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Policy Brief - FRANCE

CLANDESTINO PROJECT OVERVIEW

The project aims

The CLANDESTINO research project was designed to support policy makers in developing and implementing appropriate policies regarding undocumented migration. **The project aims** were to (a) provide an inventory of data and estimates on undocumented migration (stocks and flows) in selected EU countries, (b) analyse these data comparatively, (c) discuss the ethical and methodological issues involved in the collection of data, the elaboration of estimates and their use, (d) propose a new method for evaluating and classifying data/ estimates on undocumented migration in the EU.

The countries studied

The project covered twelve EU countries (Greece, Italy, France and Spain in southern Europe; Netherlands, UK, Germany and Austria in Western and Central Europe; Poland, Hungary, Slovakia and the Czech Republic in Central Eastern Europe) **and three non EU transit migration countries** (Turkey, Ukraine and Morocco) have been under study in this project.

Methods, Data and Period of Reference

Country reports. Individual country reports review all relevant data sources on irregular migration, assess the validity of the different estimates given and where appropriate produce a new estimate for the country studied. The country reports cover the period between 2000 and 2007. This quantitative analysis is complemented by a critical review of qualitative studies and by interviews with key informants with a view to exploring the pathways into and out of undocumented status in each country. It is noted that the non-registered nature of irregular migration makes any quantification difficult and always produces estimates rather than hard data.

Classification of data & estimates

The main output of the project is a **database** (<http://irregular-migration.hwvi.net/>) which presents and classifies (as low, medium or high quality) estimates and data on irregular migration in the European Union and in selected member states. The presentation is innovative in its consistent structuring and its carefully developed quality classification, which indicates whether estimates are more or less trustworthy. Quantitative information is accompanied by substantial background materials, both on issues of general concern and on the situation in individual countries. In addition, the database provides aggregate EU level estimates for the years 2002, 2005 and 2008.

Terminology

The terms irregular (with no regular/legal status), undocumented (without the appropriate papers) and unauthorized (without legal permission for entry, stay or work) migration denote different facets of the wider phenomenon of irregular migration. These terms are accepted and used by the Clandestino consortium as synonyms. The term illegal is accepted by the consortium when referring to a condition (e.g. illegal work or illegal entry) but not in relation to a person (illegal migrant).

Definitions

For this project, **irregular or undocumented residents** are defined as residents without any legal resident status in the country they are residing in, and those whose presence in the territory – if detected – may be subject to termination through an order to leave and/or an expulsion order because of their status. **Irregular entrants** are persons who cross an international border without the required valid documents, either un-inspected over land or sea, or over ports of entry. For more information see: <http://clandestino.eliamep.gr/category/irregular-migration-ethics-in-research/>

Trafficking & Asylum Seeking

The Clandestino project is not concerned with Trafficking in Human Beings because it considers this as a separate even if related phenomenon. But in some countries it touches upon asylum seeking and asylum processing issues as they are related to irregular migration issues.

IRREGULAR MIGRATION IN FRANCE

Background of migration situation in France

France is an old immigration country, the oldest one in Europe since the mid nineteenth century. According to the definition of the High Council of Integration, an immigrant is a person that is foreign born and entered France with the intention to establish him/herself on French soil for a long-lasting period. According to the National Institute of Demographic Studies, in 1999 almost 14 million French citizens (that is, 23% of the population) had a parent or a grandparent that was an immigrant. In March 2005, the French population was deemed to be close to 63 million people, of which 94.2% were French : 91% of these were born in France and were French at birth or by acquisition, while 3.2% (2 million) were born outside France and became French by acquisition. There was also a 5.8 % of foreigners (3.6 million people), of which 3 million were born outside of France (4.9%) and 0.6 million were born in France (0.9%). Thus, there were about 5 million immigrants in total – 8.1% of the total population.

According to the OECD 2008 report, the larger national groups among France's foreign residents include Portuguese (493,000), followed by Algerians (488,000), Moroccans (475,000), Turkish (229,000), Italians (178,000), Tunisians (147,000), Spanish (137,000), British (123,000), Belgians (80,000), Chinese (61,000), Malians (59,000), Senegalese (48,000), Swiss (41,000), Congolese (40,000) and other countries (817,000).

Data sources used for estimating size & features of irregular migration

There are no adequate data nor any official estimates on the size of irregular migration in France. Regarding irregular migrant residents, the CLANDESTINO study on France adds the aggregate of the asylum applications that have been rejected (31,700 in 2006), the pronounced prefectural orders of expulsion (64,600) and the expulsion orders that have not been executed (assuming that people who received an expulsion order but were not removed, are still present in the country) (16,600). Thus, it is estimated that a total of 101,287 irregular immigrants and rejected asylum seekers were present on French territory in 2006.

Another estimate on the irregular population residing in the country in 2006 is calculated by adding up the number of apprehensions of foreigners of that year (67,130), the number of placements in detention centers (32,817) and the number of irregular foreigner beneficiaries of State Medical Aid (91,100). Adding up to a total of 291,047 persons.

Thus, the total number of irregular residents including both entry and stay would reach a total of 392,334. However, this number is not reliable as all the above indicators are fluctuating and imprecise.

Social and demographic features of irregular migration

While legal migrant residents in France are almost equally divided between the two genders (women account for approx. 1.7 million out of a total of 3.5 million foreigners living in France), the irregular migrant population does not have a similar gender balance. If we take Sangatte as an example, which is certainly not representative of the French situation but that was, at the time, the only centre hosting irregular migrants in transit in France, 95% of the 76,000 people that transited through this center were young males.

Main Pathways into and out of Irregular Status

Most irregulars are young, educated urban people who hope to improve their living standards in France after having exhausted possibilities in their country of origin. They come from countries reputed to be misgoverned, with huge economic inequality, corruption and environmental problems – countries where the youth does not have a future to look forward to and where unemployment reaches over 30% of the population. Most of these migrants are Algerians (France's largest irregular immigrant group, called the "harragas", or those who burn their documents at the borders), and other western and central Africans (Senegal, Mali, Mauritania, RDC), as well as Egyptians, Moroccans and Tunisians who often enter France with false documents.

A second category of irregular migrants are the refused asylum seekers: Chinese and Romanians (mostly Roma) during the 1990s, and nationals of many sub-Saharan countries (Ivory Coast, DR Congo), Haïtians, Colombians, Kurds from Turkey, Iran, Iraq, Syria, Afghanistan, and Sri Lanka more recently.

A third category is comprised of those who are victims of tightened legislation against irregular migrants: members of family reunification who entered illegally, overstayers, children over a given age limit, false tourists, false students. Many of them try different strategies to become legalized; with very little success though, since fraud regarding marriage, paternity of French children, or birth in France has been highly monitored since the Pasqua law of 1993.

A fourth category is made up of irregular migrants overseas: since the Minister of immigration Brice Hortefeux decided to set a quota of 25,000 repatriations of irregular migrants every year from 2007, half of them have been repatriated overseas. The Comorian islands are a place where most repatriations are practiced. They are made up of six islands, one of which (Mayotte) asked to remain French in 1977 while the others made claims for independence. Since then, poverty has increased in the independent territories, leading to increasing irregular migration movement between these territories and Mayotte, the French territory. A second place of deportation is the Guyane, separated by a river (Oyapok) from Brasil and by another river (Maroni) from Suriname, the former Dutch territory that is now independent. The police control harms the local economy on the river without managing to stop the flow. Other remote French territories containing irregular immigrants are the West Indies (Martinique and Guadeloupe), and La Réunion. However, these rarely appear in the public debate.

The last category of irregular migrants are the transit migrants, such as those in Sangatte, at the point of entrance of the Eurostar train across and around the Channel (Boulogne, Dunkerque). Most of them aim to enter the UK because there they have family links, networks, work opportunities if they are English speakers, few identity controls after entering in the country and the ability to work as asylum seekers for six months, a right which has been suppressed in France since 1991 in order to avoid “false” asylum seekers entering to work in France. Most of these transit migrants are young and educated and few of them ask for asylum in France, in spite of the Dublin agreement’s rule of “one stop one shop”.

Main Discourses

The continuously reported massive arrivals and even deaths of irregular migrants at the gates of Europe do leave their imprint on the public perception of the regular and irregular migration. Public opinion is informed by fearful and erroneous images of a flood of irregular migrants, often portrayed as an invasion, and of a form of religious fundamentalism that allegedly aims to insidiously convert the French population. Notwithstanding, public opinion about this issue remains divided. Concerning immigration, 46% of the French population trusts the Prime Minister François Fillon to implement a suitable policy, while 45% of the population does not. As far as the principal problems associated with immigration, religious fundamentalism represents a problematic issue for 45% of the population; 36% of the people consider unauthorized immigration to be a problem; and 16% believes that the integration of migrants is a difficult process.

Main policy implications

The French government’s response to the largely negative feelings of the general public towards the irregular migration issue has revolved around a number of policy actions. Since 2005, the French government introduced a migration police force (decree of August 23, 2005). Its aim is to serve the control policy of the migratory flows, and in particular to confront the phenomenon of irregular immigration. The members of this police force are active in the domain of border controls, the apprehension of irregular immigrants, and the expulsion of those that have been arrested on the metropolitan territory. In addition, the migration police force has a mandate to fight the informal employment of foreigners. It coordinates the struggle against all forms of organized irregular immigration, and executes the deportation of unauthorized foreigners. In addition, it is in charge of the analysis of the migratory stocks and flows. Finally, the government has made it responsible for the optimization of the IT tools that are used to detect false travel documents.

For the public authorities, the above measures are considered to be a continuation of the policy on ‘chosen/selected immigration’ initiated by the law of 2003 that is related to the control of immigration. These measures triggered several criticisms from associations that

defend human rights and/or support migrants 'sans papiers'. The fact that no regularization is scheduled to take place in France any time soon gives rise to the concern that thousands of immigrants are destined to be 'permanently sans papiers', as the current regulations are not able to make the total of the irregular migrants that are already present disappear, nor can they entirely prevent newcomers from coming in.

**Key
Messages
for Policy
Makers**

The most important challenge for decision-making related to migration in France is the deficit of dialogue between the government and the administration, and the experts and researchers who condemn the policies adopted.

The result is a permanently contested and short term decision on immigration, criticism of laws and a lack of coherence in the policies followed.

The unexpected effects of an overly severe and security-based law are the increased transgression of rules rather than discouragement of illegal paths. All the efforts dealing with new migration policies are focused on border control and irregulars, while other issues such as the reform of asylum receive little attention. Between the "pro" and the "against" trends on irregular migrants, nobody seems to be ready to adopt a decision.

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All Project Reports and Policy Briefs as well as the Database are available through the project's web site <http://clandestino.eliamep.gr>

The compilation of this Policy Brief by Prof. Anna Triandafyllidou is based on the CLANDESTINO French Country Report prepared by Henri Courau and the chapter on France written by Catherine Wihtol de Wenden for the Book *Irregular Migration in Europe: Myths and Realities* produced under CLANDESTINO.

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You may also visit the Social Sciences and Humanities Research Programme of the European Commission: http://ec.europa.eu/research/social-sciences/index_en.html