

**France**  
**Criminal Code**  
(excerpts)

**SECTION Ibis**

**TRAFFICKING IN HUMAN BEINGS**

**Articles 225-4-1 to 225-4-9**

**ARTICLE 225-4-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)*

Human trafficking is the recruitment, transport, transfer, accommodation, or reception of a person in exchange for remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent with human dignity, or to force this person to commit any felony or misdemeanor.

Human trafficking is punished by seven years' imprisonment and by a fine of €150,000.

**ARTICLE 225-4-2**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)*

The offence under article 225-4-1 is punished by 10 years' imprisonment and by a fine of €1,500,000 when it is committed:

- 1° against a minor;
- 2° against a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability, or to pregnancy, is apparent or known to the perpetrator;
- 3° against two or more people;
- 4° against a person who is outside the territory of the French Republic or upon his arrival on the territory of the French Republic;
- 5° when the person has been brought into contact with the perpetrator through the use of a telecommunications network for the distribution of messages to a non-specified audience;
- 6° in circumstances which directly expose the person against whom the offence is committed to the immediate risk of death or of injuries of a nature to cause mutilation or a permanent disability;
- 7° with the use of threats, constraints, violence or fraudulent behaviour against the party concerned, his family or someone who has a regular relationship with him;

8° by a legitimate, natural or adoptive ascendant of the victim of the offence provided for by article 225-4-1 or by a person holding authority over him or who misuses the authority conferred by his position; 9 by a person whose post requires him to participate in the fight against human trafficking or to uphold public order.

### **ARTICLE 225-4-3**

*(Inserted by Act no. 2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

When it is committed by an organised gang, the offence provided for by article 225-4-1 is punished by 20 years' imprisonment and by a fine of €3,000,000.

### **ARTICLE 225-4-4**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

The offence provided for by article 224-4-1, when committed with recourse to torture or acts of barbarity, is punished by life imprisonment and by a fine of €4,500,000.

### **ARTICLE 225-4-5**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

When the felony or misdemeanour committed or to be committed against the victim of the offence of human trafficking is punishable by a custodial sentence longer than the prison sentence applicable under articles 225-4-1 to 225-4-3, the human trafficking offence is punishable by sentences applicable to the felonies or misdemeanours of which the perpetrator was aware, and if this felony or misdemeanour is accompanied by aggravating circumstances, by the penalties applicable only to the aggravating circumstances of which the perpetrator had knowledge.

### **ARTICLE 225-4-6**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Legal persons can be declared criminally responsible, under the provisions of article 121-2, for the offences provided for in the present section. The penalties incurred by legal persons are:

- 1° a fine, subject to the terms of article 131-38;
- 2° the penalties mentioned by article 131-39.

### **ARTICLE 225-4-7**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Attempt to commit the offences provided for by the present section is punished by the same penalties.

## **ARTICLE 225-4-8**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)*

Being unable to account for resources corresponding to one's lifestyle while being in close contact with one or more victims or perpetrators of the offences provided for by articles 225-4-1 to 225-4-6 is punished by 7 years' imprisonment and by a fine of €750,000.

## **ARTICLE 225-4-9**

*(Inserted by Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)*

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator or the accomplice to the offence is reduced by half if, by alerting the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

## **SECTION II**

### **OF PROCURING AND ASSIMILATED OFFENCES**

#### **Articles 225-5 to 225-10-1**

## **ARTICLE 225-5**

*(Act no. 2001-1062 of 15 November 2001 Article 60 Official Journal 16 November 2001)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Procuring is where any person, in whatsoever manner:

- 1° helps, assist or protects the prostitution of others;
- 2° makes a profit out of the prostitution of others, shares the proceeds of it or receives income from a person engaging habitually in prostitution;
- 3° hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice prostitution or to continue doing so.

Procuring is punished by seven years' imprisonment and a fine of €150,000.

## **ARTICLE 225-6**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The following acts committed by any person and in whatever manner are assimilated to procuring and are punished by the penalties set out under article 225-5:

- 1° acting as an intermediary between two persons one of whom is engaged in prostitution and the other exploits or remunerates the prostitution of others;
- 2° facilitating the justification of a procurer's fictitious resources;
- 3° being unable to account for an income compatible with one's lifestyle while living with a person habitually engaged in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution;
- 4° obstructing operations of prevention, control, assistance or re-education undertaken by institutions qualified to deal with persons in danger of prostitution or engaging in prostitution.

## **ARTICLE 225-7**

*(Act no. 1998-468 of 17 June 1998 Article 13 Official Journal of 18 June 1998)*

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Procuring is punished by ten years' imprisonment and a fine of €1,500,000 where it is committed:

- 1° in respect of a minor;
- 2° in respect of a person whose particular vulnerability, due to age, sickness, to a infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender;
- 3° in respect of two or more persons;
- 4° in respect of a person who was incited to engage in prostitution either outside the territory of the French Republic, or upon arrival on the territory of the French Republic;
- 5° by a legitimate, natural or adoptive ascendant of the person engaged in prostitution or by a person holding authority over him or who misuses the authority conferred on him by his position;
- 6° by a person called upon to take part, by virtue of his position, in the fight against prostitution, in the protection of health or in the keeping of the public peace;
- 7° by a person bearing a weapon;
- 8° with the use of constraint, violence or fraudulent behavior;
- 9° by two or more acting as offenders or accomplices, although not constituting an organized gang.

10° through the use of a communications network for the distribution of messages to a non-specified audience.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under the present article.

#### **ARTICLE 225-7-1**

*(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring is punished by fifteen years' criminal imprisonment and a fine of €3,000,000 where it is committed against a minor under the age of fifteen.

#### **ARTICLE 225-8**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring defined under article 225-7 is punished by twenty years' criminal imprisonment and a fine of €3,000,000 where it is committed by an organized gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the present article.

#### **ARTICLE 225-9**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

The offence of procuring committed by resorting to torture or acts of barbarity is punished by criminal imprisonment for life and a fine of €4,500,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence provided for by the present article.

#### **ARTICLE 225-10**

*(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003 in force 1 January 2002)*

A penalty of ten years' imprisonment and a fine of €750,000 is incurred by anyone who, acting directly or through an intermediary:

1° holds, manages, exploits, directs, operates, finances or contributes to finance a place of prostitution;

2° holding, managing, exploiting, directing, operating, financing or contributing to finance any given place open to the public or used by the public, accepts or habitually tolerates one or more persons to engage in prostitution within the premises or their annexes, or solicits clients in such premises with a view to prostitution;

3° sells or makes available to one or more persons any premises or places not open to the public, in the knowledge that they will there engage in prostitution;

4° sells, hires or makes available in any way whatsoever vehicles of any type to one or more persons knowing that they will engage in prostitution in them.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under 1° and 2° of the present article.

### **ARTICLE 225-11**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Attempt to commit the misdemeanors set out under the present section is subject to the same penalties.

### **ARTICLE 225-11-1**

*(Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)*

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator of or the accomplice to the offence is reduced by half if, by alerting the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

### **ARTICLE 225-12**

*(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)*

Legal persons may be convicted of the offences defined by articles 225-5 to 225-10, pursuant to the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

## **ARTICLE 225-10-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 50 2° Official Journal of 19 March 2003)*

Publicly soliciting another person by any means, including passive conduct, with a view to inciting them to engage in sexual relations in exchange for remuneration or a promise of remuneration is punished by two months' imprisonment and by a fine of €3,750.

## **SECTION IIbis**

### **OF RECOURSE TO MINORS' PROSTITUTION**

#### **Articles 225-12-1 to 225-12-4**

## **ARTICLE 225-12-1**

*(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° 4° Official Journal of 19 March 2003)*

Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a fine of €45,000.

Soliciting, accepting or obtaining in exchange for remuneration or a promise of remuneration, sexual relations with a person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the offender, and who engages in prostitution, even if not habitually, is punished by the same penalties.

## **ARTICLE 225-12-2**

*(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)*

The penalty is increased to five years' imprisonment and to €75,000:

- 1° where the offence is committed habitually or against more than one person;
- 2° where the person was put in contact with the offender by the use, for the dissemination of messages to an unrestricted public, of a communication network;
- 3° where the offence was committed by a person abusing the authority conferred upon him by his position.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the offence was committed against a minor under fifteen years of age.

## **ARTICLE 225-12-3**

*(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

Where the misdemeanors referred to under articles 225-12-1 to 225-12-2 are committed abroad by a French national or by a person habitually resident on French territory, French law is applicable notwithstanding the second paragraph of article 113-6, and the provisions of the second sentence of article 113-8 do not apply.

#### **ARTICLE 225-12-4**

*(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)*

*(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)*

A legal person may incur criminal liability, pursuant to the conditions set out under article 121 - 2, for the offences defined under this Section of the present Code.

The penalties incurred by legal persons are:

- 1° a fine, pursuant to the conditions set out under article 131-38;
- 2° the penalties enumerated in article 131-39.

The prohibition under 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of the exercise of which the offence was committed.

### **SECTION IIter**

#### **THE EXPLOITATION OF BEGGING**

##### **Articles 225-12-5 to 225-12-7**

#### **ARTICLE 225-12-5**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 11° Official Journal of 19 March 2003)*

Exploitation of begging is committed when a person in any way:

- 1° organises begging by another, with a view to profiting from it;
- 2° profits from another person's begging, shares the proceeds or receives income from a person who habitually engages in begging;
- 3° hires, trains or corrupts a person in order to start them begging or exercises pressure on a person for them to beg or to continue to do so;
- 4° for his personal gain, hires, trains or corrupts a person into offering services on a public highway in return for a donation.

The fact of being unable to account for an income compatible with one's lifestyle while in practice influencing the behaviour of one or more persons who practise begging, or being in a constant relationship with him or them, is assimilated to the exploitation of begging.

Exploitation of begging is punished by three years' imprisonment and by a fine of €45,000.



## **ARTICLE 225-12-6**

*(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 I 1° Official Journal of 19 March 2003)*

The exploitation of begging is punished by five year's imprisonment and by a fine of €75, 000 when it is committed:

- 1° against a minor;
- 2° where it is committed against a person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to pregnancy, is apparent or known to the perpetrator;
- 3° against two or more;
- 4° against a person who was incited to start begging either outside the territory of the French Republic, or upon his arrival on the territory of the French Republic;
- 5° by a legitimate, natural or adoptive ascendant of the person begging, or by any other person having authority over him or who misuses the authority conferred by his position;
- 6° with the use of constraint, violence or fraudulent behaviour towards the person who is begging, or his family or another person in habitual contact with him;
- 7° by two or more persons acting as perpetrators or accomplices, although not constituting an organized gang.

## **ARTICLE 225-12-7**

*(Inserted by Act no.2003-239 of 18 March 2003 Art. 64I I° Official Journal of 19 March 2003.)*

The exploitation of another person's begging is punished by ten years' imprisonment and by a fine of €1 500 000 when it is committed by an organised gang.

## **SECTION III**

### **WORKING AND LIVING CONDITIONS WHICH INFRINGE HUMAN DIGNITY**

#### **Articles 225-13 to 225-15-1**

## **ARTICLE 225-13**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 33 Official Journal of 19 March 2003)*

Obtaining the performance of unpaid services or services against which a payment is made which clearly bears no relation to the importance of the work performed from a person whose

vulnerability or dependence is obvious or known to the offender is punished by five years' imprisonment and by a fine of €150,000.

#### **ARTICLE 225-14**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 34 Official Journal of 19 March 2003)*

Subjecting a person, whose vulnerability or dependence is obvious or known to the offender, to working or living conditions incompatible with human dignity is punished by five years' imprisonment and by a fine of €150,000.

#### **ARTICLE 225-15**

*(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)*

*(Act no. 2003-239 of 18 March 2003 Art. 35 Official Journal of 19 March 2003)*

The offences under articles 225-13 and 225-14 are punished by seven years' imprisonment and by a fine of €200,000 when they are committed against more than one person.

Where they are committed against a minor, they are punished by seven years' imprisonment and by a fine of €200,000.

Where they are committed against two or more, one or more of whom are minors, they are punished by 10 years' imprisonment and by a fine of €300,000.

#### **ARTICLE 225-16**

*(Act no. 1998-657 of 29 July 1998 Article 124 Official Journal of 31 July 98)*

Legal persons may be convicted of the offences defined by articles 225-13 to 225-15, pursuant to the conditions set out under article 121-2. The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

#### **ARTICLE 225-15-1**

*(Inserted by Act no. 2003-239 of 18 March 2003 Art. 36 Official Journal of 19 March 2003)*

For the application of articles 225-13 and 225-14, minors or others who have been victims of the acts described by these articles upon their arrival on French national territory are considered to be vulnerable or in a situation of dependence.

## FRANCE

**Décret n° 2007-1352 du 13 septembre 2007 relatif à l'admission, au séjour, à la protection, à l'accueil et à l'hébergement des étrangers victimes de la traite des êtres humains et du proxénétisme et modifiant le Code de l'entrée et du séjour des étrangers et du droit d'asile (dispositions réglementaires).**

### SECTION I : ADMISSION AU SEJOUR DES ETRANGERS VICTIMES DE LA TRAITE DES ETRES HUMAINS ET DU PROXENETISME COOPERANT AVEC LES AUTORITES JUDICIAIRES

#### Article R316-1

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

Le service de police ou de gendarmerie qui dispose d'éléments permettant de considérer qu'un étranger, victime d'une des infractions constitutives de la traite des êtres humains ou du proxénétisme prévues et réprimées par les articles 225-4-1 à 225-4-6 et 225-5 à 225-10 du code pénal, est susceptible de porter plainte contre les auteurs de cette infraction ou de témoigner dans une procédure pénale contre une personne poursuivie pour une infraction identique, l'informe :

- 1° De la possibilité d'admission au séjour et du droit à l'exercice d'une activité professionnelle qui lui sont ouverts par l'article L. 316-1 ;
- 2° Des mesures d'accueil, d'hébergement et de protection prévues à la section 2 du présent chapitre ;
- 3° Des droits mentionnés à l'article 53-1 du code de procédure pénale, notamment de la possibilité d'obtenir une aide juridique pour faire valoir ses droits.

Le service de police ou de gendarmerie informe également l'étranger qu'il peut bénéficier d'un délai de réflexion de trente jours, dans les conditions prévues à l'article R. 316-2 du présent code, pour choisir de bénéficier ou non de la possibilité d'admission au séjour mentionnée au deuxième alinéa.

Ces informations sont données dans une langue que l'étranger comprend et dans des conditions de confidentialité permettant de le mettre en confiance et d'assurer sa protection.

Ces informations peuvent être fournies, complétées ou développées auprès des personnes intéressées par des organismes de droit privé à but non lucratif, spécialisés dans le soutien aux

personnes prostituées ou victimes de la traite des êtres humains, dans l'aide aux migrants ou dans l'action sociale, désignés à cet effet par le ministre chargé de l'action sociale.

#### Article R316-2

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

L'étranger à qui un service de police ou de gendarmerie fournit les informations mentionnées à l'article R. 316-1 et qui choisit de bénéficier du délai de réflexion de trente jours mentionné au cinquième alinéa du même article se voit délivrer un récépissé de même durée par le préfet ou, à Paris, par le préfet de police, conformément aux dispositions du deuxième alinéa de l'article R. 311-4. Ce délai court à compter de la remise du récépissé. Pendant le délai de réflexion, aucune mesure d'éloignement ne peut être prise à l'encontre de l'étranger en application de l'article L. 511-1, ni exécutée.

Le délai de réflexion peut, à tout moment, être interrompu et le récépissé retiré par le préfet territorialement compétent, si l'étranger a, de sa propre initiative, renoué un lien avec les auteurs des infractions mentionnées au premier alinéa de l'article R. 361-1 du présent code, ou si sa présence constitue une menace grave pour l'ordre public.

#### Article R316-3

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

Une carte de séjour temporaire portant la mention "vie privée et familiale" d'une durée minimale de six mois est délivrée par le préfet territorialement compétent à l'étranger qui satisfait aux conditions définies à l'article L. 316-1 et qui a rompu tout lien avec les auteurs présumés des infractions mentionnées à cet article.

La même carte de séjour temporaire peut également être délivrée à un mineur âgé d'au moins seize ans, remplissant les conditions mentionnées au présent article et qui déclare vouloir exercer une activité professionnelle salariée ou suivre une formation professionnelle.

La demande de carte de séjour temporaire est accompagnée du récépissé du dépôt de plainte de l'étranger ou fait référence à la procédure pénale comportant son témoignage.

La carte de séjour temporaire est renouvelable pendant toute la durée de la procédure pénale mentionnée à l'alinéa précédent, sous réserve que les conditions prévues pour sa délivrance continuent d'être satisfaites.

#### Article R316-4

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

La carte de séjour temporaire "vie privée et familiale" délivrée dans les conditions prévues à l'article R. 316-3 peut faire l'objet d'une décision de retrait dans les cas suivants :

1° Si son titulaire a, de sa propre initiative, renoué un lien avec les auteurs des infractions mentionnées au premier alinéa de l'article R. 361-1 ;

2° Si le dépôt de plainte ou le témoignage de l'étranger est mensonger ou non fondé ;

3° Si la présence de son titulaire constitue une menace pour l'ordre public.

Article R316-5

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

En cas de condamnation définitive des personnes mises en cause pour les infractions mentionnées à l'article L. 316-1, une carte de résident peut être délivrée à l'étranger qui satisfait aux conditions prévues par les articles L. 314-1 et L. 314-3 à L. 314-7.

## SECTION II : PROTECTION, ACCUEIL ET HEBERGEMENT DES ETRANGERS VICTIMES DE LA TRAITE DES ETRES HUMAINS ET DU PROXENETISME COOPERANT AVEC LES AUTORITES JUDICIAIRES

Article R316-6

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

Pendant le délai de réflexion mentionné à l'article R. 316-2, l'étranger bénéficie des dispositions des premier, quatrième, cinquième et sixième alinéas de l'article R. 316-7. Les soins qui lui sont délivrés sont pris en charge dans les conditions prévues au deuxième alinéa de l'article L. 251-1 du code de l'action sociale et des familles.

Article R316-7

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

La carte de séjour temporaire "vie privée et familiale" délivrée dans les conditions prévues à l'article R. 316-3 ouvre droit à l'exercice d'une activité professionnelle et à la formation professionnelle, en application des dispositions de l'article L. 316-1.

L'étranger détenteur de cette carte de séjour temporaire peut également bénéficier :

1° De l'ouverture des droits à une protection sociale, dans les conditions mentionnées à l'article L. 380-1 du code de la sécurité sociale ; si l'étranger ne remplit pas les conditions prévues par cet article, les soins qui lui sont délivrés sont pris en charge dans les conditions prévues au deuxième alinéa de l'article L. 251-1 du code de l'action sociale et des familles ;

2° De l'allocation temporaire d'attente mentionnée au II de l'article L. 351-9 du code du travail ;

3° D'un accompagnement social destiné à l'aider à accéder aux droits et à retrouver son autonomie, assuré par un des organismes mentionnés au dernier alinéa de l'article R. 316-1 du présent code ;

4° En cas de danger, d'une protection policière pendant la durée de la procédure pénale.

#### Article R316-8

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

L'étranger titulaire d'une carte de séjour temporaire "vie privée et familiale" délivrée dans les conditions prévues à l'article R. 316-3 bénéficie de l'accès aux dispositifs d'accueil, d'hébergement, de logement temporaire et de veille sociale pour les personnes défavorisées mentionnés au 8° du I de l'article L. 312-1 et à l'article L. 345-2 du code de l'action sociale et des familles, et notamment aux centres d'hébergement et de réinsertion sociale mentionnés au dernier alinéa de l'article L. 345-1 du même code.

Lorsque sa sécurité nécessite un changement de lieu de résidence, l'étranger peut être orienté vers le dispositif national d'accueil des victimes de la traite des êtres humains et du proxénétisme, mis en oeuvre par voie de convention entre le ministre chargé de l'action sociale et l'association qui assure la coordination de ce dispositif.

#### Article R316-9

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

L'étranger titulaire d'une carte de séjour temporaire "vie privée et familiale" délivrée dans les conditions prévues à l'article R. 316-3 qui souhaite retourner dans son pays d'origine ou se rendre dans un autre pays peut bénéficier du dispositif d'aide au retour financé par l'Agence nationale de l'accueil des étrangers et des migrations.

#### Article R316-10

Créé par Décret n°2007-1352 du 13 septembre 2007 - art. 1 JORF 15 septembre 2007

Lorsque la victime des infractions mentionnées à l'article L. 316-1 est mineure, le service de police ou de gendarmerie informe le procureur de la République qui détermine les mesures de protection appropriées à la situation de ce mineur.