

SPECIAL CASE : THE SITUATION OF ISOLATED FOREIGN MINORS

Isolated foreign minors who are on the French territory can ask for asylum and an international protection ⁽¹⁾.

"Isolated minors" are minors who are accompanied neither by their mother, their father, nor any legal representative. As the adults, isolated minors who intend to ask for asylum in France have to address the prefecture of their place of residence in order to begin the administrative steps. Since they are minor, they have legal incapacity.

If an isolated minor goes to the prefecture without any legal representative, prefecture's staff will tell the Public Prosecutor so that an ad hoc administrator is appointed. The legal representative has to ask the prefecture for the asylum request form ⁽²⁾. He also has to do all the paperwork for the isolated foreign minor. When the minor has been designated ward of the State ⁽³⁾ by a judge, child welfare services (Aide Sociale à l'Enfance, ASE) of the minor residence's department will take on the administrative steps for his asylum request.

As for major applicants, the form must be completed in French and signed by the legal representative before it is sent to the OFPRA by post.

Once completed, the form is registered and a recording letter is sent to the applicant and his legal representative.

The applicant is then interviewed by the OFPRA. He is received by an officer in charge of the protection who has been trained to deal with minor's asylum requests. The interview takes place in the presence of the minor's legal representative.

At the end of the investigation of the case, the OFPRA renders its decision, based on the written and oral declarations of the minor and elements he may have added to his file (civil status documents, medical certificate...).

The OFPRA sends his decision to the minor's legal representative and a copy to the minor himself.

In the event of a negative decision, the isolated minor asylum-seeker can appeal with the CNDA. If he is still minor at the time he appeals, he must do it through his legal representative.

According to the Hague Convention of May 29th 1993 on the protection of children and cooperation on international adoption, it is important to highlight that unsuccessful minor applicants cannot be expelled from the territory or be subject to a prefectural order for escort to the frontier.

1. See form 1 concerning the right of asylum for the definitions of the various protections status.

2. See form 2 concerning the procedure in the prefecture

3. A guardian is appointed for minor children when parents or guardians can no longer exercise the guardianship.