

o v e r v i e w

overview

Refugee status

The French Constitution of 1946 and the Geneva Convention protect an individual who has been persecuted in his country (or who fears being persecuted) because of **his action for freedom, his race, his religion, his nationality, his membership of a certain social group (LGBT, ethnicity, woman...) or his political opinions.**

The refugee obtains protection from France for 10 years. During this period, he cannot return to his country. His identity documents are issued by OFPRA.

Subsidiary protection

There is another protection: subsidiary protection. If the DA's fears do not fall within the above criteria, but he fears **the death penalty, torture or inhuman treatment** in his country, he can apply for subsidiary protection.

The DA explains to OFPRA how his life is threatened due to widespread violence in his country, internal or international armed conflict.

The refugee obtains protection from France for 1 year, renewable.

Persecutions

The DA has been persecuted in his country (or fears being persecuted).

He has undergone (or he is afraid of undergoing) :

- physical, sexual or mental violence
- discriminatory state, administrative, police or judicial measures ;
- disproportionate or discriminatory prosecutions or sanctions ;
- the refusal of a legal remedy resulting in a disproportionate or discriminatory sanction ;
- prosecution or sanctions for refusal to perform military service ;
- acts directed against him because of his gender or because he is a minor.

The DA has fears of persecution :

- direct : he has been persecuted in his country (or fears being persecuted) because of what he is, believes or does;
- or indirect : he has been persecuted in his country (or fears being persecuted) because of what his relatives are, believe or do.

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Before the interview

The asylum seeker (AS) is interviewed at OFPRA generally only once. The DA may be accompanied by his lawyer or by a person from an approved association.

The course of the interview

The interview takes place in a small room. There is a Protection Officer (PO) and an interpreter. The PO notes on his computer all the answers of the AS. The interview begins with the marital status (identity, family, studies, job, etc.) then with the journey to come to France. The identity of the spouse, parents, brothers, sisters and children is important because the family of an AS recognized as a refugee can also obtain refugee status.

Then, the PO asks the AS : « What was the reason you left your country? ». This part lasts 1 to 2 hours. At the end of the interview, the PO concludes with : « Do you have anything to add? ».

The choice of language

The AS chooses a language that he speaks well. He is able to use precise words, translate sentences and describe his feelings in this language. OFPRA works with many interpreters in several languages. The AS can therefore choose to speak the language he wishes. He writes his choice of language in his written form.

After the interview

The PO proposes an agreement or rejection of the asylum application. He sends a registered letter with a summary of the interview and OFPRA's decision. This letter is sent to the address indicated in the written form.

The CNDA appeal

The AS can contest the rejection of OFPRA before the National Court of Asylum Law (CNDA). It has a period of one month from the date of the letter from OFPRA. He may be assisted by a lawyer. He can apply for legal aid to pay the lawyer.

The OFPRA review

After a rejection by the Court, the AS can ask OFPRA to re-examine his file. He is writing to say that something new has happened after the date of the rejection. If the re-examination is rejected by OFPRA, the AS can challenge this decision before the Court.

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Identify interview objectives

The purpose of the interview is to verify :

- 1) The nationality of the AS and his presence in the country (If the AS has no nationality, check his country of residence)**
- 2) The reasons for his fears of persecution**
- 3) If these reasons correspond to the Geneva Convention**
- 4) The reality of his fears and persecutions**
- 5) If the fears are personal**
- 6) If the AS has requested the protection of the authorities of his country**
- 7) Fears of persecution if the AS returns to his country**

1) Check nationality

What is the nationality, country of residence or ethnic group of the AS ? Was he in the country during the given dates? To answer these different questions, the PO can use quizzes.

Quizzes

These are quizzes on the geography or history of the country of the AS. The PO can also ask questions about the course of a conflict (dates of cease-fire...) to check if the AS was in the country during this period. The quizzes can be translation exercises (eg for Tibetans : « How do you say the word school in the Chinese language ? ») and questions on religion or customs.

Conclusion

Beware, when the PO asks : « How many miles away is the capital ? », the AS often answers : « I don't know. » It is not the exact number of kilometers that is important. The purpose of this question is to find out if the AS has actually lived in the country. So the AS can answer : « The capital is two days walk away.» His answer is successful.

So there is no right or wrong answer. There are successful or unsuccessful answers. An answer is successful when it matches the PO's question.

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2) Check the reasons for the fears of persecution

Why was the AS persecuted in his country? The AS identifies the reasons for his fears of persecution. He explains why he is more fragile and more exposed to persecution than another of his compatriots.

3) Do the reasons correspond to the Geneva Convention?

The Geneva Convention protects the AS who has been persecuted (or who fears being persecuted) because of:

- **his race,**
- **his religion,**
- **her nationality,**
- **his belonging to a certain social group or**
- **his political opinions.**

The AS asserts concerns based on one or more of these criteria.

4) Check the reality of fears and persecutions

To describe the reality of the fears, the AS gives precise dates, place names and the identity of the people. « When and where did the threats take place? Who are the attackers ? What is the relationship between the aggressors and the victim ? »

The AS avoids terms that are too general and non-descriptive such as the words : near/far or recent/long.

He gives details for the PO to imagine the setting of his story. Indeed, the PO has, in general, never been to the country of the AS. It is therefore necessary to describe the reality of the country.

Finally, the AS shows that he was pressured to leave his country because fears of persecution or persecution was becoming more and more serious.

5) Check if the AS's fears are personal

The AS presents individual fears of persecution : he is personally targeted. He has direct fears of persecution. Thus, it is important to personalize the story.

In addition, the AS explains how it is threatened. It is not enough to say : « I am afraid of the police because the police are corrupt in my country. »

The AS must add : «There is a policeman, Mr X who was harassing me...» and he describes the reasons for his fear.

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6) Check if the AS has requested protection from the authorities of his country

Did the AS file a complaint with the police ? Did he seek justice from his country ? If he did not do it or if he did not want to do it, he explains why. He develops the arguments that prevented him from doing so.

If the AS filed a complaint, but the persecutions continued, he explains how the violence is tolerated, even encouraged by the authorities of his country.

7) Check the fears of persecution in case of return to the country

If returned to the country, does the AS fear being persecuted again ?

The AS shows how his fears are still current. He says why he can't go back to his country.

Since 2015, the countries considered « safe » by France are: Albania, Armenia, Benin, Bosnia and Herzegovina, Cape Verde, Georgia, Ghana, India, Kosovo, Macedonia, Mauritius, Moldova, Mongolia, Montenegro, Senegal and Serbia. The AS of one of these countries explains why his country is not safe for him. He insists on his personal situation and on what he risks in the event of returning to the country.

to be a "good refugee"

1) The expression of the body and emotions

Studies have shown that the AS must have a depressed attitude and show gratitude towards the agent who receives him. The AS must also have a courageous attitude and show that after fighting for his life, he is now fighting for his story.

Regarding emotions, the AS must show his emotions in a fair balance.

He must be sad when he recounts a sad episode in his life. Be careful, too much crying can be seen as questionable by the PO.

The AS tells his story by sharing his emotions.

His attitude and the expression of his emotions correspond to the behavior expected by the PO.

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The "good refugee" in OFPRA doctrine

1) What is doctrine ?

There is not a right of asylum but rights of asylum. Each state has its own criteria for recognizing refugee status. The OFPRA doctrine is the set of procedures and rules that allow the recognition of a « good refugee » by France. An AS who deviates from the « good refugee » profile is less likely to obtain status. The words of AS's do not have the same value depending on their country.

Tell an intimate story

1) What is a story?

A story has a beginning, a middle and an end. The beginning presents the essential event to understand the story. The middle is a series of facts and incidents. These are the events that change history. This is the « reversal »: the element that triggered the persecutions. The end of the story generally corresponds to the flight out of the country. The narrative connects all these events around a coherent story. The AS tells what he did, how he got there and what he felt doing it.

2) The intimate story

The story is like the AS's diary. He tells what is most personal in him : his doubts, his fears and his feelings. He describes what he experienced, without hiding details.

For example, in the event of torture suffered, the AS shares his personal memories. It is not enough to provide a medical certificate attesting to the wounds. The AS must be able to overcome their trauma to tell their intimate story to the PO.

If he is LGBT, the AS recounts his « coming out » or, on the contrary, the techniques used to hide his sexuality from those close to him.

Telling his intimate story is an essential step, especially if the PO cannot verify the reality of the AS's story through documentary research.

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the interpreter

If the AS feels that the interpreter is not translating well, he can point this out to the PO. If their asylum application is rejected, the AS may ask OFPRA to listen to the recording of his interview in the presence of his lawyer and challenge the translation of his statements.

don't sound like a liar

If the AS tells the same story as his neighbour, if he forgets details of his story, if he contradicts himself, the AS is considered by the PO to be a liar.

1) Lie or incorrect word?

The use of an incorrect word by the AS may cause the PO to think that he is lying to him. The AS works on the words of his story before his interview. It notes the important terms because the precision of the words is important.

2) The impossible story

If the AS cannot relate certain details of their story, they explain why. Do not tinker with an answer that could be seen as a lie and dirty the rest of the story.

convince the OP

At the end of the interview, the PO wonders : « Did the AS convince me ? ». To answer this question, he relies on his intimate conviction.

1) What is intimate conviction?

This concept is used in criminal justice to assess whether an individual is guilty and to pronounce a judgment against him. At OFPRA, intimate conviction allows the PO to make a decision quickly.

The AS understands that even if perfect, obtaining refugee status is based on a subjective and fluctuating notion : the inner conviction of the PO.