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# **Access to procedures and non-refoulement - France | DIP EUAA**

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## **Overview**

### **Relevant EU legislation**

France is bound by the recast Asylum Procedures Directive and has transposed its provisions through the [Code of Entry and Residence of Foreigners and of the Right to Asylum \(CESEDA\).](#)

### **National legislation**

Code of Entry and Residence of Foreigners and of the Right to Asylum, CESEDA | [Code de l'entrée et du séjour des étrangers et du droit d'asile.](#)

Last amended by:

- Law No 2024-42 of 26 January 2024 to control immigration and improve integration (Loi n° 2024-42 du 26 janvier 2024 pour contrôler l'immigration, améliorer l'intégration).
- Order No 2020-1733 of 16 December 2020 relating to the legislative part of the CESEDA.
- Law No 2018-778 of 10 September 2018 for controlled immigration, an effective right of asylum and successful integration.
- Law No 2018-187 of 20 March 2018 on the Good Application of the Common European Asylum System.
- Law No 2016-274 of 7 March 2016 on the Reform of Foreigners' Rights | Loi n° 2016-274 du 7 mars 2016 relative au droits des étrangers
- Law No 2015-925 of 29 July 2015 on the Reform of Asylum Law | Loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile

## Competent authority and stakeholders

| Area                  | Competent national authority  | Assistance to competent authority (if applicable) |
|-----------------------|---|---|
| <b>Biometric data</b> | <a href="#">Prefectures   Préfecture</a><br>Border Police   <a href="#">Police Aux Frontières (PAF)</a> | N/A   |

| Area                              | Competent national authority  | Assistance to competent authority (if applicable) |
|-----------------------------------|---|---|
| <b>Making an application</b>      | <p><b>Application at the border:</b> Border Police   <a href="#">Police Aux Frontières (PAF)</a></p> <p><b>Application on the territory:</b> Pre-registration at first reception centres for asylum seekers   <a href="#">Structures de premier accueil des demandeurs d'asile (SPADA)</a></p> <p><b>Application in detention</b> (centre de rétention administrative - CRA): CRA's administration, Police, including Border Police   <a href="#">Police Aux Frontières (PAF)</a> (on site)</p> <p>Gendarmerie</p> <p>Prison administration</p> | N/A   |
| <b>Registering an application</b> | <p><a href="#">Prefectures   Préfecture</a></p> <p>Prefect of Police of Paris   <a href="#">Préfecture de police de Paris</a></p>   | N/A   |
| <b>Lodging an application</b>     | <p>French Office for the Protection of Refugees and Stateless Persons   <a href="#">Office Français de Protection des Réfugiés et Apatrides (OFPRA)</a></p>   | N/A   |

| Area                         | Competent national authority  | Assistance to competent authority (if applicable) |
|------------------------------|---|---|
| <b>Information provision</b> | <p>First reception centres for asylum seekers   <a href="#">Structures de premier accueil des demandeurs d'asile</a> (SPADA)</p> <p>Prefectures   <a href="#">Préfecture</a></p> <p>Prefect of Police of Paris   <a href="#">Préfecture de police de Paris</a></p> <p>French Office for Immigration and Integration   <a href="#">Office Français de l'Immigration et de l'Intégration</a> (OFII)</p> <p>French Office for the Protection of Refugees and Stateless Persons   <a href="#">Office Français de Protection des Réfugiés et Apatrides</a> (OFPRA)</p> | N/A   |

## Access to the territory

### Official external border-crossing points

France has [80 external air border crossing points](#)

France has [11 external land border crossing points](#)

France has [33 external sea border crossing points](#)

### Emergency measures in cases of mass arrivals

The CESEDA does not contain provisions referring to crisis situations or force majeure. Details of such situations can be found in policy or planning documents.

There are currently no emergency measure in place.

## **Protection from refoulement**

The recast Qualification Directive, Article 21 on protection from refoulement has not been transposed into French law. In France, there is a principle of primacy of international conventions over domestic law. This means that the Geneva Convention, Article 33 is directly applicable in France.

The [Preamble of the Constitution of 27 October 1946](#), para 4 states that “Any man persecuted because of his/her action in favour of freedom has the right of asylum on the territories of the Republic”.

The decision from the [Constitutional Council No 93-325 DC of 13 August 1993](#) states that the right to asylum is a principle of constitutional value, which includes the right to remain during the application.

The [CESEDA](#) refers explicitly to the non-refoulement principle, defining it in accordance with the Geneva Convention and in relation to a safe third country and first country of asylum. This compulsory principle, which applies to the authority competent for a return (prefecture), is placed under the control of the judge. The judge checks, in particular, the legality of the decision determining the country of return. This procedure suspends any expulsion.

For asylum applications, an assessment is launched by the competent authority, OFPRA and, when applicable, the CND (in compliance with the CESEDA, Book V).

## **Protection from *refoulement* at external air borders**

CESEDA refers explicitly to the non-refoulement principle, defining it in accordance with the Geneva Convention and in relation to a safe third country and first country of asylum.

### **Protection from *refoulement* at external land borders**

CESEDA refers explicitly to the non-refoulement principle, defining it in accordance with the Geneva Convention and in relation to a safe third country and first country of asylum.

### **Protection from *refoulement* at external sea borders**

CESEDA refers explicitly to the non-refoulement principle, defining it in accordance with the Geneva Convention and in relation to a safe third country and first country of asylum.

### **Protection from *refoulement* in case of emergency measures related to mass arrivals**

CESEDA refers explicitly to the non-refoulement principle, defining it in accordance with the Geneva Convention and in relation to a safe third country and first country of asylum.

## **Border procedure**

In France, national legislation provides for an asylum based admission (authorisation of entry) procedure at the border (Article L. 350-1 of the CESEDA and following).

Third-country nationals who present themselves at the border and apply to enter the country on the grounds of asylum, after having been refused entry or following a spontaneous application, are heard by OFPRA (the determining authority). OFPRA gives its opinion only on whether the application is inadmissible or manifestly unfounded.

OFPRA is required to give its opinion within 2 working days as from the date of the request to enter the country on the grounds of asylum.

Upon receipt of this opinion, the dedicated department of the Ministry of the Interior (*Direction Générale des Etrangers en France/Direction de l'Asile/Département de la coopération et de la dimension extérieure de l'asile*) decides, on behalf of the Ministry of the Interior, whether or not to admit the applicant to the country. When OFPRA's decision is in favour of the admission (not inadmissible or manifestly unfounded), the Ministry of the Interior is bound, unless there are serious reasons to believe that the third-country nationals access to the territory would constitute a serious threat to public order. In this case, access is refused.

When the international protection applicant is authorised to enter the country by the Ministry of the Interior, his/her asylum application is then registered and examined in accordance with the ordinary national procedure.

During this procedure, the applicant is placed in waiting zones. The placement is ordered for an initial period of 4 days, which can be extended for 8 days, with an additional extension possible for up to 20 days in total (Articles L. 342-1 and L. 342-4 of the CESEDA).

In exceptional cases, if a claim to enter the territory on asylum grounds is made between the 14th and 20th day in the waiting zone, the holding period is extended by 6 days, to allow for the examination of the claim, and if an appeal against the decision to refuse entry on asylum grounds has been lodged in the last 4 days of the holding period, the holding period is extended by 4 days (Art. L. 352-7 of the CESEDA).

## Procedural aspects

Applicants must first pre-register at one of the first reception centres for asylum seekers (*Structures de premier accueil des demandeurs d'asile*, SPADA). At the SPADA, they get an appointment for registering their application with the prefectoral services at the single desk for asylum seekers (*guichet unique pour demandeurs d'asile*, GUDA). Following registration, they are received by agents from the French Office for Immigration and Integration (OFII) responsible for issuing material reception conditions. Then, applicants have 21 days to lodge their application and

send it by post to the French Office for the Protection of Refugees and Stateless Persons (OFPRA). Shorter deadlines may apply depending on the procedure.

A new procedure is currently being tested: the registration and the lodging of the application happens on the same day, in a “France asile” territorial hub (*Espace France Asile*, EFA) where OFPRA officers are present alongside prefectoral and OFII agents. For the time being, only applicants registering their application at the Cergy prefecture (Val d’Oise department) will benefit from this experiment.

## **Making an application**

### **Responsible authority and place**

- Application at border: Border Police | [Police Aux Frontières](#) (PAF)
- Application on the territory: Pre-registration at first reception centres for asylum seekers | [Structures de premier accueil des demandeurs d’asile](#) (SPADA)
- Application in detention (centre de rétention administrative – CRA): CRA’s administration, Police, including Border Police | [Police Aux Frontières](#) (PAF) (on site), Gendarmerie, Prison administration

### **Possibility to apply from outside the territory**

French legislation does not allow for a person in need of protection to seek asylum from abroad.

A third-country national may apply for a visa at the nearest French diplomatic post to their place of residence with the purpose of coming to France to apply for international protection. The Ministry of the Interior is responsible for examining the visa application. The Council of State, in an order of 9 July 2015, recalled that while the right to apply for international protection is constitutionally guaranteed in France, these guarantees do not entail any right to the issuance of a visa with a view to

applying for international protection in France. If the applicant is granted a visa, he/she will be allowed to legally enter France and formally register an application for international protection at the single desk (prefecture) of the place of residence.

## **Formal requirements for making an application**

Applicants must first pre-register at one of the first reception centre for asylum seekers (*Structures de premier accueil des demandeurs d'asile*, SPADA). They are run by NGOs in the framework of a public contract with the French Office for Immigration and Integration (OFII), which provides the overall management and financing of the pre-registration network. A list of SPADA platforms is available [here](#) (April 2025). Applicants do not need an appointment, except for the Ile-de-France region.

SPADAs are responsible for the pre-registration phase and give appointments at the single desk. The appointment given to the applicant to register the application at the single desk is within 3 working days (or within 10 working days in case of a large influx of applicants). The SPADA informs the applicant about the asylum procedure and pre-fills an [online registration form](#) with basic details provided by the applicant, such as their photo, name, surname, nationality, date and place of birth, family members, civil status, date of entry on the French territory and phone number. This form is automatically transmitted to the single desk. The SPADA can also take ID photos, which will be required at the single desk and for lodging the application, if the applicant does not have any. General information on the procedure is also provided to the applicant.

## **Registering an application**

### **Responsible authority and place**

- [Prefectures | Préfecture](#)
- Prefect of Police of Paris [Préfecture de police de Paris](#)

## Practical steps to register the application

Applicants register their application for international protection at the single desk. Currently there are [34 single desks GUDAs](#) all over France. The foreign nationals services of the prefecture registers international protection applications in Martinique (Fort de France), Guadeloupe, Reunion (St Denis), Mayotte (Mamoudzou), Saint Martin and Saint Barthélémy.

At the single desk, applicants will complete two steps:

1. An officer from the prefecture checks and completes the identification data of the applicant, takes their fingerprints, and interviews them to determine whether France or another Member State is responsible for the examination of their application – the application can then be formally registered; and
2. After the registration, on the same date and at the same place, an OFII agent meets the applicant, assesses their personal situation and potential special reception needs through a questionnaire, and decides accordingly on the necessary reception arrangements and care package. The applicant can either accept and sign or refuse and lose the entitlement to material reception conditions.

## Data collection

Information related to the applicant and their situation are registered in different information systems which are interconnected:

- the Asylum Information System (SI *Asile*), which is part of a larger information system (SI AEF – information system for foreign nationals in France) itself supplied with data from AGDREF (Application for the Management of Foreign Nationals in France | *Application de Gestion des Ressortissants Étrangers en France*), for the prefectures,
- INEREC (Database of Asylum Seekers | *Fichier Ofpra des demandeurs d'asile*) for OFPRA,
- DN@-NG (National reception system - recast | *Dispositif national d'accueil – nouvelle génération*) for OFII.

## Documentation

An asylum application certificate (*attestation de demande d'asile*) is delivered to the applicant once the registration is completed. This document is not issued to applicants who do not have the right to remain on the territory. It is not an identity nor a travel document, but it contains sufficient information for the applicant to be identified. It is a renewable document: depending on the applicable procedure, the document's period of validity varies.

If it is established that France is the responsible Member State for examining the application for international protection, an asylum lodging form is also given to the applicant in order to complete the procedure.

## **Lodging an application**

### **Responsible authority and place**

French Office for the Protection of Refugees and Stateless Persons | [Office Français de Protection des Réfugiés et Apatrides \(OFPRA\)](#)

### **Formal requirements to lodge an application for international protection**

After registration, applicants have 21 days to lodge an asylum application and send it by registered mail to OFPRA, including: the completed and signed asylum application form in French, 2 ID photos, a copy of the asylum application certificate and, if applicable, a copy of a travel document or residence permit (CESEDA, Article R. 531-2 and R. 532-9).

Once OFPRA receives the application, the applicant, the prefect and OFII are informed that the claim is complete and can be processed. If the application is incomplete, the applicant has 8 days to provide the missing elements for the claim to be processed. In Guadeloupe, Martinique and Guyana, the applicant has 3 days to do so in special circumstances (CESEDA, Articles R.591-3 to Art. 591-12)

If information is not provided by the deadline, OFPRA will not lodge the application and takes a decision to discontinue the processing of the claim. If the case is not reopened within 9 months, a new claim would be considered as a subsequent

application.

## **Documentation**

Applicants have 21 days to lodge an asylum application and send it by registered mail to OFPRA, including: the completed and signed asylum application form in French, 2 ID photos, a copy of the certificate of asylum claim and, if applicable, a copy of a travel document or residence permit (CESEDA, Article R. 531-2).

## **Information provision**

The CESEDA contains several articles which underline the duty of the relevant public authority to inform a person, in a language they can understand, about their right to apply for asylum.

A series of informative videos about making, registering and lodging an application, the assessment, the personal interview, the decision and the rights and obligations of the applicant are available on the OFPRA website in [French](#).

## **Passport and other documents**

### **Obligation to surrender original documents**

The CESEDA states that applicants have to present their national passport to the authorities (Art. L. 521-13).

A distinction is made between identity/travel documents and original evidence documents. Both are subject to the same provisions but treated in a different way.

### **Requirement to submit original documents**

An applicant must present original identity documents as soon as possible (Art. L. 531-5 of the CESEDA). However, if required, an applicant can still provide the identity documents during the personal interview or by post as long as the application is pending.

## **Consequence of refusal to surrender documents**

If an applicant does not present his/her passport to the authorities, OFPRA may take a decision on the asylum application in an accelerated procedure (Article L.531-26 of the CESEDA).

## **Return of original documents to the applicant**

An applicant cannot request to have the national passport back while the asylum process is still ongoing. In addition, all documents provided to OFPRA are considered as public archives after the completion of the procedure according to the Code of Property, Articles L. 211-1, L. 211-4 1 and L. 212-1. Therefore, they cannot be returned to the applicant or his/her heirs.

## **Other documents**

At the lodging stage, the form must be completed in French, signed and accompanied by a photocopy of the valid asylum application certificate, two identity pictures and any travel document the international protection applicant may have.

If the asylum application has been placed under the accelerated procedure, the applicant must also send a copy of the information leaflet he received when the application was registered.

Any identity documents in the possession of the applicant must be submitted. Nevertheless, the absence of those documents does not influence the decision of granting asylum or not.

Those identity documents are not given back to the applicant who is granted a refugee status or the beneficiary of the subsidiary protection and new identity documents are issued by OFPRA.

During the interview, applicants can show the case officer any information they find relevant in the support of their request and leave it or send it to the officer if necessary. Documents may be sent in an electronic manner.

The form necessary to the lodging of the asylum application specifies that the asylum applicant has a right of access and modification which they can exercise by sending a written request to the data protection officer (at the address indicated in the form).

The digital data are stored in a national data processing system, called INEREC, in compliance with the provisions of Law n°78-17 of January the 6th 1978, as amended, relating to data, files and freedoms. Only the authorized agents of OFPRA can access this database but some necessary information can be accessible to national services such as the prefecture. Some information stored in the database can be shared with the National Court of Asylum when the applicants make an appeal.

## **Requirement to read digital data**

France has no legal framework for systematic or indiscriminate searches of electronic devices in the possession of international protection applicants.

## **Guarantees for applicants**

### **Confidentiality principle**

At the lodging stage, the applicant completes the application form and sends it to OFPRA.

According to Article L. 531-8 of the CESEDA, the collect by OFPRA of information necessary for the examination of an asylum application must not have the effect of revealing the existence of this asylum application or any information regarding the application to the alleged perpetrators of persecution or serious harm. The "*Guide du demandeur d'asile*" specifies that information given in the application form are confidential and will not be communicated to the authorities of the applicant's country of origin.

Moreover, when signing the OFPRA form, applicants can decide whether they agree to certain information regarding the motivation of their request being shared with other EU Member states.

Regarding the interview, article L. 531-12 of the CESEDA states that OFPRA summons the applicant to a personal interview by any means guaranteeing confidentiality and personal receipt of the summons. OFPRA can only be dispensed with this requirement if it is preparing to make a decision recognising the applicant as a refugee on the basis of the information in its possession or when medical reasons, lasting and beyond the control of the person concerned, prevent the interview from taking place.

## **Information provision**

The CESEDA contains several articles which underline the duty of the relevant public authority to inform a person, in a language they can understand, about their right to apply for asylum, including the border police in waiting zones or the personnel of an administrative detention centre.

Detailed information is available on the websites of different authorities, such as [the Ministry of the Interior](#), [OFII](#), [OFPRA](#) and [service-public.fr](#)

The CESEDA provides that applicants receive an information brochure from the officer of the prefecture at the single desk upon registration, which includes information on the asylum procedure, the applicant's rights and obligations throughout the procedure, the consequences of not respecting these obligations or not cooperating with the authorities, the support available for lodging an application, rights and obligations in terms of reception and organisations supporting asylum seekers. Specific documentation is also provided for applicants under Dublin procedure.

Applicants receive more information about the asylum procedure at the SPADA and at accommodation centres which provides legal, administrative and social support.

Links to information provided in the national context:

**Authority/agency:** OFPRA

**Title:** Guide des procédures à l'OFPRA

**Type:** Guide

Hyperlink:

<https://www.ofpra.gouv.fr/libraries/pdf.js/web/viewer.html?file=/sites/default/files/2024-03/Guide%20des%20proc%C3%A9dures%20mars%202024.pdf>

**Authority/Agency:** Ministry of the Interior

**Title:** Guide for asylum seekers in France (available in several languages)

**Type:** Guide

**Hyperlink:** <https://www.immigration.interieur.gouv.fr/Asile/Guide-du-demandeur-d-asile-en-France>

**Authority/Agency:** OFPRA

**Title:** Series of videos on making and registering an application, the assessment, the personal interview, the decision, and the rights and obligations of the applicant

**Type:** Videos

**Hyperlink:** <https://www.ofpra.gouv.fr/faq-videos>

## Interpretation

An applicant may be directly received by officers from relevant services who are proficient in the language of an applicant (interviewee), without the assistance of an interpreter, or another officer or public servant can provide interpretation. Interpreters are engaged only when required. Interpretation can be provided remotely by telephone.

## **Legal assistance and representation**

An asylum applicant can be accompanied by a lawyer or a representative of an authorised and accredited NGO during the personal interview at OFPRA.

More information about assistance by a third party during the interview, including the list of accredited third parties and the decision, is available on the [OFPRA website](#).