

Applicants with special needs - France | DIP EUAA

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Overview

Relevant EU legislation

France is bound by the Asylum Procedures Directive and has transposed its provisions through the [French Code of Entry and Residence of Foreigners and of the Right to Asylum | Code de l'entrée et du séjour des étrangers et du droit d'asile CESEDA](#).

France is bound by the Reception Conditions Directive and has transposed its provisions through the [French Code of Entry and Residence of Foreigners and of the Right to Asylum | Code de l'entrée et du séjour des étrangers et du droit d'asile CESEDA](#).

National legislation

France is bound by the Asylum Procedures Directive and has transposed its provisions through the [French Code of Entry and Residence of Foreigners and of the Right to Asylum | Code de l'entrée et du séjour des étrangers et du droit d'asile CESEDA](#).

France is bound by the Reception Conditions Directive and has transposed its provisions through the [French Code of Entry and Residence of Foreigners and of the Right to Asylum | Code de l'entrée et du séjour des étrangers et du droit d'asile CESEDA](#).

Competent authority and other stakeholders

Assessment of special needs in the asylum procedure: French Office for the Protection of Refugees and Stateless Persons ([Office français de protection des réfugiés et apatrides](#) - OFPRA)

Assessment of special needs in reception: French Office for Immigration and Integration ([Office français de l'immigration et de l'intégration](#) - OFII)

Reception and care of Unaccompanied Minors (UAMs): Departmental Child Welfare Services (ASE - Aide Sociale à l'Enfance)

Age assessment: President of the Departmental Council (Président du conseil départemental)

Training initiatives

With regard to the French determining authority (Office for the Protection of Refugees and Stateless Persons – OFPRA), case officers are trained on vulnerabilities as part of their initial and continuous training. Training modules and internal guidelines on vulnerabilities, including disability, are developed by the Vulnerability Unit of the Legal Department and by the 5 groups of experts dedicated to : sexual

orientation, gender identity and expression and sex characteristics (SOGIESC) ; gender-based violence (GBV) ; trafficking in human beings (THB) ; minors ; and torture & traumatism (see [OFPRA Procedural Guide](#), chapter 6.2). For the review of individual cases, advisory opinions are provided by the Legal Department/Vulnerability unit and the 5 groups of experts on vulnerabilities (see [OFPRA Activity Report 2024](#), pp. 83-87). Some of the training modules on vulnerabilities are compulsory for case officers and managers. A training module for case officers on case management of traumatic narratives is in place, provided by the mental health centre [ESSOR](#) handled by the NGO Forum Réfugiés Cosi. In the framework of the dialogue mechanism implemented by OFPRA with its relevant partners on vulnerabilities, including specialised NGOs, events and conferences are organised on a regular basis with the aim of exchanges of expertise and reciprocal capacity-building - e.g. "Perspectives on Asylum", on [Human Trafficking \(October 2023\)](#), on [Torture \(April 2024\)](#), on [FGM \(March 2025\)](#).

Agents from the French reception agency (Office for Immigration and Integration - OFII) are also specifically trained, and regular trainings are organised. Article L. 744-6 of the CESEDA establishes the obligation to provide training for OFII staff responsible for assessing vulnerabilities. In order to improve the identification and referral of persons with special needs or vulnerabilities, OFII [organised](#) in June 2022, for the second year, running training, awareness-raising sessions for its agents, in collaboration with the United Nations High Commissioner for Refugees (UNHCR), the Committee against Modern Slavery (*Comité contre l'esclavage moderne, CCEM*) and the Association for the protection of women trafficking and exploitation victims (*Association Foyer mise à l'abri pour femmes victimes de la traite à exploitation*).

As to improve and harmonise the training of all actors involved in the asylum procedure for the early identification of vulnerabilities, the "Vulnerability Plan" published by the Ministry of the Interior in May 2021 proposes to set up "vulnerability referents" in the OFII's territorial departments.

In general, many reception providers have their own ongoing training programmes for social workers. Training courses for institutions and NGOs in the field of asylum

are also conducted by the Ministry of the Interior and OFPRA. The Asylum Directorate of the Ministry of the Interior has either conducted or financed several trainings regarding UAMs in the asylum procedure: a training program that has reached, since 2019, over 500 professionals working with unaccompanied minors, such as legal representatives, departmental council staff, and asylum service officers in prefectures. An online training program has also been developed by the Asylum Directorate of the Ministry of the Interior. It covers topics such as the best interests of the child, the challenges unaccompanied minors may face during their migration journey, legal representation in the asylum procedure, the specific aspects of processing an international protection application submitted by an unaccompanied minor, family reunification, and integration. As part of the implementation of the European Pact on Migration and Asylum, an interministerial working group, led by the Asylum Directorate and bringing together several departments from the Ministry of Justice and the social ministries, as well as OFPRA and the Immigration Directorate of the Directorate General for foreign nationals in France (DGEF), is also addressing the issue of training staff on asylum applications submitted by unaccompanied minors. This training program, intended for all personnel working with unaccompanied minors, will be developed and structured around existing tools (in-person training materials, online training modules, guides) created and updated by the various ministries, as well as dedicated brochures produced by the European Union Agency for Asylum." Moreover, the French National School for the Judiciary (*École nationale de la magistrature* - ENM) designs and implements intra-European training projects on high-stakes topics of shared interest, with the aim of enriching the training of French magistrates through a transnational and interdisciplinary approach. Since January 2024, the ENM has been leading a project (JUST CHILD) focused on the protection of unaccompanied minors involved in cross-border organised crime networks, and more specifically, in human trafficking. Building on this, a new project (SCHILD), submitted in March 2025, could begin in January 2026 to jointly train a panel of trainers in order to better prepare magistrates and social workers on the issue of child trafficking. This would allow for a greater number of professionals across Europe to be trained according to the same standards.

Special needs in reception

Identification of special needs

OFII is responsible for the assessment, evaluation and identification of special needs and vulnerabilities of applicants. The assessment of vulnerability is carried out by specially trained agents from OFII upon the registration of the asylum application at the single desk (GUDA) (Article L. 522-1 of the CESEDA).

The interview has the objective to have an assessment of the vulnerability, in particular, to identify minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental health issues and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation (Article L. 522-4 of the CESEDA).

OFII agents have been specifically trained for this purpose (article L. 522-2 of the CESEDA) and they carry out those interviews by means of a query, the content of which is set by order of the ministers responsible for asylum and health (article R. 522-1 of the CESEDA).

OFII transfers the information collected on the vulnerability of an applicant to OFPRA (the determining authority), with the applicant's consent (Art. L. 522-4 of the CESEDA).

During the examination procedure, OFPRA's case officers may also identify elements of vulnerability, either based on the applicant's files or their statements during the personal interview (Art. L. 531-10 of the CESEDA). Taking into account the information transmitted by OFII about the applicant's vulnerability and information communicated by the applicant him/herself, OFPRA can implement accordingly the procedural safeguards and good practices that it deems necessary (Art. L. 531-10 of the CESEDA). OFPRA can, either prioritise the examination of the application or

extend its timeframe, when appropriate to support the applicant in a vulnerable situation to disclose his/her need for international protection. When the application has been registered in the accelerated procedure, such an extension of the examination timeframe entails channeling the application into the regular procedure (Art. L. 531-10, L.531-28 and L.531-30 of the CESEDA).

Referral of applicants with special needs

Persons identified as vulnerable or having special needs during the interview conducted by OFII are subject to have their material reception conditions adapted accordingly to their circumstances and taking into account their specific needs. For example, applicants may be directed to specialised accommodation centres (e.g. for people with reduced mobility, women who are victims of violence or victims of trafficking in human beings, etc.).

The OFII medical service may also issue recommendations for material reception conditions following a request for advice sent in a confidential letter by the applicants' medical doctor. OFII may transmit to OFPRA, with the consent of the applicant, information confirming a particular situation of vulnerability (Art. L. 522-4 of the CESEDA).

According to Article L. 531-10 of the CESEDA, throughout the asylum procedure, OFPRA can set up special examination procedures adapted to the vulnerability of the international protection applicant concerned. With the applicant's consent, OFPRA may report to OFII the applicant's special needs regarding an adequate accommodation, in case these needs are identified by case officers during the personal interview, in order for OFII to possibly re-assess the reception conditions (e.g. women applicant subjected to domestic violence in France requesting to be transferred to a secure accommodation).

Reception and care of applicants with special needs and vulnerabilities

The CESEDA (Articles L. 522-1 and L. 522-3) provides for a specific procedure for the identification and orientation of international protection applicants with special reception needs, consisting of an interview conducted by the French Office for Immigration and Integration (OFII) officers specifically trained on identification of vulnerability.

Assessing the applicant's vulnerability (including disabilities) in order to determine any special needs in terms of reception is detailed in article L. 522-1 of the CESEDA. The interview is confidential and consists of a series of questions to determine whether specific support and services are required. If the situation requires it, the OFII agent will take these factors into account to direct the applicant towards suitable accommodation. Moreover, the OFII network includes vulnerability referents within its 31 territorial departments. These officers are responsible for monitoring these situations (initial referrals, accommodation transfers) and raise awareness to the issue of vulnerability.

Staff can carry out a vulnerability assessment of applicants accommodated in the initial reception facilities and inform OFII, which takes into account the particular needs of the person concerned. Applicants with special needs and/or vulnerabilities can be prioritised for places in reception centres for asylum seekers.

Reception facilities and other housing arrangements

Housing arrangement

The French Office for Immigration and Integration (OFII) [reports](#) that since 2018, there were increasingly more accommodation places dedicated to the reception of victims of human trafficking (300 to provide safety for victims of trafficking and violence) and LGBTQ+ (212 specialised places) reaching a total capacity of 512 places on 31 December 2022 (occupied up to 99%) .

Housing arrangements for:

- **Victims of human trafficking, torture or other forms of violence:** In 2021, there were 300 specialised reception places in 4 regions (Ile de France, Nouvelle Aquitaine, Provence Alpes Côte d'Azur, Auvergne Rhône Alpes) adapted to women who are victims of human trafficking or victims of other forms of violence.
- **Applicants with diverse SOGIESC:** The [national action plan on vulnerabilities](#) set a target for the development of 200 specialised places in accommodation for the most vulnerable international protection applicants from the [LGBT+ community](#). This does not involve the creation of additional places, but rather the specialisation of existing places to accommodate this group in reception facilities duly registered in the OFII's national reception scheme.

Detention of vulnerable persons and applicants with special reception needs

For all applicants, including when detained, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) can define ad hoc modalities for processing their asylum claims when in a particular or vulnerable situation. If the applicant is in detention and OFPRA considers that it cannot examine the case within 96 hours due to the applicant's individual circumstances or vulnerabilities, the applicant is released.

Reception of unaccompanied minors

According to the social action and families code (*Code de l'action sociale et des familles*, CASF), the president of the departmental council must ensure that persons presenting themselves as minors and deprived temporarily, or definitely, from the protection of their family, are taken care of, and provide them with temporary emergency reception until the situation of the alleged minor is clear. A temporary emergency reception is up to 5 days during which the president of the departmental council makes the necessary investigations to evaluate the situation of the alleged

unaccompanied minor. The president of the departmental council must also duly inform the Public Prosecutor (Art. R. 221-11 of the CESEDA). During this period of emergency reception, the president of the departmental council proceeds to launch the necessary investigations for evaluating the person's situation, age and identity. The president of the departmental council shall also initiate a first evaluation of the health needs of the alleged minor in order to provide with adequate reception needs.

An unaccompanied minor can stay in France without having an asylum application certificate because minors are authorised to stay in France and cannot be subject to a return decision (Art. L. 611-3 and Art. L. 631-4 of the CESEDA). However, when an unaccompanied minor applies for asylum, they do receive an asylum application certificate.

Unaccompanied minors must comply with national law concerning e.g. public order, compulsory education up to the age of 16 years old and prohibition of working while being an applicant for international protection, except for carrying out apprenticeships or other types of vocational training.

The care provided to unaccompanied minors includes accommodation, food, French language courses, schooling or vocational training, access to healthcare, and participation in leisure activities.

Unaccompanied minors under care also benefit from administrative and legal support tailored to their situation.

Finally, child welfare services (ASE) are also responsible for carrying out preventive actions to protect minors from dangerous situations, ensuring the identification and referral of minors who are victims of sexual violence, and providing material, educational, and psychological support to minors engaged in prostitution (see Article L. 221-1 of the Code of Social Action and Families).

Reception facilities and other housing arrangements

Pursuant to Article L. 221-2-4 of the Code of Social Action and Families (CASF), introduced by the law of 7 February 2022 relating to the protection of children, the assessment of minority and isolation as well as the provision of shelter is the responsibility of the departmental council in light of its competencies in child protection.

As part of its responsibilities, the departmental council must organise the provision of accommodation to ensure unconditional reception. The facilities providing shelter for individuals presenting themselves as unaccompanied minors are, moreover, classified as social care institutions (Article L. 312-1-I-1° of the CASF), and are therefore subject to the regulations applicable to social and medico-social institutions, particularly with regard to users' rights (Articles L. 311-3 et seq. of the CASF), as well as authorisation, oversight, and pricing by the president of the departmental council (Articles L. 313-3 et seq. of the CASF).

Any person presenting themselves as an unaccompanied minor is taken into care through an emergency provisional reception by the services of the department in which they are located, and more specifically by the child welfare services (ASE), which continues throughout the entire period of evaluation of the individual's situation.

Thus, unaccompanied minors are usually first placed in departmental children's shelter or foster families.

As part of this emergency provisional reception, the person is taken care of in a facility adapted to their situation, authorised and supervised by the departmental council, providing initial social support. The [law on child protection n° 2022-140](#) of 7 February 2022 does not allow any longer hotel accommodation for children as of 2024.

Age assessments

The president of the departmental council (*Président du conseil départemental*) is responsible for initiating the process of the social evaluation for persons declaring themselves as minors and being unaccompanied or without family members in France ([Art. 2 of the order of 20 November 2019](#)).

The person benefits from a respite period prior to their assessment. This respite period is a time during which the individual receives care on a health and human level, with an interview aimed solely at assessing their health needs.

The assessment of minority status and isolation is carried out either by the child welfare services (ASE) or by a service authorised and supervised by the departmental council. The framework for the social assessment is defined by regulations and based on a national reference system to ensure the relevance and consistency of practices throughout the territory. It must be conducted by trained professionals in a language understood by the individual, with the use of an interpreter if necessary.

The social evaluation is carried out either by the services of the departmental council or any organisation from the public or non-profit sector to which the President of the departmental council has delegated it to ([Art. 4 of the order of 20 November 2019](#)).

The president of the departmental council has to ensure that those in charge of the social evaluation are adequately qualified and trained for carrying out the interviews with minors and take into consideration the best interests of the child ([Art. 5 of the order of 20 November 2019](#)).

Art. L. 221-5 of the CASF provides that the minor, or their legal representative, may refer the matter to the juvenile judge to challenge decisions related to child protection, which includes the assessment of minority status and isolation.

Access to education

Children of compulsory school age (3-16 years) must be enrolled within three months from lodging their application. Education for children is provided in regular schools but it could also be provided directly in reception centres (e.g. in larger emergency reception facilities).

Article L. 131-1 of the French Education Code states that schooling is compulsory for every child from the age of three to sixteen.

Circular No. 2002-063 of 20 March 2002, regarding the registration and enrolment of foreign students in primary and secondary schools, provides that:

No distinction may be made between French and foreign students in access to public education;

In the absence of any legal authority granted by the legislature, the Ministry of National Education is not responsible for verifying the legal status of foreign students or their parents with respect to immigration and residency laws.

As a result, there is no legal obstacle to the schooling of a migrant child, even if they or their parents are in an irregular situation. The departmental council, responsible for unaccompanied minors (UAMs), must ensure access to education for these young people. If the UAM is a non-French speaker, they may be enrolled in a UPE2A program (Pedagogical Unit for Incoming Allophone Students), just like any other newly arrived non-French-speaking student. Any child presenting themselves at a school must be admitted in order to receive an education. If the child arrives alone, the school must report the situation to Child Welfare Services (ASE) to ensure the child's safety.

International protection applicant children go through an evaluation procedure as any other newly arrived third-country national. They pass a test assessing their language and educational level. The tests are organised by the regional Academic Centre for the Education of Newcomers and Traveller Children (*Centre académique pour la scolarisation des élèves allophones nouvellement arrivés et des enfants issus de familles itinérantes et de voyageurs, CASNAV*). Through guidance and pedagogical support to teaching teams in schools and educational institutions,

through training activities, and through the dissemination of teaching materials and other resources, CASNAV facilitate the reception and support of children whose proficiency in French and prior knowledge may vary and sometimes differ significantly from that of other students of the same age.

Pupils with sufficient French knowledge are included directly in mainstream classes. Other children are expected to join regular classes and attend in addition UPE2A classes, to receive language support for a maximum period of two years.

Access to healthcare

During the emergency provisional reception period, an initial health assessment of the child is carried out as soon as possible (Art. R. 221-12, of the CASF). This is a process that is different from the age assessment since the aim of this assessment is to refer the person as early as possible to adequate health services in view of providing care that is adapted to the individuals health needs.

The French Public Health Council (*Haut Conseil de la Santé Publique*, HCSP) issued an opinion on the health assessment of unaccompanied minors ([opinion of 7 November 2019](#))

The Ministry of Justice has published in July 2023 a guide on best practices with regard to a first assessment of health needs of unaccompanied minors during the intake period.

Transition to adulthood

France has a number of regularisation mechanisms in place that entitle children to regularise their status at 18, based on private and family life. The transition to adulthood may start at the age of 17 in France when unaccompanied children start to be introduced to an independent life, usually through placement in transitional housing or the provision of specific training and guidance.

Unaccompanied minors, who were either placed within the child welfare services or with the care of a trusted person before the age of 16, may be issued a “private and family life” temporary residence permit in the following year of reaching the age of majority. This residence permit is valid for one year and may be issued on condition of the real and serious nature of a followed training, the nature of the individual’s relationship with the family in the country of origin, and the opinion of the host structure on their integration into French society (Art. L. 423-22 of the CESEDA). The residence permit enables them to study or to access the labour market.

Unaccompanied minors, who were either placed within the child welfare services or with the care of a trusted person when they were older than the age of 16, can obtain exceptionally an "employee" or "temporary worker" residence permit in the following year after turning 18 years old. They have to prove that they followed a training course for at least six months and designed to provide a vocational qualification. This residence permit may be granted on condition of the real and serious nature of the training, the nature of the individual’s relationship with the family in the country of origin, and the opinion of the host structure on their integration into French society (Art. L. 435-3 of the CESEDA).

[Instructions from 21 September 2020](#) on the early examination of applications for residence permits by foreign minors entrusted to the departmental child welfare services aims to generalise the early examination of the right to stay for foreign minors entrusted to the child welfare services (ASE) as to avoid breaches of their rights when reaching majority and when they are engaged in vocational training or employment.

Law No. 2022-140 of 7 February 2022 on the protection of children includes provisions aiming at improving the care of young people presenting themselves as unaccompanied minors (UAMs):

- UAMs receive support from child welfare services (ASE) in their efforts to obtain a residence permit upon reaching the age of majority, or, where applicable, in filing an international protection application. If they are taken into care at age 17, they must, as soon as possible, have an interview to prepare for the transition to adulthood;

- The support they receive from the ASE is extended until the age of 21 through the "young adult contracts" mechanism ("contrats jeunes majeurs");
- Access to sponsorship or mentorship schemes;
- A mandatory follow-up interview with the young person six months after exiting the support system.

There is also the possibility in some cases to acquire French nationality. They have to apply at their local prefecture, which has the decision-making power in respect to residence permits and regularisation.

Detention of unaccompanied minors

The CESEDA states that foreign minors under the age of 18 may not be the subject to an Obligation to Leave French Territory (*Obligation de Quitter le Territoire Français*, OQTF) and that they cannot be detained.

This means that families with children under 18 cannot be detained either.

Special procedural guarantees

First instance determination for applicants with special needs

During the examination procedure, the determining authority (French Office for the protection of refugees and stateless persons - OFPRA) may identify elements of vulnerability and related to special procedural needs, either based on the applicant's file or his statements during the personal interview (Art. L. 531-10 of the CESEDA). OFPRA may as well take into account the information transmitted by the reception agency (OFII) about the applicant's special reception needs and information communicated by the applicant him/herself.

According to the identified special needs, OFPRA can implement the procedural safeguards and good practices that it deems necessary (article L. 531-10 of the

CESEDA). Inter alia, OFPRA can either prioritise the examination of the application or extend its timeframe, when appropriate, to support the applicant in a vulnerable situation to disclose his/her need for international protection. When the application has been registered in the accelerated procedure, such an extension of the examination timeframe entails channeling the application into the regular procedure (Art. L. 531-10, L. 531-28 and L. 531-30 of the CESEDA).

In May 2021, the Ministry of the Interior set an [action plan](#) (Vulnerability Plan) which contains [10 practical actions](#) to improve early detection of applicants in a vulnerable situation and address their special needs.

OFPRA case officers in charge of international protection applications filed by applicants with special needs and/or vulnerabilities ensure that the appropriate procedural guarantees are respected during the examination of their application.

Access to information

The French Office for Immigration and Integration (OFII) assesses the vulnerability and special needs of international protection applicants and is responsible of this evaluation in a reasonable timeframe. This evaluation consists of an interview with the person after the registration of the application at the single desk (GUDA). During this interview with OFII, the applicant is informed about the possibility to have a free medical examination.

When booking an appointment to register their application, applicants can report the need for adapted reception conditions, with potential prioritisation. For the hearing-impaired, specific services such as interpreting in sign language are provided during registration. Vision-impaired persons can also be physically accompanied by a professional to registration offices.

In the first reception centre for asylum seekers (SPADAs), social workers provide applicants with specific information and direct them to the appropriate support services.

Throughout the asylum procedure, concerning applicants who receive support from the SPADAs and for whom a vulnerability was identified, the information collected are transmitted to other stakeholders (including OFPRA).

Numerous and detailed information about procedural safeguards and good practices dedicated to applicants with special needs is available on the OFPRA's website (www.ofpra.gouv.fr) in English and French:

- Pages on vulnerabilities ([EN](#) and [FR](#));
- [OFPRA Procedural Guide](#) - chapter 6;
- Concerning unaccompanied minors: pages for applicants ([EN](#) and [FR](#)) and for professionals ([EN](#) and [FR](#)) and Guide for unaccompanied minors applying for asylum in France ([FR](#));
- Concerning minor girls at risk of female genital mutilation (FGM): pages for applicants ([EN](#) and [FR](#)), pages for professionals ([EN](#) and [FR](#)) and pages for healthcare professionals ([EN](#) and [FR](#));
- Concerning applicants with disabilities: pages for applicants ([EN](#) and [FR](#)) and pages for healthcare professionals ([EN](#) and [FR](#));
- Concerning assistance by a third party during the personal interview: pages for applicants ([EN](#) and [FR](#)) and pages for professionals ([EN](#) and [FR](#)). In particular, applicants can be assisted by a lawyer or a member of an authorised NGO: the [list of authorised NGOs](#) is available on OFPRA website (FR) – see also below Section 3 and Section 4.

OFPRA case officers are trained, in particular by the 5 groups of experts on vulnerabilities (GVF, SOGIESC, THB, Minors, Torture & traumatism) to provide information on their rights to applicants identified as vulnerable in relation to these

categories (e.g., information on the rights open to victims of domestic violence or human trafficking or on child protection). They are trained as well to refer these applicants, when needed, to specialised NGOs or relevant medical structures for support, or to refer to the reception agency (OFII) for a possible transfer to a safer accommodation (e.g. in case of on-going exploitation or domestic violence in France).

Personal interview

Code of Entry and Residence of Foreigners and of the Right to Asylum (CESEDA) does not define the notion of “adequate support” as provided for in Article 24(3) of the recast Asylum Procedures Directive but there are specific procedural safeguards relating to the personal interview in place.

The French determining authority (OFPRA) is competent for implementing special procedural safeguards according to identified specific needs of applicants in a vulnerable situation. Some of these guarantees apply to the personal interview:

- Interview by a case officer and with the assistance of an interpreter both trained on vulnerabilities. With regard to interpreters, they received training on vulnerabilities by OFPRA’s 5 groups of experts (see OFPRA [Activity reports](#) and [Code of conduct for interpreters](#)) and they are informed of the special needs of the applicant beforehand.
- Assistance by a third party during the interview:
 - A lawyer or a member of an authorised NGOs (Art. L. 531-15 of the CESEDA) – on OFPRA website – to be noted: this provision applies to all applicants but a significant number of the authorised NGOs are specialised into supporting applicants in a vulnerable situation: victims of human trafficking or sexual exploitation, SOGIESC, women and girls exposed to GBV, children, people with mental health conditions, etc.); the lawyer or member of an authorised NGO is allowed to intervene (comments and additional information) at the end of the

interview.

- For applicants with disabilities, their attending physician or a member of an NGO specialised in supporting people with disabilities (Art. L. 531-18 of the CESEDA) - authorisation subject to a case-by-case assessment, this third party isn't supposed to intervene during or at the end of the interview.
- Mental health professional with the aim of reassurance - authorisation subject to a case-by-case assessment, this third party isn't supposed to intervene during or at the end of the interview.
- Only exceptionally when the presence of the above mentioned persons wouldn't suffice to reassure and support the applicant, another trusted third party - authorisation subject to a case-by-case assessment, this third party isn't supposed to intervene during or at the end of the interview.
- Interview by a case officer and with an interpreter of the gender the applicant has chosen, in particular when the narrative includes sexual violence (article L. 531-17 of the CESEDA).
- Tailored timeline: the timeline for examining the application may be adapted, either prioritised or lengthened, to enable the applicant in a vulnerable situation to disclose his/her story and for appropriate psycho-social or medical support to be provided.

Legal assistance

All applicants are entitled to be assisted during their personal interview at OFPRA either by a lawyer or by a member of an authorised NGO (Art. L. 531-15 of the CESEDA). The NGOs that fall under the scope of article L. 531-15 are organisations that defend human rights, rights of foreigners or asylum seekers, rights of women or children, or NGOs combatting discrimination based on SOGIESC. The [list of authorised NGOs](#) is available on OFPRA's website.

The lawyer or the member of an authorised NGO informs OFPRA of his/her presence, at least 7 days before the interview in the regular procedure and 4 days before in the accelerated procedure.

Applicants with legal incapacity – i.e. accompanied and unaccompanied minors and adults with significant mental disabilities – need legal representation and assistance throughout the procedure. Concerning adults with mental disability, their particular vulnerability is taken into account: after a case-by-case assessment, when the elements of the file reveal a serious and lasting impact of mental faculties but there are no measure of judicial protection for vulnerable adults, OFPRA refers the case to the competent judicial authority (guardianship judge) for the purpose of appointing a legal representative and the examination of the international protection application is put on hold.

Furthermore, the applicant with a disability can be assisted by a specialised third party during the personal interview (Art. L. 531-18 of the CESEDA) and OFPRA premises and facilities are adapted. He/She and/or his/her legal representative and/or the trusted third parties are informed by all means of the legal protection measures and assistance systems existing in France as well as the procedural guarantees available at OFPRA.

Guarantees for unaccompanied minors

The term "unaccompanied minor" is defined as "*minors temporarily or definitively deprived of the protection of their legal representatives*" (Art. L. 521-8 of the CESEDA). This issue is managed at the level of the French mainland and overseas departments by child welfare services (Aide Sociale à l'Enfance - ASE).

An unaccompanied minor can stay in France without having an asylum application certificate because minors are authorised to stay in France and cannot be subject to a return decision (Art. L. 611-3 and Art. L. 631-4 of the CESEDA).

Unaccompanied minors must comply with national law concerning e.g. public order, compulsory education up to the age of 16 years and prohibition of working while

being an applicant for international protection, except for carrying out apprenticeships or other types of vocational training.

Making, registering and lodging an asylum application

Unaccompanied minors arriving in France have to contact the nearest prefecture to initiate the procedures to apply for asylum in France. Minors cannot initiate legal or administrative proceedings without having a legal representative (see below Legal guardian and representation for unaccompanied minors). The legal capacity for lodging an application on behalf of the UAM is with the legal representative: the designated guardian or the ad-hoc administrator. Therefore, the Public Prosecutor (*Procureur de la République*) designates the responsible department with the help of a yearly [territorial redistribution key](#) (year 2022).

The responsible departmental child welfare service (*Aide Sociale à l'Enfance*, ASE) cannot immediately represent the UAM in an asylum procedure as it does not automatically become the minor's legal guardian. The application for guardianship or delegation of parental authority can be made by the public prosecutor, the responsible departmental child welfare service (ASE), or the person who wishes to become the UAM's legal representative. The appointment of a guardian has to be requested from the family/guardianship judge and the child welfare service responsible becomes the guardian only after the judge's decision is delivered.

Therefore, to cover for the period when no legal guardian is appointed yet, the Public Prosecutor appoints without any delay an ad-hoc administrator to represent the minor only in the asylum procedure. The appointment request to the public prosecutor may come from the child welfare service or the prefect. The ad hoc administrator represents and defends the interests of the child in the asylum procedure and provides information about the child's rights, the role of each person involved and the steps to be taken. The ad hoc administrator may accompany the minor during the personal interview and receives by mail the administrative files. The ad-hoc administrator's responsibilities cease when a legal guardian is appointed, when the asylum procedure ends or when the minor reaches majority.

When an unaccompanied minor applies for international protection through his/her legal representative on French territory, the prosecutor is alerted by the prefecture or OFPRA. In case an unaccompanied minor applies for international protection at the border, the prosecutor is alerted by the border police.

The international protection application must be completed in French, signed by the legal representative and sent to OFPRA by post within 21 days after registration. If the file is complete, OFPRA lodges the application and a confirmation letter (*lettre d'introduction*) is sent to the minor applicant and his/her the legal representative. The UAM and his/her legal representative are further called for an interview at OFPRA, in principle within 3 months after lodging, to enable the minor sufficient time to prepare himself for the interview.

OFPRA's decision is notified to the UAM's legal representative, with a copy to the minor. In case of appeal against a negative decision, the appeal must be made by the legal representative before the French National Court of Asylum (*Cour nationale du droit d'asile*, CNDA).

The prefectures are required by the CESEDA to proceed with family tracing for UAMs as soon as possible after the application is lodged, while protecting the minor's best interests.

In this context, the social evaluation of the minor (see more details under Age Assessment), which initially takes place to assess the minors' situation, can be an essential and conducive tool for the family tracing as during the interview/s, the evaluators gather details and information about the persons' family members and close environment in his/her country of origin, e.g. the identities and parents' age ([Art. 8 of the order of 20 November 2019](#)).

If the unaccompanied minor is no longer in contact with her or his parents but with other family members who live in France, the family judge brings together a family council in order to appoint a guardian for the child.

If there is no contact with the parents and no family members or relatives in France, a territorial (or state) guardian is appointed by the judge. The child welfare

services (ASE) will then be responsible to assist the child in the proceedings. The appointed guardian also accompanies the minor in other steps such as access to schooling, health, etc.

When the minor is still in contact with her or his parents who remained in the country of origin, a delegate with parental authority is appointed by the family during a family council.

Unaccompanied minors who have been granted international protection have the right to family reunification (Art. L. 561-2 of the CESEDA),

Information provision

Unaccompanied minors arriving in France have to go to the nearest prefecture to initiate the procedure to apply for international protection in France. The prefecture informs the UAM about the collection and processing of his/her data (Art. R. 221-15-8 of the CESEDA) before they are collected. The UAM gets a form with all of the information about the purpose and collection of the personal data in a language s/he understands, or reasonably can understand (or the UAM can also be informed orally).

According to the Code of Social Action and Families (*Code de l'action sociale et des familles*, CASF), the president of the departmental council must ensure that persons presenting themselves as minors and deprived temporarily, or definitely, from the protection of their family, are taken care of, and provide them with temporary emergency reception until the situation of the alleged minor is clear.

A social evaluation takes place in the language the alleged minor understands and when necessary, with an interpreter. The person is informed about the role of the social evaluation and also about the fact that s/he can be taken care of by the child welfare services (ASE) from another department if the evaluation concludes that s/he is an unaccompanied minor.

Amendment of Article 16 (Law n°2022-140 of the 7 February 2022 relative to the children's protection) and of Art. L. 222-5-1 of the CASF shall (child welfare services, ASE) to anticipate the question of the lawfulness of the stay, and better inform the unaccompanied minors about the support by ASE to submit an international protection application.

More information about the procedure for unaccompanied minors is available on the Ministry of the Interior's [website](#) and on the OFPRA website [here](#)

OFPRA has published a [guide for asylum applications for unaccompanied minors in France](#). There is also a dedicated website about the asylum application procedure for UAMs available both in [FR](#) and [EN](#).

The Ministry of the Interior has a [leaflet for unaccompanied minors](#) available in several languages and written in a language appropriate for children with information on how they can get help, who to contact and what the asylum procedure consists of.

Best interests of the child in the Dublin procedure

There is no specific body in France that assesses the best interests of the child. The administrative authorities take into account the best interests of the child in all decisions involving children. Every decision is based on a case-by-case review always taking the best interests of the child into account.

There is no specific procedure for assessing the best interests of the child in the Dublin context, it is assessed throughout the procedure and particularly by the OFII agent.

Minors cannot initiate legal or administrative proceedings without having a legal representative (including the Dublin procedure) and they must be represented by a guardian or an ad-hoc administrator (Article L. 521-9 of the CESEDA).

The prefectures are required by the CESEDA to proceed with family tracing for unaccompanied minors as soon as possible after the application was made, while protecting the minor's best interests (Article L. 521-12 of the CESEDA). This applies in the overall context of the asylum procedure and it is not specific to the Dublin context.

The CESEDA provides no specific guidance to assess which factors need to be taken into account in order to determine the responsible Member State when family members, siblings, or relatives are present in another Member State or in other Member States. In line with the CJEU judgement of 6 June 2013 in case C- 648/11, France takes responsibility of the application of UAMs within its territory when there are no legally present family members, siblings, or relatives in another Member State. The prefectures may place UAMs under the Dublin procedure, but a transfer is only carried out when a family member is present in another Member State.

For incoming requests, a specialised caseworker is in charge of all UAM cases.

Personal interview

The UAM and his/her legal representative are called for an interview at OFPRA, in principle within 3 months after lodging the application, to enable the minor sufficient time to prepare for the interview, unless it is deemed necessary to prioritise the interview. The presence of the legal representative together with the UAM at the personal interview is compulsory, according to the recent jurisprudence of the French Council of State. Only when the UAM refuses the interview to take place in the presence of his/her legal representative can the interview be carried out in this condition.

OFPRA's case officers in charge of examining application by UAMs are specifically trained with EUAA modules and OFPRA's group of experts of minor training activities.

OFPRA's decision is notified to the UAM's legal representative, with a copy to the minor. In case of appeal against a negative decision, the appeal must be made by the legal representative before the French National Court of Asylum (*Cour nationale*

du droit d'asile, CNDA).

Legal representation during the asylum procedure

France guarantees, under its national law, the representation and defence of unaccompanied minors (UAMs) in proceedings concerning them. When a minor is involved in an administrative or judicial procedure - particularly in matters related to detention in a waiting zone or asylum - the appointment of an ad hoc guardian by the public prosecutor is provided for under the CESEDA (Art. L. 343-2 and L. 521-9). This guardian is appointed without delay to represent the minor and ensure the protection of their rights. Their mandate ends when the judge orders the establishment of a guardianship measure, which grants the president of the departmental council the status of legal guardian (Article 408 of the Civil Code).

Legal assistance and counselling

Minors cannot initiate legal or administrative proceedings without having a legal representative. The legal capacity for lodging an application on behalf of the UAM lies with the legal representative: the designated guardian or the ad-hoc administrator. Therefore, the Public Prosecutor (*Procureur de la République*) designates the responsible department with the help of a territorial redistribution key. In order to cover for the period when no legal guardian is appointed yet, the Public Prosecutor appoints without any delay an ad-hoc administrator to represent the minor only in the asylum procedure.

The representative is required to provide assistance to the UAM in all aspects of the procedure. This support includes providing information and legal advice throughout every stages of the procedure.