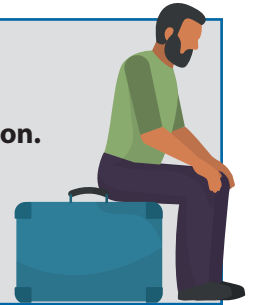


CHALLENGING A REFUSAL OF ASYLUM

You have applied to OFPRA for asylum and its decision does not satisfy you.
You have a month to challenge it.

Why challenge it ?

- To request the **annulment of OFPRA's rejection decision** and to **obtain subsidiary protection**.
- To challenge the OFPRA decision that granted you **subsidiary protection and request recognition of refugee status**.



Right and precise deadlines

You must file an appeal with the National Court for Asylum Rights (CNDA) no later than 1 month after the OFPRA decision.



The date taken into account is the date on which you withdraw the OFPRA decision at the post office (or the day the postman leaves a calling card). Your appeal must reach the CNDA before the one-month period elapses. Example: If you withdraw the OFPRA decision on the 5th of the month, you must file your appeal no later than the 6th of the following month before midnight.

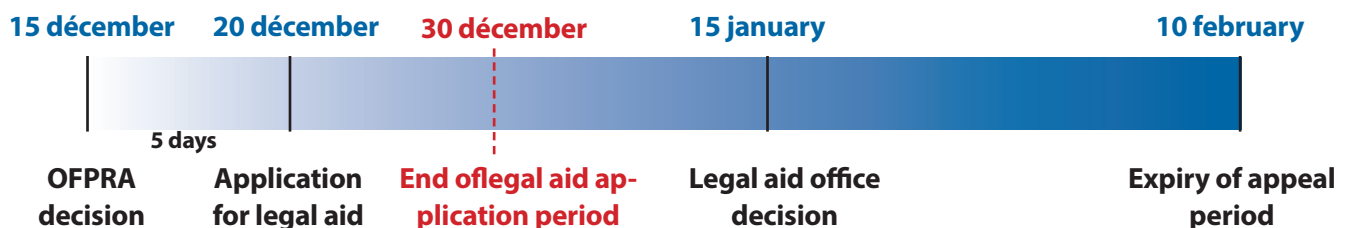
In principle, during the appeal period and until the judge's decision, you cannot be deported.

Free assistance from a lawyer

You have the right to receive free assistance from a lawyer to lodge your appeal. For this, you are entitled to legal aid without any means test. The lawyer's fees will be paid in full by the State. The lawyer has no right to claim a fee from you.

You have **15 days to apply for legal aid** from the CNDA's legal aid office. While the application is being examined, the timeframe for filing your appeal with the CNDA is suspended. It restarts after notification of the decision of the legal aid office. The appeal timeframe then becomes one month minus the time that elapsed between the notification of the OFPRA decision and your application for legal aid.

Example :



After the 15-day period for applying for legal aid, you lose this right and your lawyer's fees can no longer be paid. You can choose your lawyer. If you do not know one, the CNDA appoints one.

The appeal must be drafted in French.

It must explain why you are challenging the OFPRA decision, be accompanied by the OFPRA refusal decision and all documents justifying your request, translated into French.

The procedure

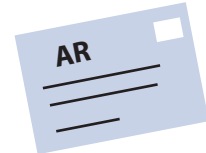
Appeal file drafted in French :

- Letter on loose paper (with surname, given names, date and place of birth, nationality and residence) and reasons for your objection

+

- copy of the OFPRA decision
- identity documents
- (potentially a document indicating that your application is under the expedited procedure)

Deposit or send
by registered letter with
acknowledgement of receipt



Greffe de la Cour nationale du droit d'asile (CNDA)
35 rue Cuvier 93558 MONTREUIL Cedex
(Or by fax on 01 48 18 44 20)

Sending of

notice of receipt of your appeal

Review of your file

1
month
before the hearing
(normal procedure)

15
days before the
hearing
(expedited procedure)

Letter of summons to a hearing

Rejection order
(no serious matter
likely to call into question
the OFPRA decision)



Hearing

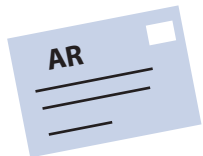
An interpreter can be present, it's free

- normal procedure: before 3 judges
- expedited procedure : before 1 judge



CNDA decision orally

Sent by registered letter with acknowledgement of receipt



Request approved

Judgement

Appeal dismissed

- You have **refugee** status
- **entitlement to a Residence Card for 10 years**, renewable

- you benefit from **subsidiary protection**
- entitlement to **Temporary Stay Card for one year**, renewable

- You must leave the territory

- You can request a re-examination of your case and appeal to the Council of State, but the request is unlikely to succeed.