

Detention - France | DIP EUAA

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Overview

Relevant EU legislation

France is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions in the 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.](#)

Competent authority and stakeholders

Area	National authority/ stakeholder	Assistance to competent authority
Detention decision	Prefectures	n/a

Area	National authority/ stakeholder	Assistance to competent authority
Administration and management of detention facilities	Prefectures	n/a
Information provision in detention	Prefectures Associations (NGOs)	n/a
Interpretation services in detention	Prefectures	n/a
Access to the procedure and provision of asylum information in detention	Police, including Border Police Police Aux Frontières (PAF) (on site) Gendarmerie Prison administration	n/a
Detention for the Dublin procedure	Prefectures	n/a
Processing of asylum applications of applicants who are in detention	OFPRA	n/a
Legal assistance and representation in detention	Accredited NGOs	n/a
Review of detention	Judge of Freedoms and Detention (JLD)	n/a

Grounds for detention during the asylum procedure

Grounds for detention in national law

Detention in the context of identification or verification of identity

There is no legal ground under French law permitting the detention of asylum seekers in order to determine or verify the applicant's identity or nationality.

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

Asylum seekers: There are no legal grounds under French law permitting to detain asylum seekers to determine the elements on which the application for international protection is based.

Rejected applicants and third-country nationals: They can be placed under house arrest by the prefectures, or if this measure is not sufficient, they can be detained in an administrative detention centre. This may only be done for the purpose of a removal.

If there is a significant risk of absconding, CESEDA enables house arrest (*assignation à résidence*) of international protection applicants for a Dublin transfer or who are already subject to a return decision. If there is too high a risk of absconding, then the administrative authority may decide to detain the applicant.

Detention in the context of a procedure to decide on the applicant's right to enter the territory

Under French law, there is no detention of international protection applicants for the sole reason that they have made an application.

Detention in the context of a return procedure

A third-country national may be placed in detention when they are subject to one of the following decisions:

- Obligation to leave France (OQTF);
- Administrative ban on entering French territory (Interdiction Administrative du Territoire - IAT)
- Administrative ban on returning to French territory (Interdiction de retour sur le territoire français - IRTF);

- Judicial ban on entering French territory (Interdiction du Territoire Français – ITF);
- Expulsion measure.

Third-country nationals may be detained to ensure their effective removal:

- after the prefecture notifies them of a return decision directly at the prefecture;
- after police questioning;
- after detention for the verification of the right of residence, when the person has no right of residence nor of transit.

It is the administrative authority (prefecture) that issues the detention order.

Detention in the context of national security and public order

As of June 2025, there is no provision under French law authorising the detention of international protection applicants for reasons of national security and public order.

Detention for the purpose of a Dublin transfer

Applicants already in detention: When registering fingerprints in Eurodac (at the administrative detention centre), if it appears that the applicant has already applied for asylum in another Member State or has illegally crossed the border of another Member State, the asylum application falls under the Dublin regulation. The person is kept in detention, without the need to take a new detention measure, during the time necessary to determine the Member State responsible for the examination of the application and to complete the transfer.

Applicants not in detention: When the applicant is not already in detention during the determination of the Member State responsible, he/she can be placed in a detention centre when there is a significant risk of absconding in order to enforce the transfer once the transfer decision has been notified (see Alternatives to detention). Moreover, if they absconded during the 6-month period and then they are stopped during a random identity check during the 18-month period (from when the Member State responsible has accepted the take back request), they are likely to be placed in detention as they are considered at risk of absconding.

Less coercive measures (alternatives to detention)

The competent authority may place a third-country national under house arrest when their right to stay on the territory has ended and they are subject to an obligation to leave the French territory (OQTF) for the purposes of rapid processing and effective monitoring of the asylum application. The prefecture is responsible for assessing the most appropriate measure.

When house arrest is the most appropriate measure for the individual, he/she will have obligations in terms of staying in the perimeter assigned by the measure, reporting to the police/gendarmerie and a curfew. All these elements are decided by the prefecture based on an individual assessment of the situation of the third-country national.

Application for international protection and processing while in detention/impact on the asylum procedure

The prefecture makes the initial decision for detention, taking into consideration special needs and vulnerabilities. The decision is notified in writing to the third-country national.

All third-country nationals placed under administrative detention are informed upon arrival in the detention centre of their right to seek asylum within 5 days after being notified of their right. They have to be released as soon as they lodge an asylum application, unless the prefecture considers that the detainee has lodged an application solely to avoid an imminent removal. In this case, the prefecture takes a reasoned written decision to maintain detention. Should the applicant be released from detention, the administrative authority must also give them their asylum application certificate.

If the applicant is kept in detention, the application should be examined in an accelerated procedure which implies that the French Office for the Protection of Refugees and Stateless Persons (OFPRA) must issue a decision within 96 hours. If

OFPPRA considers that it cannot examine the case in this timeframe, the applicant is released and receives their asylum application certificate.

When in detention, applicants have access to information and legal counselling related to their asylum procedure and, if applicable, the return procedure.

International protection applicants keep their phones in detention and, like any other applicant, will be notified of their first instance decision through their OFPPRA individual account.

The administrative authority takes and notifies the detention decision, yet it is the judicial authority which ensures that the detention meets the conditions and guarantees of the Reception Conditions Directive 2023/1346.

Procedural safeguards

Access to information and interpretation

The administrative authority (prefecture) takes the initial decision on detention, taking into consideration special needs and vulnerabilities. The decision must be notified in writing.

When a third-country national is placed in detention, they should indicate a language they understand and if they can read. This language is used throughout the entire procedure. If the third-country national refuses to indicate any language, French is used.

Communication in the appropriate language may be done through written forms or with the help of an interpreter.

Legal assistance and representation

Applicants are entitled to have a lawyer as soon as they arrive at the detention centre. They are notified of this right. They can also ask for legal aid.

Legal aid is a right to receive legal assistance and representation free of charge for legal proceedings and subject to the condition of insufficient financial resources. Upon meeting the conditions of resources, it is available to applicants lodging an appeal against a decision from the French Office for the Protection of Refugees and Stateless Persons (OFPRA) and to third-country nationals challenging their return decision.

Length of detention

A third-country national can be placed in administrative detention for a maximum of 90 days:

The initial decision to be placed in detention is valid for 4 days.

The prefecture must lodge a request before the judicial judge to extend the duration of administrative detention. The judge can order an extension of the administrative detention for another 26 days after the initial placement.

A second prolongation for 30 days can be granted and may be followed by two additional prolongations of 15 days.

Beyond this total period of 90 days, a third-country national who has not been removed from the French territory must be released.

However, third-country nationals who have received a return decision, a ban from French territory or have been convicted of acts of terrorism can be detained for longer: a second and other prolongations of 30 days can be imposed for a period of up to 180 days. Two additional prolongations of 15 days can be imposed only under certain conditions. In these very exceptional cases, the total period of detention is 210 days.

A person may only be received in an administrative detention place (*locaux de rétention administrative*, LRA) if a judge decides on the extension of the detention and must then be transferred to an Administrative Detention Centre (CRA).

Applicants in detention: have 5 days to apply for asylum after being notified of their rights, and OFPRA has 96 hours to issue a decision.

Dublin cases: the determination of the Member State responsible and the enforcement of the transfer decision must take place within the 90-day timeframe, and Article 28 of the Dublin III Regulation applies for the relevant procedural steps. The transfer decision cannot be executed ex officio before the expiration of a period of 15 days. However, this period is reduced to 48 hours when a decision of placement in detention has been notified with the transfer decision or the foreigner has already been the subject of such measures.

Judicial review of detention

Third-country nationals held in administrative detention centres are informed of the administrative decision to detain them, which must state the grounds on which they are detained and why the removal cannot be implemented immediately. This document also mentions the legal remedies available to challenge the decision. French law foresees a judicial review of the lawfulness of the administrative detention for all third-country nationals. The legality of detention falls under the responsibility of both the administrative court and the civil court.

Administrative court: Once in detention, a third-country national can challenge the legality of the decision taken by the prefecture before the administrative court, i.e. the OQTF and the detention decision. They can be challenged within a period of 4 days. The time limit for the court to take a decision is 96 hours. An appeal lodged against the measure of a removal may have a suspensive effect over its execution.

Judicial judge: The prefecture must request the judicial judge at the end of the 4 days of administrative detention to authorise a prolongation of the detention after having examined the lawfulness of the administrative detention. The judicial judge intervenes a second time after 26 days of detention if the person is still detained

and has not been removed. The detainee can contact this judge at any moment to challenge the legality of the detention while in an administrative detention centre.

Additional possible appeal against detention for asylum seekers: If a third-country national has applied for asylum in detention and the prefecture has taken a decision to maintain detention, the applicant has 48 hours to lodge an appeal before the administrative court to request the cancellation of the decision (decision by which the prefecture considers that the claim aims solely to avoid an imminent removal). The administrative judge has 96 hours to take a decision.

Specific conditions relating to detention

Conditions of detention

Accredited NGOs are present in administrative detention centres to provide legal information and assistance.

The following people have free access to administrative detention centres (*centre de rétention administrative* - CRAs): public prosecutors, judges, French and European Members of Parliament, the General Controller of places of freedom deprivation and prefects.

The following people may be authorised to access the CRAs: a delegate of UNHCR, consulate staff, journalists, lawyers and families of the detained third-country national.

Journalists can access administrative detention centres, but their access must be authorised by the prefecture. In case of a denial, the decision must be grounded.

There are premises allowing access for visiting families and consulate authorities.

There are premises allocated to the French Office for the Immigration and the Integration (OFII), which organises voluntary returns.

Men and women held in detention centres have separated living spaces (zones de vie).

Legal assistance for people held in administrative detention (including asylum seekers) is provided by law. Currently, five NGOs that assist third-country nationals are authorised by agreement (public procurement) with the Ministry of the Interior to provide on duty legal counselling in the CRA. Third-country nationals held in administrative detention can be assisted by a lawyer for the appeal (during the hearing) before the administrative court or for their presentation before the judicial judge.

Health and social support are provided by medical and nursing staff on site, belonging to an independent health body (UMCRA).

Each person placed in administrative detention is seen by the nurse upon arrival. The person is seen by the doctor upon request or on the request of the nurses, in principle within 2 days from arrival.

There is an outdoor walking area.

Interpretation and translation services are available from the first day in detention.

Detention of applicants with special needs

Legislative overview

The decision to place a person in detention is notified after having taken into account the vulnerability and any disability of the third-country national. The individual situation of the person is taken into account by the judge when they decide to extend detention.

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 application when in a particular or vulnerable situation. If the applicant is maintained in detention and OFPRA considers that it cannot examine the case

within 96 hours, the applicant is released.

Every employee working in a detention centre can report vulnerabilities that may have been observed or reported by the person. The head of the detention centre then determines the special measures to be implemented. With the person's consent, information on the vulnerabilities is transmitted by the centre to OFPRA.

Minors under 18 years old cannot be detained, therefore there is no detention for families.