



Your rights and what you have to do / how to proceed if you are a foreign minor

Who is a minor ?

In France, a minor is anyone under 18 years of age.

If you have identity papers proving your minority, the French authorities should normally recognize that you are a minor.

However, in fact, this is often not the case. With or without identity papers, you will most likely be asked to undergo a medical examination: bone analysis (with an x-ray of your wrist), as well as dental and morphological examinations. These examinations are painless (and in any event, nobody can force you to submit to them). Their aim is to determine your age "scientifically". Although the results are not really reliable, these examinations are performed systematically on foreigners who claim to be minors.

If the doctor finds that you are an adult, it will be difficult for you to be recognized as a minor by the French authorities.

If the French "judge for children" does not recognize you as a minor, you should appeal against his decision to a higher judge. To do so, you should request assistance from an association and/or a skilled lawyer.

Furthermore, if the agency charged with taking care of minors, called *'Aide sociale à l'enfance'* (ASE), does not accept you, you should write the "judge for children" or "the children's defender. Once again, to do this, you should get assistance from a suitable association.

If you have no official documents proving your age (*documents d'état civil*), it is advisable to try to obtain them from your home country with the help of family or friends. Please note that if you intend to request asylum, it is forbidden to contact your embassy or consulate. If you do contact them, your asylum request will be rejected.

Your right to stay in France

If you are under 18 years of age, you do not need any kind of official residency card ("titre de séjour") to stay in France. You cannot be deported. An unaccompanied foreign minor cannot be sent to another European Union country, even if there is proof of your stay in such a country before your arrival in France.

In case of police control or arrest, it is important to tell the police immediately that you are a minor.

Foreign minors' protection in France

Asylum is not the only protection for unaccompanied ("isolated") foreign minors in France. (Unaccompanied means that you do not have any family members in France.)

You can send a request for protection (preferably by a letter with a return receipt requested) to the Children's Court. (You should also keep a copy of your letter). In Paris, you should

send it to : Monsieur le président, Tribunal pour enfants, TGI de Paris, 4, boulevard du Palais, 75001 Paris.

Such a request may allow you to be accepted by the ASE and, in that way, to obtain lodging and health care as well as to go to school.

If you encounter any difficulty with the Children's Judge (for example, if he or she rejects your request or fails to answer – which unfortunately is increasingly the case), write to the Children's Defender (Défenseur des enfants, 104 boulevard Blanqui, 75013 Paris) explaining your case. Include your mailing address so that he or she can answer you.

Certain associations, such as « Aux captifs, la libération » can help you in making your requests. You should ask them about it.

You can benefit from the protection of the ASE at least until your 18th birthday, and in certain circumstances until your 21st birthday.

Another possibility is to be assigned a “tutor”. A judge can name someone to act as your “tutor”, who is to take care of you and protect you as would your parents. This person may be a member of your family, one of your acquaintances, or even the president of the local General Council (*Conseil general*) who will then request that the ASE take care of you.

What must you do on reaching 18 years of age?

Two or three months before your 18th birthday, you should ask the prefecture for a card allowing you to stay in France. Once you are 18 years old, if you have not obtained such a card, you are no longer protected against deportation. If you do receive a deportation order (in French, an *arrêté de reconduite à la frontière*, also known as an “APRF”), you must challenge it immediately with the help of an association or of a good lawyer.

Beware: you have only *48 hours* to change a deportation order if it is handed to you personally, and only *7 days* if you receive it by mail.

If, after reaching the age of 18, you would like to remain in France, there are several possibilities, but it is hard to obtain a residency permit and you can never be sure that the answer to your request will be favourable.

- If ASE took care of you for more than 3 years (which means you entered in France before reaching the age of 15), it is possible to request French citizenship. You can also ask for French citizenship if you have been raised for at least 5 years by French people (which may be the case if you entered France before the age of 13).
- Between the ages of 18 and 21 years, it may be possible to obtain a “contract for young adult” (“*contrat jeune majeur*”) and manage, in that way, to be taken in charge by ASE.
- If you have been taken care of by ASE before the age of 16, you could obtain a resident permit “*vie privée et familiale*” if you have been studying well, if the educators think that you are well integrated in the French society, and if you have no more links with your family in your home country. This one year resident permit is usually automatically renewed.
- If, you have been taken care by ASE after 16, and if when you reach the age of 18, you have already been in France for several years, have been studying, have been involved in sporting or cultural activities, or have lived in “foyer”, or have a girl friend who is French or has a residency card, you can try to obtain a residency card,

assuming that you have not maintained contacts with your family in your home country. But you will need to prove how long you have been in France and the activities you are involved in. You should therefore keep all documents proving things about your life in France: school records, teachers' and educators' reports, club membership cards, cultural association membership cards, affidavits, etc. These documents, which are proof of your private life in France, will help you obtain a residency permit called a "private and family life" permit. To request such a permit, you should first contact an association. If the prefecture refuses to give you such a residency permit, you will have to challenge the prefecture's decision before an administrative court. To do that, you should request the assistance of an association or a good lawyer.

Proving that you have a "private life" and / or a "family life" in France is also essential if you have to challenge a deportation order (APRF) before an administrative court.

- If, you have not been taken care by ASE, and if you can prove that you have no more family in your country, that to go back to your country is impossible or difficult, that you are well integrated in the French society (studies, sporting or cultural activities, friends...), when you reach the age of 18, you can obtain a one year resident permit (which will be renewed) "vie privée et familiale", "student" or "workers". But this is much more difficult to obtain.

Remember : keep absolutely all documents proving everything about your life in France, and contact an association to assist you.

The following associations can help you with all these requests

- the GISTI, 3, villa Marcès, 75011 Paris (Métro Richard Lenoir).
- the MRAP, 43, boulevard Magenta, 75010 Paris (Métro Gare de l'Est).
- the CIMADE, 46, boulevard des Batignolles, 75017 Paris (Métro Rome).
- the Réseau Education sans Frontières (RESF) : write them at RESF, c/o EDMP, 8, impasse Crozatier, 75012 Paris.

Requesting asylum when you are a foreign minor

If you wish to request asylum in France, do it as quickly as possible after your arrival. If you are arrested by the police before you make your request for asylum:

- 1) Your asylum request will be examined quickly and only superficially by OFPRA (the French Office for Refugees and Stateless Persons).
- 2) If your request is rejected by OFPRA, and if a medical examination while you are in custody concludes that you are an adult, you may be deported immediately. Even if you manage to stay after OFPRA's refusal, and if you appeal against this refusal to the Commission of Refugee Appeals (*Commission des Recours des Réfugiés* or CRR), you will almost certainly lose your right to a temporary residence permit (*récépissé*) during the rest of the procedure, as well as your right to receive financial assistance, and your right to be received in specialized centers for asylum seekers. The normal procedure, on the other hand, allows you to stay legally in France until the CRR decides your appeal.

If you have reasons to request asylum, submit your request while you are minor.

If you request asylum while you are minor, you cannot be sent back, while your demand is being processed, to another European country which you may have crossed before arriving in France. If you obtain asylum (refugee status or subsidiary protection), you will not be sent back even after reaching your majority.

If you do not obtain asylum, you will not be sent back to the European country you entered first, since France registered your asylum request. However, when you reach the age of 18, France can deport you to your home country, since you no longer have any legal grounds to remain in France.

Conclusion : Do not wait to be an adult to request asylum if you have good grounds to do so.

The steps to request asylum are basically similar to those applying to adults.
YOU SHOULD THEREFORE READ THE ASYLUM REQUEST GUIDE CAREFULLY.

You must go to the administrative center called “prefecture” nearest your home with the proof of an address. This address may be either:

- The address of a private individual who must give: 1) you a “lodging certificate” (*certificat d’hébergement*), which is a sort of affidavit indicating you live with him or her, as well as 2) a copy of his/her identity document (*carte d’identité, passeport, carte de séjour*), 3) his/her last rent receipt (or his/her proof of ownership certificate, if he/she owns his/her apartment or house), and 4) a copy of his/her electricity or home telephone bill.
- The address of an association approved by the prefecture that will issue you a certificate of residence.

The associations listed below are officially authorized to do this. They will also help you make your asylum request, indicating to you among other things whether your case is an appropriate one to request asylum. Contact one of them as early as possible :

- France Terre d’Asile Accueil Mineurs
22, rue Marc Seguin, 75018 Paris
Métro Marx Dormoy.

- Aux Captifs, la Libération
4, rue Santerre, 75012 Paris
Métro Daumesnil.

- Enfants du Monde Droits de l’Homme
21, place Victor Hugo Kremlin Bicêtre
Métro Kremlin Bicêtre.

After you get proof of an address, you must go to the prefecture. In Paris, you go to the « *Centre de réception des étrangers* », 218, rue d’Aubervilliers, 75019 Paris, Métro Crimée.

Go there early in the morning with your proof of address and with 4 identity photos. You do not need to show the prefecture an identity card or a passport, but you can of course show them if you have such documents.

The prefecture will give you a document to be filled out called a “notice asile” and fix an appointment for you at a later date.

You will have to indicate your family name and first name, your nationality, your date and place of birth, and the names of your parents. You will also have to give the list of the countries you crossed before arriving in France.

When you will go for the first appointment, the prefecture will record your fingerprints. If you are under 14, it is forbidden to take a picture of your fingerprints.

During this appointment, the decision will be taken whether or not to authorize your staying in France during the asylum procedure. In fact, prefectures should not legally give temporarily residence authorizations to minors, but at the moment (October 2005) it is their practice to do so.

Then, the public prosecutor (*procureur de la République*) is informed, either by the prefecture or by OFPRA, that a minor wants to request asylum. Until the prosecutor names an adult to assist the minor, his or her asylum request will not be taken in charge by OFPRA. This adult, called an “ad hoc administrator” (*administrateur ad hoc*), may be a member of an association or another person chosen by the prosecutor.

Once the ad hoc administrator is named, he or she will sign your asylum request with you, and OFPRA can then examine it. He or she may help you to complete your case file and may attend with you the interview you will have with OFPRA. Often, unfortunately, the ad hoc administrators do very little to help the minor placed in their charge.

If OFPRA rejects your request, the rules which apply to appeals before the Commission of Refugee Appeals (*Commission des Recours des Réfugiés* or CRR) are similar to those for adults, with a single difference : the ad hoc administrator must agree to the appeal and must sign the appeal, just as he or she did concerning the request sent to OFPRA.

It is advisable to request protection from the “children’s judge”
at the same time that you request asylum.

If a bone examination indicates that you are over 18, and you intend to request asylum,
you should do so very rapidly, preferably in the month following the bone examination.

Activities of the association “Aux Captifs, la Libération”

The association « Aux captifs, la Libération », 4, rue de Santerre, Paris 75012, welcomes foreign minors, prepares a personal file for them, and indicates to them the associations working with the Childhood Social Aid Service (*Aide Sociale à l’Enfance* - ASE) which can take care of and host minors. The association’s offices are open in the daytime, several days a week, to welcome minors.

During open hours, minors can take showers, use the laundry, have breakfast (before 11 a.m.) or lunch (if he or she arrives before 12 a.m.), receive a food package for the evening if he or she is not hosted by another organization, find someone to go with him or her to the hospital, to the doctor or to obtain clothing.

Activities of the association “France Terre d’Asile”

If you wish to request asylum, FTDA will give you information and recommendations on how to proceed.

They will be able to provide you with an address when you make your first asylum request and may be able to obtain emergency lodging for you.

They will help you to be taken in charge by ASE, and may be able to take you in charge at the Center for Reception and Orientation for Isolated Minor Asylum Seekers (*Centre d'Accueil et d'Orientation pour Mineurs Isolés Demandeurs d'Asile - CAOMIDA*), located in Boissy-Saint-Léger (a large Parisian suburb).

Activities of the association Enfants du Monde Droits de l'Homme

This association can receive you, find you a lodging, provide a medical and social help, give advice to help you stay in France, and enable you to participate in the following activities: learn French, learn about with computers, develop a social life in France etc.