



UNDOCUMENTED MIGRATION IN FRANCE CLANDESTINO



Counting the Uncountable: Data and Trends across Europe

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Research Brief

KEY POINTS

Main facts and figures

- In essence, it is difficult to know the number of irregular foreigners that are present on the national territory. The estimates vary. For 2004, the Central Direction of Immigration Control and Struggle against Informal Employment (Diccilec) claims there are 200 000 irregular migrants. On the other hand, the International Labour Bureau (Bureau international du travail - BIT) estimates that there are 400 000.

Quality assessment of estimates found in literature

- Until now, the figures on irregular immigration have only been deduced from indirect sources. Some attempts have been made to count the numbers on the basis of administrative sources but they only provide fragmented and imprecise data on the stocks and flows.
- In reality, there is no statistical source that is able to quantify the population of irregular foreigners in France. That said, it is possible to find certain sources that better describe this group than others, compare them, and see how they differ. However, this approach needs to be put into perspective as it implies the ability to quantify the regular foreign population with accuracy. A partial estimate can nevertheless be constructed through the studies that focus on specific segments of the foreign population. This fragmentary method remains more reliable than a direct quantification, which is likely to be blunt and less reliable. Nonetheless, these administrative figures must also be viewed with a degree of scepticism as they reflect the activity of each administration that produces them, and its obligation to 'meet the numbers'.

Main paths of irregularity

- Illegal undetected entry,
- entry despite French authority refusal,
- entry while the person is under a ban to enter the territory or a deportation order,
- legal entrance followed by overstay of tourist visas or commencing work without appropriate documents.

Relevant policies

- In France, the main policies against irregular migration are preventive border control and deportation.

Main policy implications

- In response to these policies new forms of illegal entry and stay are created and the price of illegal travel is increased. This has a number of repercussions, namely the death and injury of migrants and refugees both at and within the borders. Furthermore, this renders the chance for political refugees to reach real protection virtually impossible.



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THE RESEARCH

Estimates and guesstimates of irregular migration in Europe ‘travel’ freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.

This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.

Background of Migration Situation in France

In France, 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 – 8.1% of the total population.

Size and Demographic Features of Irregular Migration

The Minister of Interior, while carrying a strong policy against illegal immigration, mentions various indicators that may give an idea of the irregular presence as regards both entry and stay (flows and stocks). Concerning the entry into the territory or the migratory pressure, he refers to the placement of migrants into ‘waiting zones’ (of which there were 15,876 in 2006), to the number of refoulements (34,127) and to the number of asylum seekers at the border (2,984) – that is an aggregate of 52 987.

Regarding the stay, he arrives at a figure of 101 287 immigrants and asylum seekers irregularly present on French territory. This estimate is the aggregate of the asylum applications that have been rejected (31,700 in 2006), the pronounced prefectural notices of expulsion (64 600) and the ones that remain not executed (meaning the people that still reside on national territory despite a notice of expulsion) (16 600).

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 administrative retention centers (32 817) and the number of irregular foreigner beneficiaries of State Medical Aid (91 100). That is: 291 047 (B) persons.

An approximate measurement for 2006 would thus imply the sum of ‘pressure’ and ‘stay’ (A+B): 392 334. However, this number is not reliable as all the above indicators are fluctuating and imprecise.

There is not really a gender classification of irregular migration. If we take Sangatte as an example, which is certainly not representative of the French situation but that was, at the time, the only holding center of irregular migrants in transit in France and are therefore countable, 95% of the 76 000 people that transited through this center were young males.

Main Paths into and out of Irregularity

Migrants become irregular either voluntarily or involuntarily. Voluntary entry into irregular status is related to the person's decision to migrate. Involuntary entry into irregularity is when the documents that a foreigner possesses are no longer valid, leading to the erasure of one's authorized status in civil and public life.

As regards entry into France, a migrant is in an irregular situation if: entry is conducted without the necessary documents, the French authorities refused access but the person came in anyway or a person entered France while he/she was forbidden entry or expelled. With regard to residence in France, a person is considered irregular if he/she stays in France without a valid residence permit, or if they remain in the territory after their residence permit has expired. If a migrant is working without prior authorization this also constitutes irregularity.

Those who live and/or work in an irregular situation risk either a conviction by the courts to be imprisoned and/or fined, or being subjected to a notice of expulsion. In the latter case, the person appears in a database that is consulted by the consulates for visa demands and any future applications run a high risk of being refused.

A person's irregular status may be discovered in one of the following ways:

- at the prefecture (when making an application for the renewal of a residence permit that has expired)
- as a result of denunciation
- during identity checks
- due to police inquiries into flagrant crimes: drugs, theft, etc.
- when requesting a marriage license at Town Hall.

Getting out of an irregular situation is the intention of most of the foreigners that find themselves in an irregular situation, but this process involves a labyrinth of administrative procedures and anyone who undertakes this task is further putting themselves at risk of expulsion.

Relevant discourses and policies

A 2007 study conducted by the institute TNS-SOFRES gives a first impression of the opinion of the French towards immigration and clandestine immigration. The way they perceive irregular immigration is related to the way in which they perceive regular immigration. 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.

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 bor-

der 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 tools that are used to detect false travel documents.

Main policy implications

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*'. First, these associations accuse the policy of favoring the repressive aspects of the immigration policy. They also accuse public authorities of exaggerating the extent of administrative fraud that is committed.

The fact that no regularization is scheduled to take place in France any time soon - in contrast to other European countries - 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.

Since 1985, the Schengen agreements led to the suppression of internal border controlling procedures between the signatory member states. However, this abolition of interior borders marked a unique exterior border, which required increased control and new methods for visa procedures and other entry regulations to come into place. The establishment of the free movement of people between the signatories to the Schengen treaty has, in effect, induced the creation of new protocols of control: more freedom on the inside means more controls towards the outside. In this context, it became necessary to modernize and optimize the practices of identification of the travelers, and especially of the foreigners that intend to remain in the Schengen area. The traditional practice of checking documents was no longer efficient enough. The most truthful and up-to-date proof of identification of a person can, now, be found in one's body. In particular, the suitability of the prospective immigrant to enter the country is now checked by integrating his/her biometric data into technological files. Moreover, the right to family reunion rests on the proof of kinship that the genetic tests provide.

Controlling (im)migration flows and stocks through these biological measures raises serious ethical concerns. The interrogation and talk on numbers of irregular foreigners and these measures of administrative biologisation are likely to jeopardize our principles of freedom and acceptance.

For more information

The full report on France, by Henri Courau, is available at <http://www.eliamap.gr/en/category/migration/>.

Read the research briefs and full reports of the other 14 countries included in CLANDESTINO project at <http://www.eliamap.gr/en/category/migration/>

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