

Undocumented foreigner? Not without my lawyer!

After an identity check, an illegal foreigner can be found in a police or gendarmerie, for “verification of his right to stay”. This procedure can be a “hold” or “custody”, it lasts at most a few hours. The foreigner must take the right decisions, because they determine what will happen to him during the future hours and days that follow.

The move from the police station or gendarmerie is usually a simple stopover on the way to the detention center. Do not rely come out in few minutes, “just the time to check the papers”. Do not think that after you will quietly return at home. Certainly, you will soon stand out from the police station or gendarmerie and “be free”, but it is very likely that you will immediately held in detention in an administrative center. It is therefore unnecessary and dangerous to sign hastily all documents given to you. Take the time to read them or to translate word per word.

Firstly, you must tell the truth about your civil status. You will have first to give your name, date and place of birth, nationality, address. If you start with providing false information, investigators realize quickly that, and your lies will turn against you. No need to explain later: “They put pressure on me” or “I was panicked”. You will only manage to lose all credibility with justice... and it costs dearly when you pass in front of a judge.

Secondly, ask to speak to a lawyer. It is your right. It’s for your interest and it is free. Do as in the TV series: say « I will not answer any question only in the presence of my lawyer. » Police and gendarmes are not your friends. The lawyer either. But be rather trust the lawyer. And do not answer at any question before seeing him.

You can meet your lawyer for a 30 minute interview. It is short, but enough to explain the outline of the procedure; the questions you should expect, the information you must tell to the police and gendarmes. With the lawyer, you speak of important issues: your address, family ties, resources and activities, identifications documents, the reasons for your presence in France.

You will then be questioned by investigators in the presence of your lawyer. For you, it is the guarantee that all your statements are transcribed in full. The other advantage is that if necessary, the lawyer will ask more questions, and your answers will be considered.

If there are only two things that undocumented foreigner must remember when he arrived in a police station or gendarmerie, it’s this:

- If I have not read everything, I do not sign.
- If my lawyer is not there, I will not answer to questions.