

The Anafé brought to court by the Ministry of Interior¹

Hearing on 30 November 2011

The French government wants to conceal the obstacles preventing foreigners accessing their rights in transit zones

28 November 2011

On 29 September 2011, the president of the Bobigny Tribunal of First Instance positively answered to the Anafé's request in asking a bailiff to go to Roissy airport's transit zone and establish the conditions faced by foreigners to access their rights while they are maintained pending their removal. Cast in bad light by the report, the Ministry of Interior wants to invalidate the conclusions of the bailiff.

Between 26 September and 2 October 2011, the Anafé decided to temporarily ensure legal assistance at Roissy with pro bono lawyers². This pilot project aimed at showing the necessity and urgency of real legal support services for foreigners upon arrival at the transit zone.

The Anafé had informed the Ministry of Interior about this initiative and had asked for the unconditional access for lawyers to the transit zone to be guaranteed, as required by law; it was also asked that proper premises are made available to ensure that conversations with lawyers remain confidential and with the necessary equipment (phone line, photocopy machine, access to Internet)³.

In a letter dated 21 September 2011, the Ministry argued that "when a request is made by a foreigner, there is no obstacle made by the Administration against lawyers' access to transit zones, where they can meet with foreigners in premises made available to that end".

However, the border police endeavoured to block the conduct of this initiative which resulted in denying access to legal assistance for foreigners.

These facts were established by the bailiff in his statement.

By bringing the Anafé to court to cancel this report, the Ministry of Interior wants to prohibit the use of a document which shows that it does not respect the law, or its own declarations.

The hearing was held on 30 November 2011, at 9.30 a.m. at the Tribunal of First Instance in Bobigny.

Update 30.11.2011: The judge decided to adjourn the case and will give his final judgment on 4 January 2012.

¹ Unofficial translation by Statewatch, Anafé's original statement "L'Anafé assignée en justice par le ministre de l'intérieur. Audience le 30 novembre 2011 Le gouvernement veut cacher les obstacles mis à l'accès aux droits des étrangers en zone d'attente"[in French], is available at <http://www.anafe.org/download/communiqués/l%27Anafé%E9%20assign%E9e%20par%20le%20MI%20-%20nov%2011.pdf>

² With the support of the ADDE (Lawyers' association for the defense of foreigners' rights _ Association des Avocats pour la defense des droits des étrangers)

³ Pursuant to a series of decisions by the State Council (Conseil d'Etat) on 30 July 2003 – See esp. request N° 247940 and 247986