

## HOW TO OBTAIN THE REFUGEE STATUS?

### What is the refugee status?

The refugee status allows a threatened foreigner in his country of origin to obtain the protection of another State.

This protection can be obtained according to certain strict conditions, defined by the Geneva International Convention 1951:

*“all person who (...) fearing with reason to be persecuted because of its race, its nationality, its membership of a certain social group or its political opinions, is located out of the country which it has the nationality from and cannot or because of that fear, do not want to claim the protection of its country; or if no nationality but is in the usual country where it lives cannot or, because of the so-called fear, do not want to go back”.*

The foreigner showing that fear of persecution according to the five criteria established by the Geneva Convention will obtain protection of the State in which it submitted its request for refugee status and a resident card valid 10 years.

**Caution:** The refugee status is removed when the person goes back to its country of origin.

### What is the procedure of the asylum request?

The asylum applicant must go to **prefecture**, at the “asylum” counter of the immigration and integration office, in order to pull out a file of asylum request.

The prefecture will give a receipt of that request. It is valid 1 month during which the applicant will have to submit its asylum request near **the Protection of the Refugees and Stateless Person French Office (OFPRA)**.

As from the withdrawal of the asylum file, **the applicant has 21 days to submit the complete file to prefecture.**

### Documents requested

- The supplemented asylum file, **only in French**, with its asylum summary
- A document concerning its civil status and, eventually, the one from its spouse and its children living with (passport, identity card, birth certificate...)
- All document proving the legal entrance or illegal one in France
- 4 ID pictures
- The possible address to get the mail

When reception of the file, the prefecture will give a **provisory authorization to stay** in waiting of the file transfer to OFPRA that will treat the request.

Then, OPFRA will send a mail confirming the file as registered, allowing the renewal of the request of the provisory authorization to stay.

The asylum applicant might benefit, under conditions, of **allocation for asylum applicant (ADA)**, paid by OFII, the time of the procedure.

Except in some case, the asylum applicant will have a convocation for **an interview with a protection officer from OPFRA** in a view to go over the fears in the country of origin.

The asylum applicant is heard in the language of its choice and can be assisted with a lawyer or a member of an association.

At the end of the procedure, OPFRA makes a **decision, whether allotting the refugee status or rejecting the request.**

If agreed, the applicant must go to prefecture with the positive decision in order to obtain the refugee resident card valid 10 years.

### What to do in case of refusal from OPFRA?

If the asylum applicant is sent a refusal decision from OPFRA, it can **lodge appeal near the national Court right of asylum** within one month from the time the decision was notified. **In French Guiana, it is two months.**

The appeal must:

- Be written down in French
- Contain names, titles, place and date of birth, nationality and address
- Be motivated, that is to say expose the circumstances being able to call into question a rejection from OPFRA
- Join the OPFRA refusal decision and the documents proving the cogency of the request

The asylum applicant can be **assisted with a lawyer** for this procedure. It can **request the jurisdictional assistance** if the financial resources are not sufficient. The total or part of the fees to justice (lawyer fees, bailiff, expertise fees...) are paid by the State.

The national Court of right of asylum can make a **decision by ordinance**, that is to say without convening the applicant, **or after an audience** in which the applicant could explain about its fears.

**If no appeal is made**, you do not have the right to stay in France. The prefecture notifies you a stay refusal, together with an **obligation to leave the French territory (OQTF)**.

### What is the subsidiary protection?

The **subsidiary protection** is another way of protection.

It is given to foreigner who do not meet the conditions of obtaining the refugee status and proves that it is exposed in its country:

- to death sentence,

- to torture or sorrows or inhuman treatments or degrading,
- If a civilian, to a serious threat, direct and individual against its life or to its person because of a general violence resulting of an internal armed conflict or international.

The subsidiary protection allows to obtain papers for 1 year.

Given by OPFRA according to the same procedure than asylum.

## Useful contacts

- **Request discharge point**

**Préfecture de Guyane (French Guiana Prefecture)**  
Rue Fiedmond  
BP 7008  
97307 Cayenne Cedex  
05 94 39 45 00  
<http://www.guyane.pref.gouv.fr>

- **Place of legal information**

**La CIMADE**  
39 rue du lieutenant Becker  
97 300 Cayenne  
05 94 30 03 14  
[cimade.guyane@yahoo.fr](mailto:cimade.guyane@yahoo.fr)

**Le CDAD**  
15 Av. du Général de Gaulle  
97300 Cayenne  
05 94 29 76 30 / 06 94 28 04 50  
[cdad.guyane@orange.fr](mailto:cdad.guyane@orange.fr)

**Office Français de l'Immigration et de l'Intégration ( OFII) (Immigration and Integration French Office)**  
17/19 rue Lalouette  
97300 Cayenne  
05 94 37 87 00

- **Place of domiciliation and emergency reception of the asylum applicants**

**Croix-Rouge française (French Red Cross)**  
2 bis, avenue Léopold Héder  
97300 Cayenne

**AUDA : 0594 35 02 85**  
**@ : [auda.cayenne@croix-rouge.fr](mailto:auda.cayenne@croix-rouge.fr)**

**Domiciliation : 0594 35 83 12**  
**@ : [domicile.cayenne@croix-rouge.fr](mailto:domicile.cayenne@croix-rouge.fr)**