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**A GUIDE FOR
FILIPINO
MIGRANTS IN
FRANCE**

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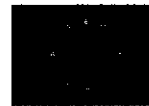
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A Guide for Filipino Migrants in France

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France through the Filipino community and its network of
partners.*

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As part of its project "Going back – moving on: economic and social empowerment of migrants, including victims of trafficking, returned from the European Union and neighboring countries" funded by the European Commission (EC), the International Labor Organization (ILO) carried out a study on the situation of Filipino migrants in France and Italy.

The objective of this study was to examine the delivery of services to distressed Filipino migrants in France and Italy, in particular to victims of exploitation and trafficking, in order to contribute to the reduction of their exploitation through enhanced coordination among different actors – government agencies, non-government organizations, and trade unions.

On 9 February 2012, the ILO presented the results of its study, "Developing a system of linkages, cooperation and coordination of service providers in Italy, France and the Philippines to improve delivery of services to distressed Filipino migrants, in particular victims of exploitation and trafficking" to representatives of various Philippine associations in France, together with representatives from French trade unions, in the auspices of the Philippine Embassy in Paris.

One of the proposals presented was the production and dissemination of a leaflet listing available services to Filipino migrant workers in distress.

A group of Filipino volunteers present during the meeting took the challenge of writing this leaflet in two months. With contributions from French associations and trade unions, in particular the Confédération française démocratique du travail (CFDT), and funding from the ILO and the EC, the leaflet is now a reality and we hope that it will be of use to you.

The Editorial Team

Introduction

As a Filipino migrant in France or anywhere in the world, **you have rights from simply being human**. These rights are guaranteed and protected by international agreements, such as the Universal Declaration of Human Rights.

Other rights come from the laws of a state and these rights are guaranteed and protected by national laws, such as the French Constitution.

Before you can exercise these rights, you must know them first.

The purpose of this guide is to inform you of your rights so that you can exercise them and avoid situations of abuse and distress.

It is important to keep in mind, however, that **your rights come with responsibilities** (*droits et devoirs*), which in turn come from being a member of society.

As a Filipino migrant worker in France, you have the responsibility to respect French laws and traditions, as well as to contribute, according to your financial capacity, to the country's expenses by paying taxes and social contributions.

How to use this guide

This guide is divided into two parts – your **rights and responsibilities in France** and a directory of **useful numbers in France**.

The first part contains several chapters, each of which contains information on a particular set of rights and how you can avail of these rights. The information provided herein is not meant to be exhaustive, therefore each chapter ends with a list of organizations — governmental and non-governmental — which you can approach for more information.

Given the significant number of female migrants in France who have particular needs and who are confronted with a different reality from the men, a special chapter has been devoted to the issues they face.

Each chapter also contains information on your responsibilities, a section “Did you know” containing useful information about France, and a recap of important reminders.

Use of French terms

Having a good grasp of the French language is crucial in exercising your rights. Throughout the guide, therefore, French terms will first be presented in italics in parenthesis. As you read further, the French terms will eventually be used instead of their English translations.

To improve your French, a list of Filipino associations providing French classes is contained in the second part of this guide.

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Your rights and responsibilities in France

Labor rights

Citizens from member countries of the European Union¹, the European Economic Space² and Switzerland, and countries who have special agreements with France have the right to work in France. All other citizens, including Filipinos, need a visa to enter and work in France.

Once inside France, you will need to request a residence permit (*titre de séjour*) as well as a work permit (*autorisation de travail*) in order to work in France.

The French Labor Code requires that any foreigner who wishes to come to France for work and manifests an intention to reside permanently in the country must have a sufficient level of the French language or promise to attain a sufficient level upon arriving in France.

The request for the work permit is made by the employer in the *préfecture*³, which has jurisdiction over his or her place of work or residence. The Regional Directorate for Companies, Competition, Consumption and Employment (*Direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi* or *DIRECCTE*) is the French government agency tasked to grant or refuse this request.

¹ Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom

² Iceland, Lichtenstein, and Norway

³ See page 9 for an explanation of the term "*préfecture*"

What are your labor rights in France?

All workers in France are protected by the French Labor Code regardless of their immigration status.

Aside from the French Labor Code, having a **work contract** with your employer also protects your labor rights. And depending on your job sector, you are further protected by national collective agreements. For example, the *Convention collective nationale des salariés de particuliers employeurs*, which is the national collective agreement for workers in the domestic sector, guarantees the following basic rights:

Working hours

- For full-time workers, working hours are 8 hours a day, 40 hours a week and 174 hours a month⁴, from Monday to Friday.
- Work during holidays and Sundays, as well as the weekly day off, are decided with the employer.

Salaries and wages

- You must not be paid below the minimum wage.
- Payments in kind (housing, meals) may be deducted from your salary⁵, depending on your agreement with your employer.
- Being on-call means being present at work without necessarily doing a particular task. An hour of being on-call is therefore not equivalent to an hour of working. Instead, it is computed as follows:
1 hour on-call = 2/3 hour work

⁴ Working hours may vary depending on the job sector. The legal working hours in France is 35 hours a week, from which overtime work is calculated.

⁵ Your employer can only deduct a maximum of 71 EUR a month for your housing according to French law (as of 2009).

Days off, absences and paid leave

- Your day off must be at least 35 consecutive hours and fall on Sunday, by preference.
- If you are required to work on your day off, you must be paid 25% more than your regular hourly wage or be able to have your day off increased by 25%.
- All absences must be with valid reason. For foreseen absences, inform your employer as early as possible. For unforeseen absences or tardiness – if you were held up in the metro because of a strike or an accident – you may request a document attesting to the strike or accident (*attestation de retard*).
- After having worked 10 days with your employer, you have the right to paid leave for a maximum of 2.5 days a month or 5 weeks a year.
- If you are asked to work for your employer during his or her holiday, you must request a different contract since you may be required to work beyond your usual working hours.

Work accidents

- If the accident took place at work, call your doctor or the SAMU immediately and declare that it is a work accident. Once you leave your workplace, this may no longer be considered as a work accident.
- You have 24 hours to declare the accident to your employer, who has 48 hours to declare the accident to the *Caisse primaire d'assurance maladie (CPAM)*.
- Your employer has to provide you a document certifying the work accident (*feuille d'accident du travail*) for your medical treatment and continued payment of your salary

Resignation

- You can resign from your present employment by sending a registered letter with acknowledgement

receipt (*lettre recommandée avec accusé de réception*) addressed to your employer clearly indicating your desire to resign and the date of your resignation, with the proper length of notice:

Length of service	Length of notice
Less than 6 months	1 week
6 months – 2 years	2 weeks
More than 2 years	1 month

- Upon resigning, you may request your employer to provide you a certificate of employment (*certificat de travail*), final settlement⁶ (*solde de tout compte*), and unemployment certificate⁷ (*attestation Pôle emploi*). These documents are important for legal purposes.

Termination

- If your employer wishes to let you go, he or she must summon you to a meeting by sending you a *lettre recommandée avec accusé de réception*.
- Following your meeting, the notice of termination must be also sent by *lettre recommandée avec accusé de réception*, respecting the following lengths of notice:

Length of service	Length of notice
Less than 6 months	1 week
6 months – 2 years	1 month
More than 2 years	2 months

**If your employer lets you go before the prescribed period of notice, he or she must pay you.*

⁶ This document shows how much money you were paid during your employment and serves as your “receipt”.

⁷ This attestation, which allows you to register as a jobseeker (*demandeur d'emploi*), is only valid for one year.

- Your termination pay must be equivalent to at least 10% of your annual salary for every year of service.
- You may also request for a *certificat de travail*, *attestation Pôle emploi*, and *solde de tout compte* from your employer.
- In case your employer passes away, his or her heirs must settle your unpaid wages and termination pay.

Training

- Once you are declared by your employer, you are entitled to avail of various training programs in line with your field of work – French language classes, first aid training – which are useful for your career.

How can you defend these rights?

While your labor rights are guaranteed by the French Labor Code and national collective agreements, it is still indispensable to have a work contract.

The work contract must be signed and initialed by the employer and the employee, each one keeping an original copy.

As such, a breach of contract or a violation of your labor rights can be brought before the industrial tribunal (*Conseil de prud'hommes*). Appeals are lodged before the Court of Appeals (*Cour d'appel*) and appeals against the latter are filed before the *Cour de cassation*, the highest court of civil and criminal appeal in France.

Before preparing your case for the *Prud'hommes*, however, it is advisable to consult an association, a professional, or a trade union representative.

Joining an association or a trade union is another way of avoiding isolation and protecting your labor rights. Associations and trade unions not only defend workers' rights, they also promote fair working conditions and gather strength by organizing workers.

They often issue a membership card which can be useful for identification purposes or as proof of presence in the host country.

Responsibility: Declaring your income

The income declaration (*déclaration des revenus*) is an obligation for all persons living in France, regardless of their nationality or legal situation.

According to the French Tax Code, in order to declare your income in France, you must comply with the following conditions:

- Be a resident of France for more than 6 months out of a year
- Be employed in France

The procedure is simple. Complete the *Cerfa*⁸ form and submit it together with the supporting documents to the nearest tax office. Once you have your tax identification number, you may do your declaration online (<http://www.impots.gouv.fr>).

Did you know?

The French Administration

France is divided into regions (*régions*), departments (*départements*), and towns (*communes*). Big towns are cities (*villes*), which can be further divided into districts (*arrondissements*), while small towns are villages (*villages*).

⁸ CERFA, or the *Centre d'enregistrement et de révision des formulaires administratifs*, is the French agency tasked to collate, harmonize, simplify, and register all government forms for administrative purposes. You can directly download *Cerfa* forms from <http://www.service-public.fr/formulaires/>

For example, the city of Marseille is in the region Provence-Alpes-Côte d'Azur and the department of Bouches du Rhône. The city of Marseille is also divided into 16 *arrondissements*.

The French administration follows these geographical divisions and is divided into four levels: national, regional, departmental, and communal.

Each ministry has agencies at the regional and/or departmental level. Each region and department has a local government unit (*préfecture*) headed by the prefect (*préfet*) who represents the national government and coordinates state agencies.

The state system works with locally elected bodies composed of 26 regional councils (*conseils régionaux*), 101 departmental councils (*conseils généraux*) and over 36,000 municipal councils (*conseils municipaux*).

Depending on where you live in France, therefore, you may have to deal with state agencies in the different levels of the French administration.

But no matter where you are, your local city hall (*mairie*) is your nearest stop for information. Most *mairies* have a community center for social action (*centre communal d'action sociale* or *CCAS*), which can point you to the right direction. Visit their website or call before going to your *mairie*.

They also have helpdesks or *points d'accès au droit* (*PAD*) which provide free information and legal advice, assistance and support in legal and administrative procedures.

Lawyers and paralegals from the Paris Bar or various lawyers' associations cover shifts and give free advice regarding family law, housing law, and rights of foreigners.

For everything else, you can call "3939" for information on all administrative matters, Monday to Friday (8:00 AM to 8:00 PM) and Saturday (8:00 AM to 6:30 PM), or visit their website

<http://www.service-public.fr/> (in French) and
<http://www.service-public.fr/langue/english/> (in English).

The notion of "recours gracieux"

In your dealings with the French administration, it is important to know that you can ask for a review or appeal of a decision (*recours gracieux*).

Every time a French agency denies your request, you may make a *recours gracieux* by addressing a *lettre recommandé avec accusé de réception* to the office that issued the decision asking the latter to annul this decision. Depending on the type of decision, you may have to send this letter within 48 hours to two months of the decision.

In France, there are professionals called *écrivains publics* who can help you write your letter. You just need to make an appointment with one through the *PAD*.

Important Reminders

- 1. Always ask for a work contract from your employer. You may get a sample contract from a trade union.**
- 2. Keep all your documents - pay slips (*bulletins de salaire*), *déclaration des revenus*, *certificat de travail*, *attestation Pôle emploi*, *solde de tout compte* - including any document, receipt or remittance slip in your name. These documents will be useful later on.**
- 3. Keep a diary of your daily work activities - what time you arrived at work, what tasks you accomplished, what time you left - including your future appointments.**
- 4. The moment you feel that any of your rights are violated or abused, seek help immediately:
Philippine Embassy in Paris - 01 44 14 57 00
SAANC Hotline - 06 58 16 47 04
Police - 17 or 112 (from a mobile phone)**

For more information regarding your labor rights, get in touch with the following trade unions recognized by the French government as negotiating partners:

Confédération française démocratique du travail (CFDT),

SSPE - Ile-de-France

7/9 rue Euryale Dehaynin 75019 Paris

<http://www.cfdt-services.fr>

Contact: Zita Cabais-Obra

01 42 03 88 14 / 06 84 64 18 11

sspecfdt-idf@live.fr

Confédération générale du travail (CGT)

263, rue de Paris, 93100 Montreuil

01 48 18 80 00

<http://www.cgt.fr/>

Force ouvrière (FO)

141, avenue du Maine, 75014 Paris

Tel.: 01 40 52 82 00

<http://www.force-ouvriere.fr/>

Confédération française des travailleurs chrétiens (CFTC)

128, Avenue Jean Jaurès, 93500 Pantin

01 73 30 49 00

<http://www.cftc.fr/>

Confédération française de l'encadrement - Confédération générale des cadres (CFE-CGC)

59, rue du Rocher, 75008 Paris

01 55 30 12 12

<http://www.cfecgc.org/>

Right to social protection

France has a comprehensive social security system (*sécurité sociale*) which covers the following:

1. Sickness, maternity, paternity, disability and death
2. Work accidents and occupational diseases
3. Old age
4. Unemployment

The *sécurité sociale* also provides family benefits.

How does the French social security system work?

Contributions (*cotisations/charges sociales*) are paid by employers and employees to the *Union de recouvrement des cotisations de Sécurité sociale et d'allocations familiales (URSSAF)*, which is the institution in charge of collecting social security contributions and has more than 100 offices all over France. This money then goes to the *Agence centrale des organismes de sécurité sociale* or *ACOSS*, which distributes funds to the different benefit agencies:

Branch/Benefit Agency	National agency	Regional/departmental agency
Sickness, maternity, paternity, disability, death	<i>Caisse nationale de l'assurance maladie des travailleurs salariés (CNAMTS)</i>	<i>Caisse primaire d'assurance maladie (CPAM)</i>
Work accidents and occupational diseases		<i>Caisse d'assurance retraite et de la santé au travail (CARSAT)</i>
Old age		
Family benefits	<i>Caisse nationale d'allocations familiales (CNAF)</i>	<i>Caisse d'allocations familiales (CAF)</i>

The French *sécurité sociale* is based on the principle of solidarity, wherein younger workers “pay” for the pensions of retired workers, who once “paid” for the pensions of those older than them.

How can you avail of these rights?

All regularly employed workers in France, including their dependents, have the right to social protection. But before you can avail of these rights, you must be registered first with the French social security system.

All employers hiring an employee are required to file a declaration of employment (*déclaration d'emploi*) with the *URSSAF*.

This declaration allows employees without a Social Security Number to be registered for social security purposes, as well as for unemployment insurance purposes.

For supplementary pension schemes, employees are registered with the scheme to which their employer belongs, which will depend on the company's location or field of activity.

If you are self-employed or you created your own company, you must register yourself at the *URSSAF*, deduct social security contributions from your own earnings and pay them directly to the *URSSAF*. Once registered, you may choose from a selection of recognized organizations providing pensions and health insurance.

After registration, you will receive a certificate of your social security card (*attestation carte vitale*) with your social security number on it. This should be presented whenever you require medical treatment.

Sickness, maternity, paternity, disability, and death

In some cases (consulting a doctor or dentist), you must pay and claim a refund afterwards; in others (when buying prescription medicines from a pharmacist) the refund is made on the spot.

The reimbursement you receive from social security applies to the *tarif de convention*, which is not necessarily the same as the amount you pay. For example, if a blood test costs 75 EUR and the *tarif de convention* is 60 EUR, you will be reimbursed 70% of 60 EUR (42 EUR), leaving you with a bill of 33 EUR. The balance of the medical bill, called the *ticket modérateur*, can be paid by a complementary health insurance scheme, to which some people subscribe. In the absence of a complementary medical insurance scheme, you must pay the difference of 33 EUR yourself.

When choosing a doctor, it is therefore important to verify whether he has an agreement (*convention*) with the social security. If he has a *convention*, he is known as *conventionné* and will charge a fixed amount for treatment as specified under the *tarif de convention*. If he is *non-conventionné*, the bill may be two to five times that set by the *tarif de convention*.

It is also important to declare your assigned doctor (*médecin traitant*) who will be the one to refer you to specialists. Because if you go straight to the specialist without passing through your *médecin traitant*, you may end up paying higher doctor's fees. To designate your *médecin traitant*, complete the *Cerfa* form and submit it to the *CPAM*.

Work accidents (*see page 5*)

Retirement

The Philippines and France signed a bilateral social security agreement in 1990, which entered into force in 1994. This agreement allows legally residing Filipinos in France to enjoy the same treatment as French nationals in terms of social protection, to be able to export their social security benefits from France to

the Philippines or vice versa, and to be able to benefit from accumulated membership periods in both countries.

This means that you if you worked in the Philippines and paid your Social Security System (SSS) contributions prior to coming to work in France, and then you continue your contributions in France, once you reach retirement age, you can add your total contributions made in both countries and get your pension either in France or in the Philippines.

To see if you can benefit from the agreement, you can request for your French career record (*relevé de carrière*) from the *CNAV* nearest you to see how much you have contributed in France. You can also contact SSS London and provide your SSS number. (*See the end of this chapter for contact details.*)

For those unable to benefit from this agreement, you may still continue your SSS contributions to the Philippines by paying through accredited collection centers, such as the Philippine National Bank (PNB) in Paris.

SSS members may also participate in the **Flexi-fund program**, which is a pension plan and savings account rolled into one for Filipino migrant workers. It aims to supplement the pension benefits under regular SSS coverage.

Members who reach retirement age or become disabled will receive their benefits, equal to their Flexi-fund contributions plus earnings either in the form of monthly pensions, lump-sum payments or a combination of both. They may also withdraw your Flexi-fund deposits after 5 years. The minimum contribution is 200 PHP/month with no maximum contributions. You can monitor your contributions online through My.SSS by enrolling in the SSS website <http://www.sss.gov.ph/>.

If you are not yet a member of the SSS, you can also apply for membership in any accredited collection center, such as the PNB in Paris. The only requirement is a photocopy of your passport.

Family benefits (see page 21)

Responsibility: Paying your social security contributions

Your *cotisations sociales* or *charges sociales* are calculated as a percentage of your taxable income. If you are declared by your employer, these are automatically deducted from your salary. Check your pay slip (*fiche de paie*) to see how much of your salary goes to your *cotisations*.

If you are self-employed, you must pay these yourself to the *URSSAF*. It is possible to pay contributions monthly (you pay ten monthly installments from January to October based on an estimated total contribution; any necessary adjustment is made in November or December); you must apply before 1st December for monthly payments from the following 1st January.

Did you know?

Those who do not automatically qualify for general health insurance in France can contribute voluntarily or take out private health insurance. They may also apply for universal health coverage (*Couverture maladie universelle* or *CMU*) or state medical aid (*Aide médicale d'Etat* or *AME*).

The *CMU* is for persons who are legally residing in France but who do not have enough resources to avail of health insurance. On the other hand, the *AME* is for persons in an irregular situation.

To avail of the *AME*, you must provide proof of identity, proof of continuous residency in France for at least three months, and proof of resources (less than 7 771 EUR for the past 12 months). If your income exceeds this amount, you are obliged to get private health insurance.

Another option is to continue your SSS contributions from France in order to avail of sickness, maternity, disability, death, and retirement benefits. Depending on your monthly

contributions (maximum of 1,560 PHP/month), SSS London can determine how much you can receive for medical treatment received in France. Visit the SSS London website for more information. (Contact details at the end of the chapter.)

Whether or not you are insured, there are several medical services available for free:

- Testing centers for tuberculosis and other respiratory illnesses
- Testing centers for HIV-AIDS, hepatitis B and C, and sexually-transmitted diseases
- Centers for family planning and contraception
- Maternal and infant protection centers for infants and children up to 6 years of age
- Vaccination centers for measles, mumps, and German measles for children 1 to 11 years of age
- Consultation and special centers for drug and alcohol addiction
- Consultation centers for mental and psychological illnesses

For the addresses of these centers, go to the nearest *CCAS* in your *commune* or any public hospital.

You may also go directly to the *Permanence d'accès aux soins de santé* or *PASS* in hospitals, which are structures created especially for foreigners and/or persons without health insurance and who need medical assistance.

Important Reminders

1. **Make sure that your employer declares you. Under French law, your employer is obliged to declare you.**
2. **Get health insurance upon arriving in France.**
3. **If you are not yet a member of SSS, register now.**
4. **In case of medical emergency, go to the nearest hospital or contact the emergency medical services or SAMU (*Syndicat national de l'aide médicale urgente*) by dialing 15 or 112. Under French law, any French hospital or SAMU must treat any patient, regardless of situation or ability to pay.**

For more information regarding your health rights, here is a list of agencies and associations you can get in touch with:

For questions on the bilateral social security agreement between France and the Philippines and on the SSS:

Philippine SSS London

Embassy of the Philippines
11 Suffolk Street, London
SW1Y - 4HG

Contact: Alfredo Jose I. Recio Jr.

+44 207 451 1830

aj_reciosss@yahoo.com

aj_recio@hotmail.com

philsss.uk@gmail.com

<http://www.philsssuk.com/>

Philippine National Bank (Europe) Paris Branch

165 Avenue Victor Hugo, 75016 Paris

01 45 05 34 00

info@pnbeurope.fr

To find the **URSSAF** nearest you, visit <http://www.urssaf.fr/> and click on "Retrouvez votre URSSAF" on the lower right hand corner of the page with the French map.

To find the **Caisse primaire d'assurance maladie (CPAM)** nearest you, visit <http://ameli.fr>.

To find the **Caisse d'assurance retraite et de la santé au travail (CARSAT)** nearest you, visit <https://www.lassuranceretraite.fr/> or call 3960.

For questions on how to access your health rights, contact: **Espace santé droit**, a French association that assists foreigners in exercising their health rights, such as obtaining health insurance coverage. They receive the public by appointment on Tuesdays, Wednesday mornings and Friday mornings.
c/o Foyer Protestant
195 Avenue Victor Hugo, 93300 Aubervilliers
01 43 52 69 55

Santé info droits, a hotline created by the Interassociative health collective (*Collectif interassociatif sur la santé* or *CISS*) to answer legal questions related to health
01 53 62 40 30
Mondays, Wednesdays, Fridays 2:00 PM – 6:00 PM; Tuesdays and Thursdays, 2:00 PM – 8:00 PM

Rights of the family

What are the rights of my children in France?

All children in France have the right to free primary education. As such, all parents are obliged by law to send their children to school, regardless of the nationality or immigration status of their children.

According to the French National Education Code, children 3 years old and above may be admitted to kindergarten (*école maternelle*). At 6 years old and above, they may be admitted to pre-school (*école primaire*). Up to 18 years of age, they may be admitted to elementary and high school (*collège* and *lycée*).

The French Ministry of Education guarantees the respect of these provisions and ensures that a valid residence permit is not made a requirement for enrolment.

To enroll your child in school, the following must be presented:

- Proof of identity of the child
- Proof of identity and income of the parents
- Proof of address
- Vaccination booklet of the child

In case the *école maternelle* or *école primaire* refuses to enroll your child, you have the right to make a *recours gracieux* at the *mairie*, and then at the *préfecture* and the administrative court (*tribunal administratif*).

In case the *collège* or *lycée* refuses to enroll your child, you have the right to make an appeal at the *Rectorat*, and then at the *Inspection académique* and the *Tribunal administratif*.

You may also seek help from the High Authority against Discrimination and for Equality (*Haute autorité de lutte contre les discriminations et pour l'égalité* or *HALDE*) to file a complaint for discrimination free of charge.

How can you avail of family benefits?

Family benefits are paid to families with one or more dependent children under certain conditions, which include:

- a household income under a certain level
- children (under 20 years of age) enrolled in school

There are over twenty benefits, divided into four areas: birth, education, housing and others. The most important are:

- family allowances (*allocations familiales*) awarded from the second child onwards
- young children's (0 to 6 years old) allowance (*prestation d'accueil de jeune enfant*)
- family supplement (*complément familial*)
- housing allowance (*allocation de logement*)
- special education allowance (*allocation d'éducation spéciale*)
- family maintenance allowance (*allocation de soutien familial*)
- back-to-school allowance (*allocation de rentrée scolaire*)
- single parent allowance (*allocation de parent isolé*)
- parental educational allowance (*allocation parentale d'éducation*)
- adoption allowance (*allocation d'adoption*)
- parental care allowance (*allocation de présence parentale*)

Aside from family benefits provided by the CAF, it is always useful to visit your *Mairie* or *Conseil général* and see what other benefits you can avail of.

Did you know?

Once you respect criteria set by the French Immigration and Integration and Immigration Office (*Office français de l'immigration et de l'intégration* or *OFII*), you can apply for the family reunification program (*regroupement familial*) and bring your spouse and children under 18 to France.

Here are the criteria:

- You must be a resident of France for at least 18 months and have a residence permit with a validity of at least one year.
- You must have stable and sufficient resources to support your family (amount depending on the size of your family).
- You must have a home which meets certain standards in size, comfort, and hygiene.
- You must be integrated into French society and respect the principles which govern family life in France.

For more information regarding your family rights, here is a list of associations you can get in touch with:

Haute autorité de lutte contre les discriminations et pour l'égalité (HALDE)

Visit <http://www.halde.fr/> to see your rights defender (*défendeur des droits*) in your *département*.

Caisse d'allocations familiales (CAF)

Visit <https://www.caf.fr/wps/portal> to see the CAF nearest you. The CFDT also has representation in the CAF.

Office français de l'immigration et de l'intégration (OFII)

Visit <http://www.ofii.fr/> to see the OFII nearest you.
44 rue Bargue, 75015 Paris
01 53 69 53 70

Réseau éducation sans frontières (RESF), a French association which provides information and support to undocumented migrant school children

Visit <http://www.educationsansfrontieres.org> to see the RESF office nearest you.

Centres pour la scolarisation des nouveaux arrivants et des enfants du voyage (CASNAV), the educational authority which helps foreign children and their families with schooling issues
Visit http://www.ac-paris.fr/portail/jcms/piapp1_64052/portail-casnav for more information or find the CASNAV nearest you.

Right against arbitrary detention

Who may be subjected to an identity check?

The French Penal Code states that all persons within the French territory must submit to an identity check. This identity check must follow certain rules, however, depending on the nature of the identity check.

There are two types of identity checks:

1. Applicable to all persons (*droit commun*)

This type of identity check may take place if there is probable cause to suspect that the person is committing, has committed, or is planning to commit a crime, or is in a position to provide information regarding a crime.

This type of identity check may also take place in the interest of public order or upon the written order of the public prosecutor (*Procureur de la République*).

2. Specific to foreigners

This type of identity check specific to foreigners must be based on **objective criteria**, such as:

- Driving a vehicle with foreign license plates⁹
- Participating in a public demonstration where banners show that the demonstration is organized for foreigners
- Distributing pamphlets or posting materials written in a foreign language
- Carrying a book or a sign written in a foreign language

⁹ If you are driving a vehicle with French license plates, you may also be stopped if you violate the French Vehicle Code (*Code de la route*) or during regular checks.

This means that you cannot be stopped simply because you look like a foreigner, speak a foreign language, or are dressed as a foreigner.

An exception is if you are within 20 km of the French border with neighboring countries or in international ports, airports, and bus and train stations. Within these zones, officers of the border police may stop anyone even in the absence of any objective criteria.

Only officers of the judicial police or agents assigned to them are authorized to carry out an identity check of this type, and the conditions of the identity check – why and how it was carried out – must be included in the police report (*procès verbal*). You have the right to refuse to sign the police report.

What are your rights during an identity check? In custody?

If you are unable to provide documents proving your identity, you may be brought to the police station (*commissariat*) and taken into custody (*garde à vue*). Once in custody, the police should inform you of the following rights¹⁰:

- Right to inform your next of kin, employer, or a person of your choice, including the possibility to contact your Embassy or Consulate
- Right to be examined by a doctor
- Right to be assisted by a lawyer
- Right to remain silent
- Right to an interpreter

You are strongly advised to exercise all these rights.

You will then be requested to establish your identity, such as your name, address, nationality, etc. If you refuse, the police may have to get your fingerprints or take your photograph.

¹⁰ French Law on the reform of police custody 14 April 2011

The length of custody, including the identity check, must not exceed four hours. If after four hours your identity has not yet been established, the police may decide to detain you for a longer period of time, which must not go beyond 24 hours, including the initial four hours.

You may be kept in custody for another 24 hours upon authorization of the *Procureur*. Remember that at the end of custody, they must present you the *procès verbal* which you may sign, provided that you understand it with the help of an interpreter.

If your identity, including the irregularity of your stay in France, is established, you may be notified of the *préfet's* decision to be sent to a detention center (*centre de rétention administrative*). Keep in mind that you must be notified of this decision in a language you understand, with the help of an interpreter if necessary.

What happens in detention?

The purpose of placing you in a *centre de rétention administrative* is to allow the Police to organize your deportation.

If after five days, the Police is unable to deport you, you will be brought before the judge (*juge des libertés et de la détention*) who will decide whether to extend your detention for another 20 days or set you free.

If the judge decides to extend your detention, you may spend another 20 days in the detention center, which is meant to give the authorities more time to organize your deportation. This period may be extended for another 20 days by the judge.

If after 45 days, the authorities are unable to organize your deportation, they are obliged to set you free.

What is an OQTF?

An OQTF (*obligation de quitter le territoire français*) is a deportation order signed by the *préfet* for persons in an irregular situation.

Once you are notified of your OQTF, you have anywhere from 48 hours to 30 days, depending on the OQTF, to make an appeal in the *Tribunal administratif*. This appeal can be made from the police station or the detention center.

Responsibility: Illegal entry, transit or stay in France

Illegal entry, transit or stay in France is punishable by at least 3 500 EUR and may be accompanied by a 3-year ban from entering the French territory.

Important Reminders

1. Do not carry your original travel documents with you. Instead, bring photocopies.
2. When taking the metro or other forms of public transportation, always have a valid ticket with you.
3. Always have your cellphone with you or have a card with important numbers.
4. You have the right to refuse to sign any document you do not understand.
5. France is part of the Schengen Area. If you do not have a valid visa for any of the Member countries of Schengen, you may be stopped by the border police and brought to a detention center.
6. Give a person you trust the names and contact details of your employer(s) and stay in regular contact with this person. Agree that if he/she does not hear from you within a certain period of time, that he/she should contact the Philippine Embassy at 01 44 14 57 00 or the SAANC Hotline at 06 58 16 47 04.

Did you know?

The *OFII* provides return assistance (*aide au retour*) in the form of airfare and pocket money to those planning to return to their countries. One of the ways to avail of this assistance is to present your OQTF.

For more information regarding your rights against arbitrary detention, here is a list of associations you can get in touch with:

Social Aid and Assistance to Nationals Committee (SAANC), a committee created within the General Assembly of the Filipino Associations in France to provide assistance to Filipino nationals in France and Monaco who are in need and/or in distress

SAANC Hotline: 06 58 16 47 04

Comité inter-mouvements auprès des évacués (CIMADE), a French association that works for the rights of migrants among others, including asylum seekers and refugees. To find the Cimade office in your region, visit <http://www.cimade.org/> and click on "en régions". They also have hotlines which you can call regarding the rights of migrants.

Ligue française pour la défense des droits de l'homme et du citoyen (LDH), a French association that works for human rights. To find the LDH nearest you, visit <http://www.ldh-france.org/> and click on "La LDH en région".

Groupe d'information et de soutien des immigrés (GISTI), a French association specializing in the rights of migrants. They make publications and trainings on rights of migrants and have a hotline number as well.

3 villa Marcès, 75011 Paris

01 43 14 60 66 (3:00 to 8:00 PM, Monday to Friday)

<http://www.gisti.org/>

Women's rights

As a female migrant worker, you have particular needs and are confronted with a different reality from the men, especially if you work in the confines of a home, where abuse is shielded from the public eye.

This chapter is therefore dedicated to two important phenomena many female migrants face today: violence against women and modern slavery.

Violence against women

If you feel that you are a victim of violence but are confused about your situation, know that you are not alone and that many other women have been or are being subjected to violence.

- In 2011, 145 women died from domestic violence in France or 1 woman every 2 days.
- 50% of the women killed in the past 10 years in France were killed by their partners.
- 1 out of 10 women in France is a victim of violence but only 1 out of 9 presses charges.
- 75 000 women are victims of rape each year.
- At work, 16.7% of women are subjected to psychological abuse and 8.5% are victims of verbal abuse.

According to a report published by the French Congress in 2009, **female migrants in a relationship report more violence than women in other groups.**

What should you do if you feel you are a victim of violence?

To be able to know what action to take, it is important to identify the type of violence you are experiencing.

There are many forms of violence against women – both physical and psychological – among them, verbal abuse, forced marriage,

sexual mutilation, violence at work, conjugal violence, rape, and sexual abuse.

Whatever the type of violence you may be subjected to, **it is important to recognize that you are a victim of violence.** This is the first step in trying to return to a normal life.

The next step is to get out of the isolation that can sometimes follow. If you are a victim of violence, **speak with a trusted person or with an association, a social worker, or your doctor** who can issue a medical certificate attesting to your condition as a victim of violence.

Also, you are advised to press charges.

What are your rights as a female migrant victim of violence?

Regardless of your immigration status, engaging legal action is a means of recovering your dignity, especially with the adoption, on 9 July 2010, of the French law on violence against women.

This landmark law created a special protection order (*ordonnance de protection*) which is issued by a judge upon the request of a victim of violence.

This *ordonnance* is valid for a maximum of four months and allows victims of violence in an irregular situation to obtain a temporary residence permit for family and private life (*vie privée et familiale*). This residence permit can only be renewed, however, if the victim files for divorce or physical separation. If the victim presses charges for domestic violence and wins the case, the victim may be given a permanent residence permit.

Important reminders:

1. Remember the three steps:
 - Recognize that you are a victim of violence
 - Seek help from an association or a professional
 - Consider pressing charges
2. Keep all threatening or insulting messages or letters, as well as other proof, such as testimonies of witnesses or your own diary with dates, details, and persons present.
3. If you are in need of medical attention, call your doctor, the *SAMU*, or the *Pompiers* right away. Make sure that you get a medical certificate.
4. At the *commissariat*, you can register either:
 - a. *Main courante* – a simple document relating facts, with no consequence on the criminal and can be used for later action (divorce, lawsuit)
 - b. *Plainte* – more serious, this will lead to a lawsuit against the criminal.

For more information regarding violence against women, here is a list of agencies and associations you can get in touch with:

Violences Femmes Info (Violence Women Info) by calling 3919 or visiting <http://www.stop-violences-femmes.gouv.fr/>

This nationwide phone number is meant for women victims of violence, their families and friends, and concerned professionals. You can call free from a landline phone. A listener (*écoutante*) is ready to hear your story, to provide information, and according to your needs, to find the proper assistance and orient you to a local structure that can support you.

Babaylan, femmes philippines en France, an association of Filipinas living in France dedicated to the service of Filipino women migrants
Contact: Lorna Munnecum
06 76 31 97 70

Centre d'information sur les droits des femmes et des familles (CIDFF), an important actor in the struggle for women's rights and gender equality and in the fight against discrimination. Visit <http://www.infofemmes.com> to see the CIDFF office nearest you.

Fédération nationale solidarité femmes (FNSF), a national network of feminist associations fighting violence against women, in particular domestic violence
75 Boulevard Macdonald, 75019 Paris
01 40 33 80 90
<http://www.solidaritefemmes.org/>

Fédération nationale GAMS, a French association fighting violence against women
67 rue des Maraîchers, 75020 Paris
01 43 48 10 87/06 74 16 77 38
<http://www.federationgams.org>

Modern slavery and human trafficking

Domestic slavery exists in France even today. To help you determine whether you are a victim, here are some guide questions:

- Do you have your passport and identity papers?
- Are your labor rights respected (see chapter 1 of this guide)?
- Are you allowed to leave your place of work by yourself?
- Are you allowed to communicate with your family?

- Are you allowed to go to your church or mosque? To be in a relationship?

If you answered "NO" to any or all of these questions, you may be a victim of modern slavery. Moreover, if you were brought to France with the promise of work which is completely different from your current working conditions, you may be a victim of human trafficking.

What should you do if you feel you are a victim of modern slavery or human trafficking?

The first thing to do is to recognize that you are a victim and that you have rights.

The next step is to seek help. Go to an association such as the Committee against Modern Slavery (*Comité contre l'esclavage moderne* or *CCEM*) or *SOS Esclaves* which should be able to study your situation, advise you on the steps you need to take, and accompany you during these next steps, which may include pressing charges against your employer.

Responsibility: Watch out for victims of modern slavery

You may not be a victim of modern slavery, but someone else may be. Be watchful of signs and try to help this person by calling the *CCEM* or *SOS Esclaves* hotline.

According to the *CCEM*, potential victims are rarely the ones who call their hotline, partly because they don't speak French or do not know their rights. Those who usually call are the neighbors, friends, social workers, and doctors of the potential victim.

What are your rights as a victim of modern slavery or human trafficking?

The French Penal Code punishes human trafficking as well as "subjecting a person to working and living conditions contrary to human dignity".

The French Code for the Entry and Residence of Foreigners and Asylum Seekers stipulates that a victim of human trafficking or modern slavery who presses charges may be given a temporary residence permit valid for six months.

Important reminders:

1. **Always keep your travel documents with you. Never surrender them to your employer or to anyone else.**
2. **Imprisoned in your employer's flat or in a hotel room? You can get help by throwing SOS notes on pieces of paper out the window.**
3. **Beware of promises of "easy work, good money".**
4. **If you know of someone who may be a potential victim of modern slavery, contact the associations' hotlines and ask for advice.**

For more information regarding modern slavery and human trafficking, here is a list of associations you can get in touch with:

Comité contre l'esclavage moderne (CCEM), the primary organization that looks into and assists women and young girls in these situations. They provide legal assistance through volunteer lawyers who accompany the victims throughout the entire process of filing charges against the exploiter employer.
107 avenue Parmentier, 75011 Paris.
01 44 52 88 90
<http://www.esclavagemoderne.org/>

SOS Esclaves, a French association which helps victims of domestic slavery, provides legal and administrative assistance as well as psychological help
148 Boulevard Malesherbes, 75017 Paris
Hotline: 06 42 60 54 05
<http://www.sos-esclaves.com/>

Useful numbers in France

Embassy of the Philippines, Paris
4 Hameau de Boulainvilliers 75016 Paris
01 44 14 57 00/06 20 59 25 15
<http://www.philembassyparis.com/>

Philippine Honorary Consulates:

Bordeaux

31 rue Tastet 33000 Bordeaux
05 56 24 77 61/06 60 24 66 20
Mr. Daniel Fournier - Consul General, ad honorem

Lyon

5 place Antonin Poncet 69002 Lyon
04 78 42 04 63
Mr. Jean-Jacques Rinck - Consul, ad honorem

Marseille

2 rue Mascarón 13006 Marseille
04 91 75 72 98/06 16 02 26 83
Mr. Jean Louise Cordesse - Consul General, ad honorem

**Social Aid and Assistance to Nationals
Committee (SAANC) of the General Assembly of
the Filipino Associations in France**
Hotline 06 58 16 47 04

Nice

43 rue Hérold 06300 Nice
04 93 16 26 41/06 10 35 71 08
Mr. Gerard Clyde Gaspar - Consul, ad honorem

Toulouse

1, rue du Poids de l'Huile 31000 Toulouse
05 62 27 50 58/ 05 62 27 50 50
Mr. Guy Alain Lafont De Sentenac - Consul, ad
honorem

