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Appeal in the event of rejection of the application for asylum by the Ofpra

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If your asylum application was rejected by the Ofpra, you may appeal to the CNDA.. During the examination of your appeal, you are authorized to remain in France. If your appeal is rejected, you can file an appeal in cassation with the Conseil d'État.

Time

You can appeal

- to request protection in the event of rejection of the Ofpra,
- to apply for refugee status if the Ofpra has granted you only [subsidiary protection \(https://www.service-public.fr/particuliers/vosdroits/F299?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F299?lang=en)..

The time limit for filing your appeal is **one month** from notification decision of the Ofpra..

If you do not meet the deadline, your appeal will be deemed inadmissible and the prefect may notify you of a [obligation to leave the territory \(OQTF\) \(https://www.service-public.fr/particuliers/vosdroits/F18362?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18362?lang=en)..

Approach

Form of appeal

Your appeal may be filed on free paper. It must:

- be written in French,
- contain your name, first name(s), date and place of birth, nationality and domicile,
- be reasoned, that is to say, set out the circumstances which could call into question the rejection of your application by the Ofpra,
- be signed by yourself or your lawyer,
- indicate the language in which you wish to be heard at the hearing,
- be accompanied by the decision of the Ofpra to refuse the application and the documents proving the validity of your application.

If your appeal is completed within the time limit, you will receive a notice of registration from the CNDA by mail with notice of receipt at the address you indicated in your appeal.

You must have your foreign language documents translated into French. Your civil, judicial or police records must be translated by a certified translator (list available in your court).

Who shall I contact

- [Court of Justice or Proximity](https://www.justice.fr/recherche/annuaires)  (https://www.justice.fr/recherche/annuaires)

How can the appeal be transmitted?

By mail

Who shall I contact

- [National Court of Asylum \(CNDA\)](http://www.cnda.fr/Informations-pratiques/Acces-et-contacts)  (http://www.cnda.fr/Informations-pratiques/Acces-et-contacts)

Fax

Who shall I contact

- [National Court of Asylum \(CNDA\)](http://www.cnda.fr/Informations-pratiques/Acces-et-contacts)  (http://www.cnda.fr/Informations-pratiques/Acces-et-contacts)

At the latest on the day of the hearing, a signed paper copy of your appeal must be produced or the documents sent by fax must be signed at the Court Registry.

Effects of the appeal

The appeal to the CNDA is *suspensive*.. You can stay in France until the decision of the CNDA even if your asylum application has been placed in accelerated procedure.

The notice of registration of your appeal by the CNDA allows you to request the renewal of your certificate of asylum application.

However, you no longer have the right to stay in France (the certificate of asylum application may be refused, withdrawn or renewed refused) in the following cases:

- Ofpra has taken a decision to refuse or close your application
- You are subject to a final extradition decision
- Ofpra decides that a request for review is inadmissible or rejects the request for review after interview
- Ofpra has made a decision to reject you, because you come from a country considered as of safe origin (POS) or your presence in France constitutes a serious threat to public order
- Ofpra has taken a decision to reject or refuse your asylum application, as you are the subject of a [expulsion order \(https://www.service-public.fr/particuliers/vosdroits/F11891?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F11891?lang=en), a [prohibition of French territory \(ITF\) \(https://www.service-public.fr/particuliers/vosdroits/F2784?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2784?lang=en) or [administrative prohibition of territory \(IAT\) \(https://www.service-public.fr/particuliers/vosdroits/F13517?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F13517?lang=en).

Cost

Proceedings before the CNDA are free.

However, you may be required to pay the cost of translating your documents and the fees of a lawyer.

To meet these expenses, you can optionally benefit from [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), provided that the request is made within 15 days of notification of the decision of the Office.

Your application must be filed at the CNDA Legal Aid Office, at the latest within one month of receipt of your appeal.

Treatment of appeal

Time

The CNDA must decide on your appeal within 5 months of your referral.

This period is reduced to 5 weeks if your asylum application has been placed in accelerated procedure or if your application is inadmissible.

If your case raises a new question of law presenting a serious and frequent difficulty, the CNDA can refer the matter to the Council of State for an opinion. Your case is suspended until this notice. You are informed and can submit your observations to the Council of State, which has 3 months to decide.

Once the review of your appeal has been completed, you are summoned to a hearing before the CNDA to explain orally. You are informed by mail with notice of receipt of the date of the hearing at least 30 days before that date. The hearing shall be public, except in certain cases, and may be held by video. You have the right to the assistance of a lawyer and an interpreter.

The Court may, however, decide by order (i.e. without a public hearing), if your appeal is manifestly inadmissible or does not contain any serious element. In the latter case, you have a right of access to your file before the eventual rejection of your appeal.

Folder Inquiry

The request to consult the file shall be made by simple written request addressed to:

- preferably by fax
- or, failing that, by post with the reception department of the CNDA.

Who shall I contact

- [National Court of Asylum \(CNDA\) ↗ \(http://www.cnda.fr/Informations-pratiques/Acces-et-contacts\)](http://www.cnda.fr/Informations-pratiques/Acces-et-contacts)

It is strongly recommended that you make your request for a file review at least 48 hours in advance, as a delay is necessary for processing your request.

The request to consult the file must mention:

- the name of the applicant (applicant or Ofpra),
- appeal number
- the desired date of consultation.

Decision

The Court may annul the decision of the Ofpra and ask it to reconsider your application in the following 2 cases:

- Ofpra has not conducted an individual review of your application
- He has not granted you a personal interview (except in cases where he is authorized not to grant it to you).

The public reading of the court's decision or the posting to the CNDA or the notification in case of an order, is enough for the prefect, in case of rejection, to take a measure of expulsion (OQTF).

Right to stay during appeal

You will receive the renewal of your certificate of asylum application, upon presentation to your prefecture:

- the acknowledgement of receipt or receipt of the registration of your appeal by the CNDA,
- from 2 photos (<https://www.service-public.fr/particuliers/vosdroits/F10619?lang=en>),
- and proof of residence.

The proof of residence may be:

- a certificate of accommodation in reception centers for asylum seekers,
- or a rental contract drawn up on behalf of the applicant,
- or a certificate of accommodation with a third party,
- or the name of a registered association with which you are domiciled.

Your certificate is renewed until the notification of the decision of the CNDA.

Who shall I contact

Specify your city or postcode. The choice of a municipality in the suggestion list will automatically trigger an update of the content

- Prefecture [↗ \(http://www.interieur.gouv.fr/Le-ministere/Prefectures\)](http://www.interieur.gouv.fr/Le-ministere/Prefectures)

Court decision

The decision of the CNDA is read out in public hearing.

It must be reasoned and notified to you, by registered letter with acknowledgement of receipt, in a language you are supposed to understand.

Répondez aux questions successives et les réponses s'afficheront automatiquement

Agreement

In case of a favorable decision on your appeal, you are summoned to the prefecture to receive:

- one resident card (<https://www.service-public.fr/particuliers/vosdroits/F2208?lang=en>) if you are recognized as a refugee,
- or temporary residence permit "private and family life" (<https://www.service-public.fr/particuliers/vosdroits/F2209?lang=en>) if you are entitled to subsidiary protection.

Pending issuance of the card, you will receive a receipt of application for residence permit (<https://www.service-public.fr/particuliers/vosdroits/F15763?lang=en>), which allows you to work.

Rejection

If your appeal is rejected, you can appeal to the Conseil d'État for cassation within 2 months of notification of the rejection of the CNDA.

Who shall I contact

- Council of State [↗ \(http://www.conseil-etat.fr/Conseil-d-Etat/Contacts-Informations-pratiques\)](http://www.conseil-etat.fr/Conseil-d-Etat/Contacts-Informations-pratiques)

However, this appeal does not extend your right to stay. You will normally receive a refusal of stay, accompanied by a obligation to leave France (<https://www.service-public.fr/particuliers/vosdroits/F18362?lang=en>) (unless you fulfill another legal condition to be admitted to stay).

You must be represented by a lawyer at the Council of State and the Court of Cassation. Your lawyer signs the appeal.

- Lawyer at the Council of State or the Court of Cassation [↗ \(http://www.ordre-avocats-cassation.fr/ordre/avocats\)](http://www.ordre-avocats-cassation.fr/ordre/avocats)

You may, under certain conditions, benefit from legal aid (<https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en>).. You must address your request to the Legal Aid Office at the Council of State.

The appeal may not contain, except in exceptional cases, grounds and evidence which have not been submitted to the Ofpra and the CNDA.

The Council of State only verifies that the decision of the CNDA has been legally taken.

Only certain legal issues are examined. This includes

- questions of jurisdiction and procedure,
- the sufficiency of the reasons for the decision of the CNDA
- or errors in the interpretation of the texts on asylum.

In the event of annulment of the decision of the CNDA, the Council of State usually refers the case to it, but can also decide to settle it definitively without sending it back.

If your appeal is rejected, you will be forced to leave France if such a decision has not yet been enforced.

Statute and miscellaneous references

- Code on the entry and residence of aliens and the right to asylum: Articles L743-1 to L743-4 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000030952159&cidTexte=LEGITEXT000006070158) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000030952159&cidTexte=LEGITEXT000006070158)
Right to remain on French territory
- Code on the entry and residence of aliens and the right to asylum: Articles R733-5 to R733-9 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006180241&cidTexte=LEGITEXT000006070158) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006180241&cidTexte=LEGITEXT000006070158)
Presentation of appeals
- Code on the entry and residence of aliens and the right to asylum: Articles R733-10 to R733-16 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006180242&cidTexte=LEGITEXT000006070158) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006180242&cidTexte=LEGITEXT000006070158)
Investigation of appeals
- Code on the entry and residence of aliens and the right to asylum: R733-17 to R733-27 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000027859427&cidTexte=LEGITEXT000006070158) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000027859427&cidTexte=LEGITEXT000006070158)
Hearing
- Code of Administrative Justice: Articles R821-1 to R821-6 [↗](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006450393&idSectionTA=LEGISCTA000006150499&cidTexte=LEGITEXT000006070933) (http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006450393&idSectionTA=LEGISCTA000006150499&cidTexte=LEGITEXT000006070933)
Action for cassation

For more information, please contact

- Interpreters before the National Court of Asylum [↗](http://www.cnda.fr/Demarches-et-procedures/L-interpretariat) (http://www.cnda.fr/Demarches-et-procedures/L-interpretariat)
National Court of Asylum (CNDA)
- Asylum: safe countries of origin (PDF - 6.2 KB) [↗](https://www.ofpra.gouv.fr/sites/default/files/atoms/files/150909_ldu_liste_pos.pdf) (https://www.ofpra.gouv.fr/sites/default/files/atoms/files/150909_ldu_liste_pos.pdf)
French Office for the Protection of Refugees and Stateless Persons (Ofpra)