

MIGRANTS WITHOUT DOCUMENTS IN FRANCE

ADVICE FROM
THE CIMADE
ABOUT DEALING
WITH THE FRENCH
ADMINISTRATION

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L'humanité passe par l'autre



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PREPARING YOUR CASE FILE?

1

Keep all personal documents and letters which have been addressed to you by name. Sort them by year. Documents that can help prove your presence in France over time include those which are:

- related to problems which you had in your country of origin;
- related to your entry into France (visa; train or air tickets; etc.);
- official identity cards or other documents;
- asylum applications or residency applications;

Keep your complete file of important documents at home, and give a copy of the complete file to a reliable friend who is willing to bring it you if necessary.

- addressed to you by the Office français de protection de réfugiés, the Cour nationale du droit d’asile, the French administration (police, prefecture) or the courts;
- Income tax returns, medical prescriptions, social security certificates, telephone bills, electricity bills, transport cards (Pass Navigo), your children’s school enrolment certificates, documents which provide evidence of your address, pay slips, proof of your enrolment in French language courses or academic degree programmes, miscellaneous correspondence.

Check your mail! If you change your address, inform relevant authorities and key contacts by registered letter (e.g. the social security administration, the Prefecture of your Department of residence, etc.).

File your yearly income tax return with the tax authorities, even if you have no income: it can serve as evidence of your presence in France!

Collect any registered letters (“lettres recommandées”) promptly from the Post Office. After receiving delivery notification (the “avis de passage”), you have only 15 days to retrieve registered mail from the postal authority. Keep the envelopes of all registered mail received.



Check your mailbox regularly.

BEFORE CONTACTING THE PREFECTURE?

2

Make contact **FIRST** with an independent association specialized in providing legal advice and support services to migrants. Such associations can help you:

- understand risks you can incur by making yourself known to the authorities. On occasion, it can be useful to wait until you have accumulated proofs of your presence in France.
- choose the right strategy in your par-

ticular situation (for example, asylum; work permit; residency for private or family reasons...)

- organize your file of supporting documents

Make sure you are accompanied to the Prefecture by a French friend or a friend who has documents. You may need help:

- if you have difficulties understanding questions or papers which you need to read or sign
- if you need a witness, particularly if the administration refuses to accept your file and/or to discuss your application
- if you are taken into custody, and need to immediately contact your lawyer, family, or association
- for company in the waiting room!

Sort your documents by year.



WHAT IF YOU GET AN ORDER TO LEAVE FRENCH TERRITORY?

3

An “order to leave French territory” (“*obligation à quitter le territoire français*” or “OQTF”) can be given to you:

- at the Prefecture or by registered mail following the refusal of your asylum or residency application
- at the police station following an identity check

You must file your appeal within a very precise time frame, indicated in the papers ordering you to leave, either 30 days or 48 hours! If you have received the OQTF by mail, the 30-day or 48-hour period begins from the moment

Contact a specialized association or a lawyer immediately.



you have received the mail. If you do not go to get the letter, the postman’s delivery date is considered the start date.

Contact a specialized association or a lawyer immediately.

– 48-hour OQTF: if you cannot reach your association or lawyer, write a letter yourself explaining that you are appealing the decision and send it by fax, before the 48-hour deadline. In your appeal letter, describe your situation in France and that of your family in France and your personal attachments here (work, health issues, risks in your country of origin). Further information and argu-

What is an obligation to leave the territory (*obligation à quitter le territoire*)?

It is a document from the Prefecture ordering you to leave France.

ments against the decision can be added thereafter as needed, by your lawyer or association. Make sure to inform them immediately.

– 30-day OQTF: make an urgent appointment with a lawyer or an association, with the date well before the end of the 30-day period. Otherwise, obtain a legal aid application form (*demande d’aide juridictionnelle*, available on internet, in the courts, or from associations) and take the application yourself to the appropriate venue.

To obtain the services of a lawyer for appeal, people with little or no income can request the designation of a lawyer and apply for financial aid (aide juridictionnelle). After the appeal has been sent, you cannot be deported before you receive the reply. Nevertheless, you can be held in a detention centre.

If the Administrative Tribunal summons you to a hearing, it is very important to comply. There is no risk of arrest.

IMPORTANT:

the only effective appeal is to the Administrative Tribunal.

The address of your Administrative Tribunal is in the OQTF notification.



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WHAT IF YOU HAVE TO DEAL WITH THE POLICE?

4

You should always have the following documents with you:

- proof of accommodation or of domiciliation, together with an electricity bill;
- official documents delivered by the Prefecture (receipt acknowledging application (récépissé), notification of appointment (convocation), etc.);
- medical certificates and prescriptions;
- children's school enrolment certificates;
- copies of your appeal or application for legal aid.

If the police take your passport, you can be deported very quickly

Avoid the public places where identity checks often take place.

- Such places include major train stations (Chatelet, Gare du Nord); airports; areas in the vicinity of metro or RER stations.
- Always travel with a proper ticket or transportation pass: these are often checked by the transportation authorities. When possible, walk or cycle to your destinations.

- Avoid driving a car. Wear your safety belt if you are a passenger.
- If you are given an appointment on which it is written “pour execution de la mesure d'éloignement”, bear in mind that this means “to carry out the removal or-

Keep the telephone number of your lawyer or association with you, and learn it by heart!

der”. If you go to the appointment, in all likelihood you will be arrested and placed in a detention centre.

- You have the right to refuse the police entry to your home. The police can only force your compliance under certain limited conditions (flagrante delicto, letters rogatory).

Identity checks : some advice

You can be held for up to 16 hours in a commissariat while the police check your identity and your right to be in France. If this happens to you:



Avoid public places where there are often identity checks.

– **show the police whatever official papers you have with you. Explain what you are doing in France** (your work, your family, your health...). If you have a judicial or administrative procedure underway (at the Prefecture or in the courts), explain the facts and your legal situation.

– If you have come to France to apply for asylum, you should inform the police. Explain that you have just arrived and that you fear persecution in your country of origin.

– If you do not have your essential papers with you, you have the right to obtain them. Tell the police.

– The address you provide can be that of your home or that of a friend, but you need to be in a position to prove residency - whether through a certificate signed by a third party or through official documents.

– The police have the right to check your fingerprints: it is not advisable to hide your identity.

It is advisable to reply to questions about your identity and your legal status. Your answers will facilitate examination of your situation by the administrative authorities. Nevertheless, if a question seems misplaced to you or disturbing, you have the right to refuse to reply.

You have the right to a translator, to see your lawyer, or a lawyer provided through legal aid. You have the right to see a doctor.

You have the right to telephone your family, your consulate, your lawyer, or whomever you wish to contact at any given moment.

The police do not have the right to handcuff you unless you resist custody.

At the end of the sixteen-hour period, the administrative authorities can :

Confirm your right to be in France and set you free

Order you to leave French territory within 30 days and set you free

Order you to leave French territory immediately and place you in a retention center pending your departure.

In all of these cases, you should consult a lawyer or an association as soon as possible.



You cannot be compelled to sign any documents drawn up by the police. Make sure to understand and to verify any document before signing it, and that what it says is true.

WHAT IF YOU ARE PLACED IN A DETENTION CENTRE?

5

Upon arrival:

- An association will be present inside the centre to help ensure your rights. You should make contact immediately: they will help you contact your lawyer, file an appeal, provide information, etc.
- Contact your lawyer;
- Contact the person who can bring you and your lawyer the copy of your file (see above, chapter 1).
- Go to the *Office Français de l'Immigration et de l'Intégration* (OFII). They will help you contact your family, buy a telephone card, get money or whatever else you need. If your departure is imminent, they can help you obtain your wages and your belongings before boarding the plane.
- Go to the health services for any health issue or problem.

You have only 48 hours to file your appeal with the administrative tribunal.

This period starts when you leave the police station and includes the weekend.

If you have not been able to see the association or call your lawyer:

- Ask the police for the Administrative Tribunal Appeal Form (formulaire de recours au Tribunal Administratif).
- Fill out the form. Explain why you are in France and what you are doing here.
- Ask the police to fax it immediately to the Administrative Tribunal; make sure to obtain the fax receipt.
- Go to see the association as quickly as possible.



Visitors can bring you items you need in detention.

You have the right to have visits every day. Your visitors must present their identity cards - so they need to have official documents! They can bring you items you need, such as books, biscuits, pens, cigarettes, telephones (without cameras), but some items and objects are forbidden in detention centres.