

# Input by civil society to the 2021 EASO Asylum Report

Fields marked with \* are mandatory.

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C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**Nina Gregori** - *EASO Executive Director*

\*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.\*

## Instructions

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

## Contributions by topic

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### **1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

No data was made available at national level on refusals of entry at the border for the year 2020, at the time of writing. NGOs keep reporting violent practices, pushbacks, the absence of medical and social care as well as a lack of support to vulnerable applicants including unaccompanied minors. The creation of a parliamentary commission had been asked by several Deputies and NGOs in November and December 2019 (<https://bit.ly/3cj0fD4> ; <https://bit.ly/2FS8Vix>), but none of these proposals have been followed in 2020.

The closure of the border has been maintained and police operations have been reinforced in recent years, as France maintains controls at its Schengen borders issuing decisions of temporary reintroduction of border control at internal borders every six months, notified to the European Commission. The last temporary border control is valid since 1 November 2020 and up until 30 April 2021 (<https://bit.ly/3pnjCid>). In a decision of November 2020, the Council of State indicated that European law does not allow to issue a refusal of entry to a foreigner arrested while crossing an internal border or close to it, nor does it automatically deprive an asylum seeker of conditions of accommodation: rules from Return directive should apply (<https://bit.ly/3ac7REC>).

Reports of people simply being refused entry without their protection needs being taken into account at the Italian border continued in 2020 as confirmed by the of State which reminded the State of its obligations in matters of asylum at the border in a decision of July 8, 2020 (<https://bit.ly/3acd5QQ>). NGOs also urged the Ministry of the Interior to issue public instructions to the border police so that people wishing to seek international protection in France can do so at the French-Italian border, as well (<https://bit.ly/2JWsIIM>).

Due to the increasing number of migrants arriving in Spain, the French-Spanish land border has become one of the main entry points to France since 2018. Spanish media have reported that migrants are pushed back from France to Spain without appropriate guarantees, in procedures lasting less than 20 minutes. According to medias, 11,000 refusal of entry decisions have been handed at the Spanish land border in the area of Pyrenees Orientales for the first 10 month of 2020 , twice as many as in 2019 (<https://bit.ly/2NBnHB7>). According to the press, ten migrants from the Comoros, including a 7-year-old child, died in September 2020 when attempting to reach the French Overseas Department of Mayotte on board a craft, which sank

(<https://bit.ly/2Mx8Ff6>). In French Guyana, 2,500 refusals of entry have been reported in the first semester of 2020 (<https://bit.ly/3oop7Mf>).

Concerns have been raised with regard to persons seeking to enter France by air. ANAFE, an organization which provide assistance to foreigners in airports, highlighted several difficulties in accessing the right of asylum at airports in its annual report published in September 2020 (<https://bit.ly/3a5GM6k>). According to this NGO, there is a lack of information on the existence of the right to seek asylum and some difficulties to register an asylum claims in airports. The role of the Police in practice is very important and it can be an obstacle to the asylum application.

In February 2020, the average time for appointments at the GUDA from the PADA was around 3,5 working days but exceeded 10 days in Lyon. In a report published in May 2020, the Court of Auditors (Cour des comptes) recalled however the existence of "hidden delays" preceding the access to the SPADAs (<https://bit.ly/36m6eTK>). In the Ile-de-France region asylum seekers have to face an additional administrative layer in the registration process since the French Office of Immigration and Integration (OFII) operates a telephone appointment system. In December 2020, OFII reported that 200,682 calls were answered and 151,478 appointments were granted during the first 600 days operation, meanwhile 16 migrants supported by 12 NGOs have again asked the court note that the telephone platform is, for many, inaccessible and constitutes an obstacle to access to asylum applications. (<https://bit.ly/2LbFpdP>).

In the context of Covid-19, registration activities have been temporarily suspended following the closure of the GUDA from mid-March to the beginning of May 2020. Subsequently, access to the asylum procedure and to reception conditions were suspended. This measure has no legal basis and mainly resulted from the lack of available civil servants within State agencies. On April 2020, 7 NGOs and 7 asylum seekers asked to the Administrative court to reopen access to asylum application in Paris region (<https://bit.ly/3j7MHMe>). The court ruled in favor of the applicants, but ministry of Interior and OFII made an appeal. April 30, the Council of State confirmed the first decision and required administration to reopen access to GUDA in this region (<https://bit.ly/3am2Kly>).

## **2. Access to information and legal assistance (including counselling and representation)**

The general "Guide for asylum seekers in France" provided by the Prefecture has been updated in September 2020 and is available in French and English at the time of writing (<https://www.immigration.interieur.gouv.fr/Asile/Le-droit-d-asile/Le-Guide-du-demandeur-d-asile>).

OFPPA published a guide on the right of asylum for unaccompanied minors in France in 2014, which was subsequently updated in 2020 (<https://bit.ly/2RHQ14t>.) The guide is quite comprehensive, describing the steps of the asylum procedure, the appeals and the procedure at the border. However, it is more used by professionals than by minors themselves because it remains hard to understand. OFPPA has stated its intention to share this guide as widely as possible in Prefectures, in waiting zones at the border and with stakeholders working in children's care. In practice, this guide is not available in all prefectures, however. In many regions, the prefecture agents recommend asylum seekers to download it on OFPPA's website.

There are consistent issues related to access to legal assistance depending on the type of reception conditions provided to asylum seekers, already mentioned in previous contributions.

## **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

Following the 2018 asylum reform, the language declared by the asylum seeker upon registration at the GUDA is binding for the entire procedure and can only be challenged at the appeal stage. In 2019, 86.9% of interviews were held in the presence of an interpreter, compared to 92% in 2018 and 93% in 2017 (<https://ofpra.gouv.fr/fr/l-ofpra/nos-publications/rapports-d-activite>). No data was available regarding 2020 at the time of writing.

In 2020, interpretation was still conducted in-person and not by phone or videoconference despite the health crisis. OFPRA set up a health protocol, including temperature reading, mandatory masks for the asylum seeker, the interpreter and the protection officer, and protective glass pane.

#### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

Statistics on the application of the Dublin Regulation are not made available by the authorities prior to their publication on the Eurostat database. However, some data has been shared NGOs at the beginning of 2021. In 2020, 24,970 outgoing Dublin requests have been made by French authorities, compared to 47,633 in 2019 (it differs from Eurostat data which indicates 45,907 outgoing requests). At the end of 2020, 17,451 of them were still in a Dublin procedure and 7,519 persons were re-channelled from a Dublin procedure to a regular or accelerated procedure (requalifiés).

It should be noted that the rate of actual implementation of transfers continues to increase. In 2019, France had implemented 47,630 outgoing requests and 5,670 transfers, thereby marking a 11.9% transfer rate. In 2020, the Ministry of Interior indicated that 3,500 transfers carried out for 24,970 outgoing requests, equalling to a 14% transfer rate (<https://bit.ly/3aya5Of>).

Regarding the regionalisation plan implemented since 2018 (<https://bit.ly/3axKAww>), problems persisted throughout 2020 as transport vouchers were sometimes delivered too late, creating additional difficulties for asylum seekers who are not always able to attend their appointment.

The possibility to detain asylum seekers from the beginning of the Dublin procedure seems to have been used a few hundred times in 2019. Forum réfugiés-Cosi is aware of 74 cases as it provided legal assistance to that end in six different centres located in Lyon, Nice, Marseille, Perpignan, Sète and Nîmes.

In the context of Covid-19, no specific measures have been taken with regard to the Dublin procedure. Persons who were falling under the Dublin procedure prior to the closure of the GUDAs continued to check in regularly if they are under house arrest. Dublin transfers have not been suspended as a matter of general practice, apart from those to receiving countries which do not longer accept Dublin returnees. This means that some applicants for international protection are still being detained pending their Dublin transfer.

#### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

No data available on 2020 at the time of writing.

## 6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

In 2020, the number of asylum seekers accommodated remained far below the number of persons registering an application: at the end of the year, the Ministry of Interior stated that 51% of asylum seekers eligible to material reception conditions (145,253 persons in total at the end of December 2020) were effectively accommodated compared to 48% at the end of 2019 (<https://bit.ly/3d1P4zd>). This means that at least 90,000 asylum seekers were not accommodated in France as of the end of 2020. As regards the decrease of first-time applicants in 2020, it is largely due to the impact of COVID-19 and does not reflect the fact that reception capacity is still lacking, given that many other asylum seekers were already present on the territory.

The credit card on which the financial allowance is being provided can no longer be used for the withdrawal of cash since November 2019. The card can only be used for payments, both online and in shops. This development limits the possible use of money by asylum seekers, and has been strongly criticized by NGOs. In practice, there are many consequences: impossibility to buy food in local market or small shops / second hands shops, to pay participation to a rent by cash, to pay public transportation when no electronic payment terminal is available etc. In summer 2020, all asylum seekers had to change their card due to technical issue. It could have led to payment breaks for some asylum seekers.

During COVID-19, the access to reception conditions was hindered as a result of the suspension of registration activities. Thus, from mid-March to the beginning of May 2020, asylum seekers could not access reception centres.

In Paris, there are still several informal camps as of early 2021, despite many dismantlement operations by the authorities. In January 2020, authorities led the 60th dismantlement operation since 2015 and 1,436 migrants have thus been accommodated in emergency centres following the operation (<https://bit.ly/2UcN4uv>). On 17 November 2020, a camp with about 2,800 migrants has been dismantled near Paris but solutions were not offered to everyone (<https://bit.ly/3jM8eug>). As a result, on 23 November 2020, about 500 migrants (mainly from Afghanistan) supported by NGOs have settled in a large square in Paris (Place de la République) to protest and request accommodation solutions. The evacuation of the square was carried out with the use of excessive force including attacks with teargas, shock grenades and truncheons against migrants, journalists and protestors. The French Human Rights Defender (Défenseur des droits) ensuring human rights and freedom under the French constitution as well as the General Inspectorate of the National Police (Inspection générale de la Police nationale – IGPN) launched investigations. The Council of Europe Commissioner for Human Rights, Dunja Mijatović also confirmed that she is following them closely (<https://bit.ly/3qluuO4>). The conduct by police has been widely condemned by NGOs and politicians (<https://bit.ly/3rVwdKr>).

In Calais, in January 2020, NGOs stated that 850 migrants were in Calais and surrounding (<https://bit.ly/38WPzoG>), and in July 2020, this number increased to 1,200 migrants according to NGOs (700 to 750 according to authorities) (<https://bit.ly/3rJXhfu>). The Public Defender of Rights expressed particular concerns about the situation of women and children particularly vulnerable to sexual exploitation and gender-based violence. At the end of September 2020, the largest dismantlement operation since 2016 took place in Calais with about 800 migrants directed to accommodation centres (<https://bit.ly/3aZ9PbU>). These evictions have contributed to pushing hundreds of migrants into the streets without any shelter, while weather conditions during winter have become very harsh.

In some other cities migrants and asylum seekers often live in the street. The issue of homelessness in France has also been scrutinised by the European Court of Human Rights (ECtHR). On 2 July 2020, the ECtHR published its judgment in *N.H. and others v France* concerning the living conditions of homeless asylum applicants as a result of the failures of the French authorities. However, in the case of *B.G. and others v. France*, the ECtHR unanimously ruled on 10 September 2020 that, inter alia, the living conditions in a French tent camp on a carpark did not violate Article 3 ECHR (<https://bit.ly/37eckGi>).

During the first lockdown due to health crisis from March to May 2020, schools were closed and no alternatives were available for asylum seekers. Regarding universities, asylum seekers have the possibility in theory of enrolling in a course but several practical obstacles remain such as the need to have a diploma at the end of the school course and/or another university diploma recognized by France. In practice, very few asylum seekers are enrolled in University.

**7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

While there was no updated information for the year 2020 at the time of writing, on average, third-country nationals remained 16.8 days in administrative detention centres in 2019. In many CRA, the average detention duration was largely beyond that average.

In the context of border controls in the area of Alpes-Maritimes throughout recent years and including in 2020, the Border Police has detained newly arrived asylum seekers without formal order in a “temporary detention zone” (zone de rétention provisoire) made up of prefabricated containers in the premises of the Menton Border Police, and established following an informal decision of the Prefect of Alpes-Maritimes (<http://bit.ly/2Dnp7pb>).

Following a decision of the Prefect to forbid access of NGOs (i.e. access to medical care and legal assistance) to the place of detention in Menton, the Administrative Court of Nice ruled this decision was illegal and further raised serious doubts as regards the legality of the detention grounds (<https://bit.ly/3pB1sZk>). However, a new decision was issued the 30 December 2020 upholding the ban on NGOs but with some adjustments for the decision to be considered legal.

In 2020, the Public Defender of Rights reported that the widespread use of immigration detention of children with families, and instances of keeping the child in pre-removal detention alone while the parents are not held, remained problematic issues. In 2019, 6 NGOs reported that the detention of children continued to increase as 3,380 children were detained, of which 279 on mainland (136 families) and 3,101 (92%) in Mayotte (<https://bit.ly/2OkAMPG>). In May 2020, some deputies have filled a proposal for a law (not debated to date) aiming to “strictly regulate the administrative detention of families with minors” (<https://bit.ly/3k4JRrD>). The National Consultative Commission on Human Rights criticised in an opinion the “proposed law to strictly regulate the administrative detention of families with children”. The draft does not categorically prohibit immigration detention of children; it merely limits such detention to 48 hours, with a possible extension of three days. Recalling that the ECtHR found France guilty of arbitrary detention on multiple occasions, the opinion calls on the National Assembly to amend the legislative proposal (<https://bit.ly/2NICTmg>).

In July 2020, the Controller General of Places of Deprivation of Liberty published a report on the fundamental rights of persons deprived of their liberty in times of the COVID-19 pandemic (<https://bit.ly/3s6DJlr>). The report voiced concerns about the situation in pre-removal detention facilities, including waiting zones at the border, in conditions that put the detainees’ health at risk. It noted that, in view of drastically reduced air traffic, immigration detention has become “an unjustified measure in practice [and] highly questionable in law” due to the lack of a reasonable prospect of removal. By the end of 2020, the detention framework was adapted to the crisis in certain respects (e.g. reduction in the capacity of centers, compliance with health rules, isolation of patients etc.) but certain points remained problematic (e.g. detention of people who cannot be expelled, insufficient measures and resources in certain centers, etc.).

## **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**



The average first-instance processing time for all procedures was 262 days in 2020, due to the effects of the health crisis on OFPRA's activity, up from 161 days in 2019 and 150 days in 2018 (<https://bit.ly/3cAaIKy>). In practice, OFPRA rarely omits interviews. Statistics on the number of interviews conducted through video conferencing in 2020 were not available at the time of writing. Yet it can be observed that OFPRA did not use videoconferencing during the first lockdown as a way of maintaining its activity: all personal interviews on the metropolitan territory were cancelled between March 16 and May 11, 2020.

Decentralised missions in French cities out of the Paris region, in order to accelerate the examination of claims, doubled in 2019 up to 42 but in 2020, OFPRA only held 23 decentralised missions in Toulouse, Périgueux, Lyon, Metz, Aix-en-Provence, Annecy, Lille and overseas (Mayotte, Martinique, Guadeloupe and French Guiana) (<https://bit.ly/3cAaIKy>).

## **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

In 2020, the CNDA registered 46,043 appeals and took 42,025 decisions, compared to 59,091 appeals and 66,466 decisions in 2019 (<https://bit.ly/2TRCMzB>). An important decrease of appeals and decisions is due to the health crisis during this year. During the first lockdown in March-April 2020, the CNDA was closed during 8 weeks.

The average processing time for the CNDA to take a decision increased to 8 months and 8 days in 2020 compared to 7 months and 5 days months in 2018, due to the suspension of activity during 8 weeks due to health crisis. For the regular procedure, the average processing time was 10 months and 19 days. For the accelerated procedures, the average processing time was 3 months and 21 days (<http://www.cnda.fr/rapport-annuel/index.html>).

The CNDA held 104 video hearings in 2020, up from 223 in 2019 (CNDA, 2019 Activity report, 35). In practice, videoconferencing has only been applied to appeals lodged overseas, where it replaced mobile court hearings. It has not been applied to mainland France in 2020, although a recent CNDA decision provides that videoconferencing will be established in the premises of the Administrative Court of Appeal of Lyon and Nancy for all appeals lodged after 1 January 2019 (<https://goo.gl/CksrSR>). The 2018 reform has been severely criticised in this regard, with practitioners referring to technical deficiencies in the videoconferencing system in Lyon which would prevent quality hearings and to the inadequacy of videoconferencing in matters related to fundamental rights, even more so for vulnerable applicants (<https://goo.gl/n78xcp>). This measure has been suspended, and a mediator was appointed to find a solution that would suit both the Court and the lawyers. As a result, the Court and the lawyers organizations reached an agreement in November 2020, providing for the express consent of the applicant as a prerequisite for the videoconferencing and for the holding of decentralized mobile hearings in Lyon and Nancy (<https://bit.ly/3aQnkuu>). The implementation of this agreement will be monitored by a mixed steering committee of Court, lawyers, interpreters, doctors representatives and of audio-visual technics experts (<https://bit.ly/3a4nU92>).

Decisions of the CNDA are published (posted on the walls of the court building) after a period of 21 days following the hearing under regular procedure and after one week under accelerated one. Negative decisions are transmitted to the Ministry of Interior, i.e. OFPRA and Prefectures. Since the health crisis and considering the restrictions to Court access, the Court also publishes the anonymized list of its decisions on its website, thus enabling all applicants to be informed despite their being far from Paris.



## 10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

The list of countries considered to be safe countries of origin is public. At the end of 2020 it included the following 15 countries (<http://bit.ly/1YLOFBc>):

- Albania;
- Armenia;
- Bosnia-Herzegovina;
- Cape Verde;
- Georgia;
- Ghana;
- India;
- Kosovo;
- North Macedonia;
- Mauritius;
- Moldova;
- Mongolia;
- Montenegro;
- Senegal;
- Serbia.

Several countries have been removed from the list by the Management Board of OFPRA (but can sometimes also be reintroduced in the list at a later stage).

## 11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

On 18 December 2020, a "national plan for the reception of asylum seekers and the integration of refugees for 2021-2023" was published. It includes measures aimed at identifying vulnerabilities at an early stage and strengthening the management of these vulnerabilities (<https://bit.ly/376rJsl> ; <https://bit.ly/2Z4TEV9>). This national plan mentions the publication of an "action plan for the care of the most vulnerable asylum seekers and beneficiaries of protection" in January 2021 in order to guide the actions carried out jointly by State services and operators for the coming years", but the latter was still not published at the time of writing of this report. It remains to be seen to which extent it will actually improve the identification of specific vulnerabilities of asylum seekers (<https://bit.ly/3d2pNVr>).

In summer 2020, 72 children who were considered as adults were evicted from an informal camp in the centre of Paris and referred to services for adults, multiple NGOs and support groups reported (<https://bit.ly/3aNNMtp>). The same civil society organisations challenged these young people's age assessment before a court, arguing that they were children and deprived of child-protection services pending appeal. No statistics are available on the use of age assessment nationwide. A total of 9,501 young persons reported as unaccompanied minors were integrated in the national mechanism for childcare protection in 2020, a 43% increase 16,670 in 2019 (<https://bit.ly/2YLoFgw>).

Because of the new 3 months residence requirement which apply to all asylum seekers over the age of 18 to benefit from the universal healthcare insurance and/or due to the lack of access to accommodation centres which include legal support, there are important difficulties to register concomitant residence permits for health reasons (obligation to be done at the same time than asylum application). Vulnerable applicants'

requests may be refused because they cannot respect these delays. These issues are exacerbated because of the digitalisation of the procedures in place in the Préfectures. This new online settings are not adapted to the vulnerable, precarious and non-French speaker applicants.

## **12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

On 18 December 2020, the Ministry of Interior published its 2021-2023 national reception plan for asylum seekers and the integration of refugees (<https://bit.ly/3piiY10>). This plan makes it possible to adapt the reception policy to the migration context and to the specific characteristics of the regions, inter alia through a better distribution of asylum seekers across national territory. It is based on two pillars: better accommodation and support.

Due to COVID-19, family reunification was suspended for months in 2020: this situation was not foreseen in the decision listing exceptions allowing entry into France. This decision was challenged, and the Conseil d'Etat decided in January 2021 that family reunification should not be limited in the context of health crisis (<https://bit.ly/37xWWol>). It ruled, inter alia, that this decision disproportionately infringes the right to normal family life and the best interests of the child. Consequently a new decision was issued allowing the entry to territory to persons coming for the purpose of family reunification.

At the end of 2020, there were 8,710 accommodation places in temporary accommodation centres (Centres provisoires d'hébergement, CPH). Access to housing was more difficult in 2020 in the context of COVID-19. In the first semester of 2020, only 1,755 people exited the reception system with housing solution compared to 7,600 in 2019 (although the latter is a full-year figure). As a result, many beneficiaries of protection are living in the streets or in camps. In Paris, amongst thousands of migrants living in camps that are regularly dismantled, 15 to 20% are refugees.

During COVID-19 in 2020, unemployment increased in France, affecting also the access to the labour market for beneficiaries of international protection. In January 2021, the Ministry of Interior launched a national call for projects for the year 2021 on the integration of newcomers, including beneficiaries of international protection (<https://bit.ly/3dBjZm7>).

According to the OFII, 3,482 beneficiaries of international protection received a student scholarship in 2020 (<https://bit.ly/2NQQ3Y9>).

## **13. Return of former applicants for international protection**

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## **14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

OFPPRA also continued its missions abroad. In 2020, this included 8 missions in cooperation with UNHCR to resettle refugees from Turkey, Lebanon, Jordan, Chad, Egypt and Rwanda as well as 19 missions in Europe following search and rescue operations in Italy and Malta as well as missions to support the asylum system in Greece (where, for the first time, it involved cases of unaccompanied minors) .

The resettlement programs are now managed by the regional authorities, and no more coordinated by the Ministry of Interior. 2020 have been greatly impacted by the sanitary crisis, decreasing the number of resettled refugees arrived in France. On mid-November, 849 refugees were resettled in France, mostly Syrians.

France have reduced its pledges on 2020/2021 from 5000 to 3800, without financial guarantee for the NGOs in charge of the reception and integration support.

Forum réfugiés-Cosi has also supported the access to high education of two refugees from Niger who arrived in France on September 2020.

Humanitarian corridor continue also to be implemented despite challenges due to the COVID-19.

### **15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

Differential treatment of specific nationalities seems to be applied in the framework of ad hoc relocation schemes implemented since June 2018. Following “boat-by-boat” agreements following disembarkation in Italy, Malta and Spain, over 280 persons have been relocated to France in 2018 (<https://bit.ly/2GRdMII>). In October 2019, a member of government stated that “more than 600 people for one year” have been admitted in France through relocation.

In February 2021, 275 asylum seekers (and 131 unaccompanied minors) had been transferred from Greece to France as part of the ‘voluntary relocation scheme from Greece to other European countries’ (<https://bit.ly/2Z2JB2B>).

### **16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))**

Decision from the National Court on Asylum Right (CNDA) - CNDA 24 février 2020 Mme O. n° 19017840 C+ : recognition of refugee statute for a Nigerian woman coming from the Delta State, victim of human trafficking for sexual exploitation. First, the Court examined the personal circumstances and information the regional context to confront them to the definition of social group according to the Geneva Convention. The Court recognized a social group for women coming from Delta State, as victim of human trafficking for sexual exploitation, and manage to leave the network. Secondly, the Court looked into the distancing between the woman and the networking. Her decision to leave the network, the support from a specialized NGO in trafficking (Amicale du Nid), her integration in a national mechanism (called Ac.sé) specific for victims of human trafficking and her complaint to the General Prosecutor were various elements in favor the decision.

Decision from the National Court on Asylum Right (CNDA) - CNDA 2 octobre 2019 Mme L. n° 19003209 C : recognition of the refugee statute to a Congolese woman (DRC) coming from the Yansi ethnic group because of her forced marriage with her maternal uncle. She was living with him since the age of 12 years old and was imposed sexual relations. The Court used public information on the traditional practice of forced marriage in this ethnic group in DRC, still prevailing as women are forced to get married with their grandfather, cousins or nephew. Some sources underlined that there is little chance that the women will go to

justice or police to complaint against family members, as authorities do not interfere in the traditional practices of ethnical groups.

Decision from the National Court on Asylum Right (CNDA) - CNDA GF 5 décembre 2019 Mme N., Mmes S. n°s 19008524, 19008522 et 19008521 R : this decision specifies the links between the definition of social group and the level of prevalence in communities or regions regarding female genital mutilation. Based on the fact that the existence of a social group does not depend on the number of persons concerned and that the practice relies on the individual behavior historically integrated as a social norm, the existence of a social group of children, young girls and women exposed to FGM is not conditioned to the only observation of FGM prevalence rate variations in the population of a country. Regarding the case, two young Gambian girls were exposed to FGM risk in a country of high prevalence rate but they were coming from an ethnical community where the practice were considered as low. Even if they do not belong to a ethnic group with high prevalence rate, the Court recognized them the refugee statute as they were exposed to FGM risk in the country, in particular due to their familial environment.

Decision from the National Court on Asylum Right (CNDA) - CNDA 1er Septembre 2020 Mme A. n° 18053674 : the appeal court granted protection to a 2 years old Somalian girl due to the actual risk to FGM as it is the case for her mother.

Decision from the National Court on Asylum Right, CNDA 22 sept. 2020 n° 19058545: the appeal court granted refugee protection to an Ivorian women (Malinké ethny), who is at risk of a repeated FGM which was incomplete. The court consider that the women belong to a social group exposed to FGM without the possibility to be protected by the Ivorian authorities.

Decision from the National Court on Asylum Right, CNDA 23 juin 2020 Mme R. épouse H. n° 17037584 C: Kurdish Iraqi women was granted refugee status following fear to be exposed to forced marriage and conversion to Islam. The court based its decision on several sources on the fasliya practice, arranged marriages in order to resolve conflicts between communities or tribes, and recurrent violence against women. This is the first decision which define in the Iraqi context a social group composed of young girls and women refusing or trying to escape forced marriage as part of the definition of the Court.

## 17. Other important developments in 2020

## References and sources

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### 18. Please provide links to references and sources and/or upload the related material in PDF format

AIDA France Report - 2020: about to be published on <http://www.asylumineurope.org/>  
Forum réfugiés-Cosi's annual report on asylum in France  
Forum réfugiés-Cosi's reports: <https://forumrefugies.org/s-informer/publications/rapports>  
Forum réfugiés-Cosi's position papers: <https://forumrefugies.org/s-informer/positions/france>

## 19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

Please upload your file

The maximum file size is 1 MB

### Contact details

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\* Name of organisation

Forum réfugiés-Cosi

Name and title of contact person

\* Email

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### Useful links

[EASO Asylum Report 2020 \(https://easo.europa.eu/asylum-report-2020\)](https://easo.europa.eu/asylum-report-2020)

[Executive Summary -EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf\)](https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf)

[Bibliography for the EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

[Online database for EU+ developments \(https://easo.europa.eu/eu-developments\)](https://easo.europa.eu/eu-developments)

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