodged an asylum application while in administrative detention.¹⁷ Most asylum seekers present in administrative detention centres are either third-country nationals who have lodged a claim while being detained or rejected asylum seekers who ask for a subsequent examination of their asylum claim. The latter represented 25.9% of the total number of claims introduced in detention centres in 2016, a 6-point decrease compared to 2015.¹⁸

However, newly arrived asylum seekers can be arrested and placed in administrative detention, in particular in the Paris region and in border regions. This can happen when they have started the registration process of their asylum claim and then have gotten arrested pending the official confirmation of this registration. Moreover, in the context of border controls in the area of Alpes-Maritimes throughout 2017, the Border Police has detained newly arrived asylum seekers without formal order in a “temporary detention zone” (*zone de rétention provisoire*) made up of prefabricated containers in the premises of the Menton Border Police, and established following an informal decision of the Prefect of Alpes-Maritimes.¹⁹ (P.97 [AIDA Country Report - France](#))

Alternatives to detention: Instructions of the Ministry of Interior of 19 July 2016 and 20 November 2017 recommend Prefectures to largely resort to house arrest from the beginning of Dublin procedures, with a view to overcoming recurring difficulties in the implementation of transfers.²⁰ The instruction clarifies that

¹² Circular of 4 December 2017 ‘relative à l'évolution du parc d'hébergement des demandeurs d'asile et des réfugiés’, available at: <http://bit.ly/2AJA3eo>.

¹³ Government, *General Budget 2018: Immigration, Asylum and Integration*, September 2017, available in French at: <http://bit.ly/2Dxck6A>, 42.

¹⁴ France Info, ‘Migrants : "Les choses ont largement empiré" depuis l'arrivée d'Emmanuel Macron au pouvoir’, 14 January 2017, available in French at: <http://bit.ly/2D4HlpN>.

¹⁵ Council of State, Order 412125, 31 July 2017.

¹⁶ The total number of LRA is not stable and permanent as these detention facilities can be created upon a decision of the Prefet.

¹⁷ OFPRA, *2016 Activity report*, 126.

¹⁸ *Ibid.*

¹⁹ ANAFE *et al.*, ‘Menton : des personnes exilées détenues en toute illégalité à la frontière’, 7 June 2017, available in French at: <http://bit.ly/2Dnp7pb>.

²⁰ Ministry of Interior, Instruction NOR: INTV1618837J of 19 July 2016 relating to the application of the Dublin III Regulation – Resort to house arrest and administrative detention in the context of execution of transfer

surveillance measures must accompany a house arrest order. Prefectures in Marseille, Lyon and most areas in Paris have systematically imposed house arrest as soon as asylum seekers are placed in the Dublin procedure in 2017, without conducting an individualised assessment to establish whether an alternative to detention is required. (P.100 [AIDA Country Report – France](#))

Duration: The reform of immigration law in March 2016 has maintained the maximum time limit of 45 days but modified the division of different periods of detention. However, a forthcoming reform of asylum and immigration law is likely to extend the maximum detention time limit to 135 days. In practice, the length of stay of asylum seekers who have claimed asylum while in CRA is difficult to assess. However, on average, third-country nationals remained 12.7 days in administrative detention centres in 2016. In many CRA, the average detention duration was largely beyond 12.7 days. In 2016, 794 persons were detained for 45 days, until the expiry of the maximum time limit, without deportation, whereas this did not occur at all in 2015. 2,646 were detained for more than 30 days in 2016.²¹ (P.102 [AIDA Country Report – France](#))

Conditions: Police staff working in the administrative detention centres do not receive a specific training with regard to migration and asylum law. This lack of specific training is, however, compensated by the fact that NGOs are present quasi-permanently in administrative detention centres in order to provide legal information and assistance. Overall, the administrative detention conditions are deemed adequate in France (on the mainland) but there are quite important variations between centres. Throughout 2016, several riots have broken out, including cases of arson. (P.106 [AIDA Country Report – France](#))

8) Procedures at First instance

Provisional statistics for 2017 refer to an average processing time of 114 days,²² thereby reducing the length of the procedure compared to previous years. The average processing time – all types of procedures – for OFPRA was 183 days in 2016, compared to 216 days in 2015.²³ The government has announced its intention to reduce processing times to an average length of 2 months.²⁴

According to provisional statistics by the Ministry of Interior, the first instance recognition rate for 2017 was 26.8% at OFPRA level (P.27 [AIDA Country Report – France](#))

9) Procedures at Second Instance

According to provisional statistics by the Ministry of Interior, the second instance recognition rate at CNDA level was 16.7%. In 2017, the CNDA registered 53,581 appeals and took 47,814 decisions, marking an increase in its activity from previous years.²⁵ The average processing time for the CNDA to take a decision has continued to decrease in 2017: It was reported at 5 months and 6 days, down from 6 months and 26 days in 2016, and 7 months and 3 days in 2015.²⁶ (P.32 [AIDA Country Report – France](#))

10) Availability and use of Country of Origin Information

Their application is to be systematically processed by OFPRA within an accelerated procedure except under special circumstances relating to vulnerability and specific needs of the asylum seeker or if the asylum seeker calls upon serious reasons to believe that his or her country is not be safe given his or her personal situation and the grounds of his or her claim. In terms of numbers of claims processed under accelerated procedures on the safe country of origin ground, this has decreased in 2015 as 66.8% of asylum applications from “safe countries of origin” nationals were already processed under the accelerated procedure. Data for 2016 are not available. (P.68 [AIDA Country Report – France](#))

decisions, 4; Instruction NOR: **INT/V/17/30666/J** of 20 November 2017 on the objectives and priorities in the fight against irregular immigration.

²¹ Assfam et al., *2016 Detention report*.

²² OFPRA, ‘Les données de l’asile 2017 à l’OFPRA’, 8 January 2018, available in French at: <http://bit.ly/2qRJ71o>.

²³ OFPRA, *2016 Activity report*, 7 April 2017, available in French at: <http://bit.ly/2DujhFy>, 69; *2015 Activity report*, 13 May 2016, available in French at: <http://bit.ly/1UEBe4f>, 65.

²⁴ OFPRA, ‘Les données de l’asile 2017 à l’OFPRA’, 8 January 2018, available in French at: <http://bit.ly/2qRJ71o>.

²⁵ Ministry of Interior, *La demande d’asile*, 16 January 2018.

²⁶ CNDA, *2017 Activity report*, 7.

11) Vulnerable applicants

OFII is responsible for identifying vulnerabilities and special needs of asylum seekers. In order to do so, OFII has to proceed, within a “reasonable” timeframe, to an evaluation of vulnerability. This evaluation, that concerns all asylum seekers, takes the form of an interview based on a questionnaire. However, the publication of the questionnaire designed for the vulnerability assessment²⁷ reveals that only objective vulnerability will be assessed during the interview with OFII. At that stage, no vulnerability linked to the asylum claim shall be discussed. Therefore, the vulnerability assessment has had a limited impact on the early identification of vulnerable persons such as victims of torture and of physical, mental or sexual violence as well as victims of human trafficking. (P.57-58 [AIDA Country Report – France](#))

12) Content of protection – situation of beneficiaries of protection

According to provisional Ministry of Interior statistics, France granted 23,545 residence permits to refugees and stateless persons and 12,280 to subsidiary protection beneficiaries in 2017.²⁸ According to OFPRA, about 43,000 persons (including accompanying minors) have received protection in 2017.²⁹ (P.119 [AIDA Country Report – France](#)) Beneficiaries can also be channelled to temporary accommodation centres (Centres provisoires 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. At the end of 2017, there were 2,207 accommodation places in CPH spread across the different regions. (P.125 [AIDA Country Report – France](#))

13) Return of former applicants for international protection

14) Resettlement and humanitarian admission programmes

15) Relocation

Greece: More than 2,900 asylum seekers have been interviewed by OFPRA in the context of relocation until September 2017.²⁷⁷ According to the Greek Asylum Service, as of 14 January 2018, France had accepted 4,473 relocation requests and rejected 510, far more than any other Member State rejections.

Italy: Italian authorities had initially refused the placement of OFPRA officers on their territory under the same conditions as in Greece. Italian authorities make a very selective selection among asylum seekers and make very few requests France where OFPRA can examine the files.²⁷⁹ However, since November 2017 OFPRA has started conducting interviews with asylum seekers in Italy with a view to organising relocation. (P.70 [AIDA Country Report – France](#))

16) Other relevant developments

The French government is about to present a new asylum law project in February 2018.

²⁷ Decree of 23 October 2015 on the questionnaire for vulnerability assessment of asylum seekers; Decree of 17 November 2016 implementing Decree n. 2016-840 of 24 June 2016 on the evaluation of minors temporarily or permanently deprived of family care, available in French at: <http://bit.ly/2msmNXw>.

²⁸ Ministry of Interior, *Chiffres clés – titres de séjour*, available in French at: <http://bit.ly/2DQrS3f>.

²⁹ OFPRA, ‘Les données de l’asile 2017 à l’OFPRA’, 8 January 2018, available in French at: <http://bit.ly/2EVQB5y>.