



## **France: Researched and compiled by the Refugee Documentation Centre of Ireland on 2 April 2009**

### **Is there any evidence of asylum seekers suffering discrimination at the hands of the French state?**

*Amnesty International* note in a report the treatment of asylum seekers in an overseas territory of France:

“Men, women, children and infants are piled on mats in overcrowded cells. Food is strewn all over the kitchen and the toilets are overflowing. Children dig in rubbish bins. Yellow biohazard bags are piled high just outside the door, suggesting serious medical issues and there's no sign of proper medical facilities. Conditions in the centre amount to inhuman and degrading treatment.

This is what can be seen in photographs and video footage sent anonymously to one French media outlet and to Amnesty International that highlights mistreatment of irregular migrants in a European Union country as the EU's political bodies allow longer detention of migrants.

The footage is of the Pamandzi detention centre in Mayotte, an overseas territory of France that lies between Madagascar and northern Mozambique.

The detention centre has a capacity of sixty places, which is regularly exceeded, reaching up to 220 people. The detention centre has no beds, no private space is provided for families or for "children" (no table, no cots for babies, no games), despite a number of very young children in detention.

It's not just in France that migrants are mistreated.” (Amnesty International (18 December 2008) *French detention centre highlights mistreatment of migrants*)

According to *Amnesty International* a 2007 report notes under the heading ‘Asylum and immigration’:

“The government proposed further restrictions on the rights of asylum-seekers, even though the number of asylum applications in 2006 fell by 40 per cent compared with the previous year.

Albania, Macedonia, Madagascar, Niger and Tanzania were added to the list of 12 "safe" countries from which asylum-seekers are dealt with under a fast-track procedure with reduced protection and no social support. Appeals lodged under this system do not lead to the suspension of expulsion proceedings. Following criticism from non-governmental organizations (NGOs), including AI, the government abandoned moves to reduce from one month to 15 days the time allowed to appeal against a rejected asylum application.

A new immigration law, under which irregular migrants will no longer benefit from automatic regularization of status after 10 years' residency in France, was passed in July despite strong popular opposition. Regularization will now take place on a case-by-case basis. Family reunification applications will be allowed after 18 months (previously one year) and applicants must demonstrate sufficient financial means to support family members wishing to join them. For migrants entering France specifically to work, different forms of residence permits will be granted according to the length of contract and level of professional skill in order to support the programme of "selective immigration". A special three-year permit will be created for "highly qualified" immigrants. In other cases, residence permits will be limited to the duration of the holder's work contract. As loss of employment would lead to the risk of expulsion, some migrants will face heightened risk of exploitative working conditions. Foreign residents convicted of "rebellion" (resisting arrest) may have their 10-year residence permit replaced with a one-year permit, renewable annually. The offence of "rebellion" is extremely broad and is commonly cited in controversial arrests or as a counter-charge to accusations of police misconduct.

Expulsions of illegal immigrants continued, totalling some 24,000 by the end of the year. In June the Minister of the Interior offered financial assistance to families fulfilling certain criteria, such as having children in school, to return voluntarily to their country of origin and a review of their migration status if they declined such aid.

On 28 September, three police officers appeared before the Magistrates' Court in Bobigny charged with involuntary manslaughter for the death in January 2003 of Getu Hagos Mariame, an Ethiopian national whose asylum application had been rejected. He died in hospital after being forcibly restrained by police officers accompanying his expulsion. The officers allegedly used such force that they blocked the arterial blood flow to his brain. The officers were suspended from duty for 10 months but were later readmitted to the border patrol police. In November, the senior officer involved was convicted of involuntary homicide and given a six-month suspended sentence. The other two officers involved were acquitted." (Amnesty International May 2007) Annual Report France)

According to a report from *USCRI* under the heading 'Refoulement / Physical Protection' it notes:

"In March, France forcibly returned a Chadian asylum seeker whose claim its Ministry of Interior rejected as "manifestly unfounded." Upon his return, Chadian authorities arrested, forcibly interrogated, and imprisoned him." (USCRI (undated) *World Refugee Survey - Europe*)

The report continues

"In April, the ECHR ruled unanimously against France's practice of holding asylum seekers in airport waiting areas and not allowing them to file claims until authorities decided whether they were "manifestly unfounded." Authorities made those decisions on the substance of the applications rather than simply whether they stated basic asylum claims and could deport applicants even while appeals

of those decisions were pending. In the subsequent fortnight, judges released 40 asylum seekers from the waiting area of the Roissy International Airport in Paris. In response, France's new Aliens Bill granted asylum seekers at the border 24-hour suspensions of deportation to file appeals. In September, however, the National Assembly amended the bill to shorten the deadline for filing appeals inside the country from one month to 15 days, suspending deportation for the appeal only in certain cases." (ibid)

Under the heading "Meeting the needs of asylum seekers' ECRE notes:

"The majority of Member States for which we received information through the questionnaire were rated as meeting the needs of asylum seekers 'somewhat' or 'reasonably well'. The ratings of two Member States are worth highlighting, however: Finland seems to be meeting the needs 'well', while France was rated as not meeting them at all in the case of those asylum seekers not based in reception centres. This is partly due to the fact that material reception conditions differ tremendously for asylum seekers who have access to or who are housed in reception centres and for asylum seekers who are living in 'independent' accommodation. For the latter group, access to material reception conditions in France is either non-existent, poorly managed, or not sufficient to meet their basic needs, and thus does not afford them an adequate standard of living." (ECRE (2005) - *The EC Directive on the Reception of Asylum Seekers: Are asylum seekers in Europe receiving material support and access to employment in accordance with European legislation?*)

Under the heading 'General trends' it notes

"Encouragingly 12 of the 15 Member States covered are in compliance with Article 11 by granting access to the labour market to asylum seekers within 12 months. In the case of Germany, Austria, Luxembourg (once it has transposed the Reception Directive) and the United Kingdom<sup>41</sup> this represents a rise in standards as prior to transposition all asylum seekers were denied access to the labour market. France, Lithuania and Luxembourg are not complying.<sup>42</sup> Austria, Finland, the Netherlands, and Spain are complying with Article 4 allowing for higher standards to be maintained by granting asylum seekers access to employment sooner than the maximum delay period of one year allowed by the Reception Directive." (ibid)

An article in *The Independent* notes:

"At present an estimated 800 illegal immigrants, predominantly young men from Afghanistan, Iraq and east Africa, sleep rough in and around Calais. However imperfect Sangatte might have been it at least provided shelter from the elements and a regular source of food. Now the Calais clandestins are forced to fend for themselves. Immigrants from Eritrea, Ethiopia and Sudan have taken over semi-derelict squats in the centre of town while the Afghans have exiled themselves to their jungle tent city on the eastern side of town near the docks. Because the immigrants don't choose to claim asylum in France, hoping instead to make it across the Channel where they believe they will find more opportunities, they are effectively ignored by the French state.

Their only interaction with French officials are the regular dawn police raids, or when they are caught trying to smuggle themselves across the Channel into Britain.

But because the courts refuse to deport anyone back to a war zone they are quickly released from custody. As The Independent revealed last week, French and British ministers have considered opening an immigration centre in Calais docks within the British passport control zone – it would be under British immigration law, allowing speedy deportations back to countries-of-origin. But until something concrete happens, the migrants, cut off from any state support, live rough, eating when they can, waiting for a truck that might smuggle them to what they believe will be the land of their dreams. Isaias Negusie, a 23-year-old Eritrean, left his home in March 2008 and arrived in Calais three days ago.

He quickly found his way to a block of five semi-derelict suburban brick houses colonised by Eritrean and Ethiopian immigrants. Many of the windows are boarded and the broken panes are stuffed with old bits of clothing to keep out draughts. There's no electricity or running water but the roof keeps out most of the rain, unlike the buckled Afghan huts by the docks. At any one time, Mr Negusie explained, there are about 200 east Africans living in the houses. Each room can sleep more than 20 people, squashed together and living in squalor. Most of the inhabitants are men aged between 20 and 30, but there are a small number of women, some with children.” (The Independent (28 March 2009) *The forgotten people: Plight of the asylum-seekers marooned in France*)

## References

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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.

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