

5 AT THE ADMINISTRATIVE DETENTION CENTER



- When you arrive at the center, you can:**
- ▶ Contact your personal or designated lawyer, your consulate for support to your administrative procedures and the person who can provide you your file;
 - ▶ Apply for asylum (or re-examination) within the first 5 days at the center;
 - ▶ See a social mediator who can provide you with psychological support and help you to contact your family, buy a phone card, collect money and look for your luggage;
 - ▶ See the medical service for any health problem;
 - ▶ Receive visits.
- ▶ Appeal against the deportation decision with a help of a lawyer and the association helping you assert your detention rights. You can also send this appeal to the administrative court on request to the Registry center, which must be in charge of forwarding it urgently;

→ Go to the Rights Support Association, who will explain you the situation and will help you.

USEFUL CONTACTS IN ADMINISTRATIVE DETENTION CENTER

GUYANE: 06 94 45 64 58 /
05 94 28 02 61 (La Cimade)

GUADELOUPE: 06 94 24 74 44 /
05 90 46 14 21 (La Cimade)

RÉUNION:
06 92 24 44 05 (La Cimade)

MAYOTTE:
02 69 60 80 99 (Solidarité Mayotte)
02 69 64 89 01 (Mlezi Maoré)



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WHAT TO DO IN CASE OF A REQUEST OF REGULARIZATION OR ARREST?

THE GUIDE TO “GOOD REFLEXES”

APPLIED TO SPECIFICITIES IN OVERSEAS TERRITORIES

→ In Guadeloupe, French Guyana, Mayotte, St. Barts and St. Martin

1 PREPARE YOUR FILE



- ▶ **Keep all documents and correspondence in your name with a date:** this will serve to prove your presence in France.
Rank them by year: 2021/2020/2019/2018 ...)
- ▶ **You must have the same address as your spouse/partner and children if you live together.**
- ▶ **These documents can prove:**
 - ▶ Your family life:
 - Proof of the administrative situation of your family members (residence permits, birth certificates..)
 - Your children's situation and contribution to their education (birth certificate, schooling, vaccination records, purchase invoices, cash order, CAF...)
 - ▶ Your seniority date on French territory (tax slips, invoices, social security, medical prescriptions..)
 - ▶ Your accommodation or shared accommodation with your spouse (certificates, EDF (electricity bills), insurance receipts)
 - ▶ Your work (salaries, employment contract, employee value proposition)
 - ▶ The problems you would have in your country and the asylum application in France (letters from OFPRA and CNDA)
 - ▶ Previous requests to the prefecture (tracked letters, appointments, and response letters)

→ Keep a copy of the main documents at home and carry with you another one and a copy of all your documents at a friend's house so documents will be available if needed.

2 APPLY FOR A RESIDENCE PERMIT



► It is important to seek help from a competent person:

- A lawyer specialized in foreign law
- An association of assistance of foreigners and migrants
- Justice Branch, Departmental Council for Access to Rights (CDAD)
- Social assistance from your city or from the General Council

success rather than multiply rejection decisions, among others:

- Check the need to wait for more proof of presence in territory
- Choose the most appropriate residence permit for your situation (employee, private life, health, ..)

► Make an appointment with the prefecture. If you are unable to obtain an appointment to apply for a residence permit, contact a lawyer.

► It is essential to properly prepare your file and assess your chances of

→ Always send requests and documents to the prefecture by paper registered mail with reception acknowledgement and keep a copy.

3 WHAT IS AN "OBLIGATION TO LEAVE THE TERRITORY?"



It is a document issued by the prefecture that orders you to leave France.

► Several decisions can accompany it:

- A ban on returning to French territory for several years: this decision prevents your return to France and the obtaining of a residence permit within this period;
- A voluntary departure period: the prefecture gives you a period, generally 30 days, to organize your departure on your own.
- House arrest: your deportation is organized as soon as possible by the border police but you are allowed to stay at your home or with a close

person until your departure day. During this period, you must sign a register regularly at the police station.

► It is delivered:

- In person at the prefecture or by registered letter following the rejection of an application for a residence or asylum;
- At the police station, the gendarmerie or at the airport following an identity check.

► If you do not agree with the decision, you must make an appeal to the administrative court.

- To send your appeal, you have 2 months. As soon as you receive the obligation to leave the territory, immediately contact a lawyer or an association;
- Otherwise, you can submit a request for legal aid yourself with a copy of the obligation to leave the territory to the court within 2 months. A lawyer can be assigned free of charge for people with low incomes.



Filing an appeal or requesting a lawyer does not prevent your deportation. However, if you are called to the administrative court, it is very important to go there, there is no risk of arrest during the hearing.

4 IN CASE OF CONTROL BY LAW ENFORCEMENT



► The national police and the gendarmerie can verify your identity and your right to be in France:

Without a valid residence permit, you may be taken to the police or gendarmerie station and placed in "administrative detention" center for a maximum of 24 hours:

- Show the documents you have on you or ask to get them;
- If you have just arrived in France to seek asylum, tell to the police and explain your fears in your country;
- Give an address which can provide a proof of accommodation (your own invoice or a certificate, and the host's identity document);
- It is better to answer the police officers' questions about your identity and your situation;
- You have the right to be assisted by an interpreter, a lawyer (chosen or designated free of charge) and to see a doctor;
- You have the right to telephone your family, your consulate, your lawyer as well as any person of your choice at any time;
- The police cannot handcuff you unless you resist.

► If the police forces get your passport, they can deport you very quickly (within 24 hours).

► At the end of the administrative detention, the police or the gendarmerie can:

- Recognize your right to stay in France and release you
- Find that you are already subject to a valid obligation to leave the territory and deport you directly or take you to the detention center to organize your deportation;
- Give you an obligation to leave the territory within 30 days and release you;
- Give you an obligation to leave the territory without delay and deport you directly or take you to the detention center to organize your deportation.

► In any case, go to see an association or a lawyer as soon as possible.

► It is important to understand and verify that the contents of the minutes and decisions are accurate. You will never be required to sign them.