



France - Researched and compiled by the Refugee Documentation Centre of Ireland on 18 November 2010

Whether asylum-seekers in Calais and Dunkirk experience any difficulties in applying for asylum in France. Whether applying for asylum in France for such asylum-seekers is a real possibility. What is the recognition rate?

In a section headed "Protection of Refugees" the *US Department of State Country Report for France* states:

"In practice the government provided protection against the expulsion or return of persons to countries where their lives or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion. Authorities take into account the ability of the state concerned to offer protection to the person in danger from persecution by nonstate agents. However, in October and December, human rights groups criticized the government's expulsion practices, pointing out that the government was deporting illegal Afghan immigrants back to a war-torn country." (US Department of State (11 March 2010) *2009 Human Rights Report: France*)

An *Amnesty International* report states:

"Some migrants and asylum-seekers, including those still detained and others whose release was ordered by the JLD, face being forcibly returned to countries such as Greece (under the Dublin II procedure), where most asylum-seekers do not have access to fair procedures or minimum reception standards. They also face being forcibly returned to their country of origin, which in many of these cases is Afghanistan, where they may be at risk of ill-treatment. Afghan nationals who wish to claim asylum may have their claims examined under France's accelerated 'priority' procedure (la procédure prioritaire), which lacks full procedural safeguards." (Amnesty International (5 October 2009) *Urgent Action: Migrants and Asylum-Seekers Still in Danger*)

A *UNHCR* news report states:

"There are around 30 asylum-seekers in Calais whose cases fall under the Dublin regulation. According to French law, asylum-seekers who are admitted into the normal asylum procedure are entitled to accommodation, but the authorities claim there are not enough places and priority should be given to families with small children. They also claim that some of the asylum-seekers in Calais refuse to be accommodated in other parts of France because their real intention is to cross the English Channel and work in the United Kingdom. While the authorities' goal is to prevent illegal crossings, the lack of accommodation and the constant round-ups and police checks make life very hard for asylum-seekers like Sabir. 'The difficulties in surviving in Calais through the winter deter many people from applying for asylum in France and

also force the majority of Dublin cases to leave. Although some migrants apply for asylum in France to get a document that allows them to stay until they can cross to the UK, the majority say they would remain in France and continue the process if they were given housing and access to basic services,' said Maureen McBrien, head of the UNHCR officer in Calais." (UNHCR (2 February 2010) *Out in the Cold: migrants and asylum seekers find life increasingly hard in Calais*)

A *Daily Mail* article states:

"Khail was facing forced repatriation to Afghanistan after sneaking into France earlier this year and living in Calais's squalid woodland camp known as the Jungle. He was arrested with 278 other migrants when the camp was bulldozed in September, and was moved to the southern city of Nimes. He, along with most of those arrested with him, lodged a claim for asylum in France as a way of avoiding deportation. But the request was rejected by the regional government prefect in nearby Montpellier because Khail admitted he went to Calais with the 'sole intention' of getting to Britain. He was told he would be held and sent back to Afghanistan. Lawyers at France's council of state overturned the decision, saying the right to claim asylum is a 'fundamental freedom'." (Daily Mail (22 December 2009) *Afghan asylum seeker held in Calais Jungle immigrant camp is 'freed by French court to try to get to Britain'*)

A report published by the *UN High Commissioner for Refugees*, in a section headed "Transit countries" (Paragraph 144), states:

"The attitude of the authorities in these countries is also a decisive factor. In Patras and Calais, police harassment and physical violence including the deliberate destruction of personal property, provides a clear signal to the young Afghans that they are unwelcome and should move on." (UN High Commissioner for Refugees (Policy Development and Evaluation Service) (June 2010) *Trees only move in the wind: a study of unaccompanied Afghan children in Europe*, p.24)

In a section titled "France" (Paragraphs 168 & 169) this report refers to Afghans seeking asylum in France as follows:

"Recently, some Afghan children, of Tajik and Hazara ethnicity, have applied for asylum in France, generally when they have run out of money or have become exhausted by failed attempts to move elsewhere. The number of asylum requests submitted by Afghans in France, however, remains very small, not only in relation to the size of the Afghan population moving through the country, but also in relation to the total number of asylum requests from other nationalities. In 2008, just 263 asylum requests out of a total of 35,000 came from Afghans. It is interesting to note that in the same year, 3,730 Afghans sought asylum in the UK. Just 16 of the 263 asylum applications in France in 2008 were submitted by children. While provisional figures for 2009 indicate a significant increase in the number of asylum requests from Afghans in France, including those from children, the numbers remain small. Recognition rates stand at approximately 33 per cent." (ibid, p.28)

A document published by the *Söderköping Process* project states:

“The rate of recognition varies considerably among Member States, which is partly due to the differing citizenships of applicants in each Member State. The highest rates of recognition in the first instance were recorded in Malta (66%), Slovakia (56%), Portugal (51%), the Netherlands and Denmark (both 48%), and the lowest in Greece (1%), Ireland (4%), Spain (8%), France (14%) and Slovenia (15%).” (Söderköping Process (18 June 2010) *Asylum decisions in the EU27 EU Member States granted protection to 78 800 asylum seekers in 2009*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (5 October 2009) *Urgent Action: Migrants and Asylum-Seekers Still in Danger*

<http://www.amnesty.org/en/library/info/EUR21/016/2009/en>

(Accessed 17 November 2010)

Daily Mail (22 December 2009) *Afghan asylum seeker held in Calais Jungle immigrant camp is 'freed by French court to try to get to Britain'*

<http://www.dailymail.co.uk/news/worldnews/article-1237562/Afghan-asylum-seeker-held-Calais-Jungle-immigrant-camp-freed-French-court-try-to-Britain.html#>

(Accessed 18 November 2010)

Söderköping Process (18 June 2010) *Asylum decisions in the EU27 EU Member States granted protection to 78 800 asylum seekers in 2009*

<http://soderkoping.org.ua/page27881.html?template=print>

(Accessed 18 November 2010)

UN High Commissioner for Refugees (Policy Development and Evaluation Service) (June 2010) *Trees only move in the wind: a study of unaccompanied Afghan children in Europe*

<http://www.unhcr.org/refworld/pdfid/4c21ae2a2.pdf>

(Accessed 17 November 2010)

UNHCR (2 February 2010) *Out in the Cold: migrants and asylum seekers find life increasingly hard in Calais*

<http://www.unhcr.org/4b6850016.html>

(Accessed 18 November 2010)

United States Department of State (11 March 2010) *2009 Human Rights Report: France*

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136031.htm>

(Accessed 18 November 2010)

Sources Consulted:

Amnesty International

BBC News

Electronic Immigration Network

European Country of Origin Information Network

Google

International Crisis Group

Immigration and Refugee Board of Canada

Lexis Nexis

Refugee Documentation Centre Query Database

United Kingdom Home Office

UNHCR Refworld

United States Department of State