

**WE ADVISE YOU TO :**

- CONTACT a specialised NGO to assist you freely in your procedure;
- CONTEST systematically the refusal, by the prefecture, to give you an “APS” when you seek asylum;
- CONTEST systematically the deportation procedure that would expose you to danger (life threats, torture, inhuman or degrading treatments, forced work, etc.);
- GET READY for your hearings in order to be able to answer any question as precisely as possible, including questions about intimate or painful facts;
- BE PRESENT at your hearings;
- DO NOT HESITATE to complete or modify your story at any point in the procedure;
- INFORM the OFPRA, the CNDA and the “Conseil d'État” if your address changes during the procedure.

February 2013

**ASKING FOR INTERNATIONAL PROTECTION**

When it is unsafe for you to go back to your country of origin or habitual residence, you may ask France for protection: political asylum (“asile”) or subsidiary protection (“protection subsidiaire”).

**Be careful:** Even though you currently practice, or have practiced sex work, threats posed to you may have no relation to it. If, to the contrary, those threats do have something to do with it, you may ask for protection when, for example, you are afraid that you might:

- suffer abuse from your family or community, on account of your occupation;
- be forced back into prostitution ;
- undergo reprisals on behalf of those who forced you into prostitution.

**ASYLUM**

When you are afraid you might be persecuted (threats to your life or your freedom, severe discriminations) in your country of origin or habitual residence, France can confer the status of refugee on you. In which case you, as well as your spouse and minor children, will be granted a 10 years resident card.

To obtain the status of refugee, you will need to prove that those persecutions were related to:

- your nationality or belonging to an ethnic or linguistic group;
- or your belonging to a « social group » (homosexuals, transsexuals, former victims of forced prostitution, etc.) ;
- or your religion or political opinions or those attributed to you.

It will also have to be established that those persecutions were committed by:

- local or national authorities in your country of origin or habitual residence;
- or other persons, if the concerned State can not provide you with efficient protection when you request it.

## SUBSIDIARY PROTECTION

When you do not fulfil the necessary conditions to obtain the status of refugee, France may grant you subsidiary protection (“protection subsidiaire”):

- when you face death penalty in your country of origin or habitual residence;
- or if you might undergo inhuman or degrading treatment;
- or in cases of widespread violence, on account of an armed conflict, intern or international.

If such is the case, you will be granted a one-year residence permit. It will be renewed as long as the threat persists.

## HOW TO ASK FOR PROTECTION

In order to benefit from international protection, you need to seek asylum (“asile”). If you are eventually refused the status of refugee, you may be offered subsidiary protection.

**Be careful:** if you are placed in a detention centre in preparation for a deportation procedure, you may seek asylum during the first five days only of your detention.

1- Prefecture MUST give you an asylum-seeker form, as long as you can establish that you reside in the relevant sector.

2- Along with the form, Prefecture MUST give you an « APS » (“autorisation provisoire de séjour”), a temporary residence permit which is valid for 1 month and renewable. If you ask for your case to be reconsidered, it will be valid only for 15 days.

**Be careful:** Prefecture can refuse it in the following situations :

- if France is not the first EU country you went through;
- or if your country of origin or habitual residence is part of the official list of « safe countries of origin »;
- or when your presence in France constitutes a serious threat to public order;
- or when your asylum application is based on deliberate deception (false identity ; erased fingerprints; etc.);
- or when your asylum application is aimed at avoiding your deportation.

3- You have 21 days to fill in the form and send it to the OFPRA (French Office for the Protection of Refugees and Stateless Persons); you have 8 days, if you have asked for your case to be reconsidered.

**Be careful:** only indicate languages that you speak fluently

The form must come with: 2 passport photos; copy of your ID; copy of your residence permit (if you have one); as well as a clear and detailed account of the things that made you seek asylum.

4- Prefecture MUST give you a « récépissé », with a 3 months validity (renewable until the end of the procedure), upon presentation of a registering document of your asylum application sent back by the OFPRA.

5- You have the right to be heard by the OFPRA. Though, in some cases, the OFPRA is not obliged to hear you, particularly when:

- your country of origin or habitual residence is a country known for respecting democratic principles and the human rights;
- or your asylum application is obviously unfounded (when you state only economical reasons to explain your coming to France, for example).

You will receive mail from the OFPRA asking you to come to the hearing. During the hearing, you are greeted by a protection officer and helped (free of charge) by an interpreter (except if you stated you spoke French in your form). The hearing is CONFIDENTIAL.

At the end of the hearing, you must give all the documents proving the facts mentioned in your asylum application (like birth certificate, written and signed testimony, photos, justice documents, press articles, etc.) to the officer.

## WHAT TO DO WHEN CONFRONTED WITH A REFUSAL

The OFPRA will inform you of its decision by mail. In case of refusal, it is highly recommended to contest it.

Appeal to the CNDA

You have 1 month (starting upon reception of the OFPRA refusal notification) to send your appeal to the CNDA (National Asylum Court) by mail.

In that case, you have the right to be assisted (free of charge):

- by a lawyer when you do not have the means to pay one;
- by an interpreter during the hearing.

If the CNDA agrees to examine your appeal, you will receive mail asking to come to the hearing. The proceedings are normally PUBLIC. But you may ask for them to take place with no audience being allowed (for instance, to talk about sexual violence, or avoid reprisals) so you can talk with only the judges, your lawyer and your interpreter being present.

**Be careful:** you need to add some extra information to your previous OFPRA file. You want to add as many details as you can, bring forth new documents (translated into French) and explain why you contest the OFPRA's decision. It is highly recommended to complete your file with the assistance of a lawyer or association.

Appeal to the « Conseil d'État »

If, 3 weeks after your hearing, the CNDA informs you by mail that it will not grant you asylum and/or subsidiary protection, you may appeal to the Conseil d'État with the assistance of a lawyer.

Requesting your case to be reconsidered

When it is no longer possible to contest the refusal of your asylum application (« definitive » decision), you may still ask for your case to be reconsidered, provided that you put forward new elements: either facts or events that occurred since (the end of a situation of exploitation, for example), or facts that have just come to your knowledge.