



#### Actors Interviewed:

- Civil society: NGOs, trade unions, migrants' organizations: 21
- Media: 4

*\*Although several contacts were attempted in order to schedule interviews with some governmental representatives, no positive feedback was provided.*

## 1. DESCRIPTION OF WORK AND TARGET GROUP

#### Policy Brief:

*"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". (p. 2)*

According to the interviewees, the majority of undocumented migrants entering the country are men though women represent a significant number. One respondent from civil society believed that both genders have a more or less equal share in the undocumented migrant population living in France since women's international migration patterns have changed; namely, there are more women that move from one country to another on their own, rather than to join husbands or family. Moreover, a representative of an NGO and a sociologist pointed out that the number of undocumented children is increasing. As regards Marseille, a representative of a 'Collectif des Sans-papiers' argued that men, women, children hence families are part of the undocumented migrant population whereas one journalist added that elderly and people who have been trafficked need also be counted amongst this target group. Another NGO representative also stressed that people who have been trafficked should be also taken into account.

A member of a trade union underlined that gender varies across the different economic sectors that migrants work. According to her, the majority of men come from Morocco, Tunisia, Algeria, West and sub-Saharan Africa, China, Sri Lanka and Kurdistan whereas women from Philippines and Moldova. Other nationalities indicated were the following: Turkish, Tamil, Vietnamese and Afghani. In Marseille there were also mentioned migrants from the Comoro Islands.

*\*Terminology.* Majority used "undocumented" (sans-papiers in French). The terms "irregular" and "clandestine" were also employed. Most of the interviewees tend to utilize "sans-papiers". According to a

journalist, undocumented migrants/sans-papiers have contacts with local administrations; clandestine people do not have for fear of being caught.

**\*\* Title of the project.** An NGO representative argued that naming the project “CLANDESTINO” could contribute to raising awareness on irregular migration, enhance visibility of undocumented migrants and call for a new challenging approach.

For another respondent from civil society the title of the project is a ‘lamentable aberration’ since most of undocumented migrants work and therefore should not be considered clandestine. As regards dissemination of figures and the creation of a database, he believed that several readers will not interpret carefully the explanations provided and estimates and guesstimates of irregular migration are most likely to ‘travel’ freely and uncritically and end up arousing public anxiety, and building up pressure for restrictive policy responses.

## 2. ESTIMATES, DATA, ASSESSMENT OF SIZE AND COMPOSITION OF THE IRREGULAR MIGRANTS' POPULATION

### Policy Brief:

*“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.(...) 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 (...) 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.(...) A fourth category is made up of irregular migrants overseas (...) The last category of irregular migrants are the transit migrants, such as those in Sangatte, at the point of entrance of the Eurostat train across and around the Channel (Boulogne, Dunquerque)”. (p. 2-3)*

The French Clandestino research expert highlighted the following estimate: that 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 that 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.

### Pathways into Irregularity

Irregular migrants seek general assistance from NGOs, information and legal advice. NGOs, migrants’ associations and trade unions are mainly focused on actions aiming to raise awareness amongst both migrants and the civil society, policy work through campaigning and drop-in sessions. Nevertheless, according to several stakeholders, mobilization is the main tool NGOs are in favour of for empowering migrants and avoiding expulsions as well as increasing solidarity. Some amongst the associations interviewed also organize cultural activities and training courses.

The majority of the interviewees (NGOs, the trade unions, journalists) felt that visa overstay is the most common path into irregularity; at the same time, irregular entry and the denial of refugee status are perceived amid the NGOs as two other important pathways (fourteen and twelve respondents stressed irregular entry and denial of refugee status respectively). One respondent mentioned that most students lapse into irregularity after accomplishing their studies since their relevant visa expires. Other interviewees remarked that often migrants become undocumented due to the failing of the family reunification procedure.

### Flows of Undocumented Migrants Coming to France

Eight interviewees felt that the total yearly number of irregular migrants is steady; three that it might be increasing because immigration rules are becoming stricter leading more people back into irregularity; one trade union representative noted that economic issues and conflicts around the world worsen the scenario; according to the estimates of an annual report that an NGO produced in 2007, the number of patients found in a precarious situation decreased from 11,312 in 2006 to 8,472 in 2007. The 'politics of terror' of the French government and the accession of Romania and Bulgaria in the European Union were mentioned as two additional reasons explaining the decrease of irregular migrant population.

Two journalists pointed out that although the government affirms that the trend is decreasing, no official data on the number of undocumented migrants exist in France.

Six NGO representatives and another journalist were not capable of providing any answer due to lack of information on the issue. An interviewee said that her organization is facing more requests from migrants than it used to. According to one respondent, difficulties in obtaining permits and border controls are preventing undocumented migrants from coming to Europe.

An NGO representative argued that the tightening of legislation has rendered migrants more likely to lose their legal status; for example, it has become harder for migrants to pay the fee requested towards the renewal of their visa.

Those who shared the view that the number is growing stressed that the legislation implemented reduces the chances of being regularized and in this sense promotes 'illegality'.

Although it is by and large agreed that the general trend is increasing as a result of government policy, one interviewee maintained that the trend is stable due to the fact that the overall number of migrants referring to his NGO has not really changed.

Amongst the respondents who believed that the number is steady, one journalist and two NGO representatives stressed that their opinions reflect more of a personal feeling.

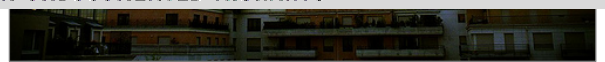
### **Numbers of Undocumented Migrants Receiving Assistance from Organizations**

It appears unlikely for NGOs to provide exact figures regarding the number of undocumented migrants receiving their services. NGOs are not sure how many undocumented migrants they provide assistance to, because they are not interested in knowing their legal status or keeping record of their data. However, this does not apply to the majority of the interviewees.

- According to one respondent, the number of undocumented migrants receiving assistance from her NGO was estimated to be 11,312 in 2006 and 8,472 in 2007. The slight decrease reported was due to the entrance of Romania and Bulgaria in the European Union.
- Another interviewee pointed out that approximately 200 'sans-papiers' are assisted yearly by his organization. Since the NGO does drop-in sessions once a week, he argued that 4 out of 8 migrants attending the weekly session are undocumented.
- Another NGO representative said that 150 undocumented migrants visit weekly her association which offers consultation hours and drop-in sessions three afternoons a week. She noted that 450 undocumented migrants regularly contact the NGO per month; yet the eventuality of double counting cannot be excluded.

### **Figures and Percentages of Undocumented Migrants Living in a Given Geographical Area (Marseille and Paris)**

According to several NGOs, estimating the total population of undocumented migrants in their working region is near to impossible; for this reason, only guesstimates were attempted by some respondents.



- According to the annual report an NGO produced for the year 2007 and in compliance with data provided by the AME, Aide Médicale d'Etat/State Medical Aid, approximately 75% of the migrants who currently reside in the Parisian region are undocumented.
- Based upon the number of 'sans-papiers' assisted by her organization, an interviewee believed that 45% of all undocumented migrants live in the Parisian region and suburbs.
- A sociologist argued that 100,000 undocumented migrants live in the Parisian region and other big cities such as Marseille and Pas-de-Calais. He said that the State Medical Aid estimations should be regarded as reliable indicators of the number of irregular migrants in France.
- Based upon his personal experiences, an undocumented migrant estimated that between 60,000 and 70,000 undocumented migrants live in Marseille and the region of Bouche-du-Rhône.

## Estimates of Undocumented Migrants in France

### Policy Brief:

French Clandestino research expert highlighted the following existing estimate; that 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 that 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.

Although the lack of reliable data or simply the complexity of the issue prevent any estimation efforts (it was said that undocumented migrants is a hidden and therefore difficult to count population), some 'guesstimates' were pointed out by the following interviewees.

- According to one NGO representative, the figures provided by the State Medical Aid (AME, Aide Médicale d'Etat), with a margin of error, reflect the total population of undocumented migrants living in France.
- According to another respondent, some estimates (which freely circulate and are often quoted by the media) suggest a figure of 200,000 to 400,000 undocumented migrants living in the country.
- Another interviewee maintains that more than 400,000 undocumented migrants live across France.
- An undocumented migrant pointed out that the number of undocumented migrants in France does not exceed the 700,000. This estimation is based on his contacts with several other sans-papiers
- A trade union representative indicated that a minimum of 400,000 undocumented migrants live in France. He related this estimate to the number of undocumented patients treated by the State Medical Aid (AME).
- One respondent pointed out that the undocumented migrants in France are more than 400,000 but was unable to justify her argument.

From the above it is clear that estimates vary and that in most cases respondents were not able to relate them to any particular data sources.

Interviewees tend to adopt the estimate that the government has been referring to for years; that is, a trend of 200,000 to 400,000 undocumented migrants living in France.

According to one interviewee, providing any estimation is impossible due to lack of tools that could count undocumented migrants; this view was also shared by a trade union representative who highlighted that irregular migrants hide so as to avoid detection and therefore expulsion. Two NGO representatives argued that data are limited and a real appreciation of their number is difficult given the nature of this group.

Being aware that only approximation is feasible due to the invisibility of this target group, a respondent proposed to count the number of irregular migrants detained in the detention centres in order to estimate

the total population of sans-papiers in France. A journalist believed that such an estimation would be unattainable since it would constitute only a partial outlook on the phenomenon.

According to another journalist, the number of undocumented immigrants residing in France is estimated to be between 200,000 and 400,000. However, the exact number and precise distribution across the territory is unknown. Research shows, however, that undocumented migrants are concentrated in big cities (such as Paris and its suburbs, Marseille, Lyon etc) because they are more likely to find work in such places.

The same journalist carried on saying that the phenomenon of undocumented migration is impossible to measure due to the fact that these migrants are not registered in any administrative data. Several assessments could be attempted looking at different indicators (number of administrative removals at the border, data from detention centres, AME etc) but none of them can allow an accurate estimation of undocumented migrants.

One NGO representative questioned the reliability of the data for two reasons: the fact that such figures have been the same for years, and the impossibility to calculate the percentage of irregular migrants living in France.

This NGO stressed its human approach and opposed to any estimation attempts, whereas another respondent emphasized that the government manipulates data.

### **Assessment Regarding Estimates and Views on their Reliability**

#### **Policy Brief:**

*"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". (p.2)*

Most of the interviewees believed that not even reliable data constitute a useful base upon which policies could be drafted. The majority of the respondents are committed to help and assist migrants and do not need to focus on mere figures in order to support their actions.

According to one respondent, data should be used within the framework of a policy which denounces and makes people aware of the issue. Another NGO representative believed that this could go to both directions: data might awaken the public opinion, or they could be exploited and manipulated. Two NGO representatives stressed the importance of figures and their usefulness to prove that 'no invasion should be feared' and assessed that the number of undocumented migrants coming to France is lower than it seems.

One journalist argued that none amongst the existent methodologies are reliable; "numbers might shed a new light on old negative bias, but they could also serve to strengthen xenophobic discourse and policy enforcement", she was quoted. According to an additional journalist, "important efforts are still necessary".

"It is somehow necessary to have figures but certainly not enough", one journalist affirmed. While arguing that data are not the most useful tool, he said that they could support journalistic work. Another media representative stressed his interest in the overall phenomenon, not only in mere figures. According to a sociologist, data provided by prefectures represent already a reliable source. "The problem is that there are estimates in France but since the last 30 years, figures are always the same", he was quoted. A trade union representative claimed that having trustworthy figures will not change the political view; nonetheless, it will

make the public opinion more aware of the size of the phenomenon. Another respondent stressed that she would be more interested in studying the sectors that migrants work for.

"We do not wait for figures to react to the current situation going on in France", one interviewee was quoted. A similar opinion was also shared by an NGO representative who said that since the ultimate goal is to help and support undocumented migrants, numbers are important as long as they enhance the visibility of these people. Furthermore, a respondent argued that statistics and their reliability do not concern the actions undertaken by human rights' activists.

An interviewee underlined that data would never be representative of the reality since it is extremely complicated to appreciate the real trend.

According to an additional NGO representative, numbers are not important from a legal point of view. Instead, "what is happening to migrants should be closely followed and we should also monitor all the different various practices prefectures carry out to examine cases of undocumented migrants", she was quoted. One respondent raised concerns not only with regard to methods and figures provided but also on the feasibility of the project since numbers will never be representative nor helpful in terms of enhancing integration of undocumented migrants or solving their problems. While considering the attempt of CLANDESTINO an impossible mission, he found it useless since "knowing the number of undocumented migrants living in France will not change anything", he was quoted.

On the whole, the majority of the respondents showed perplexity on the methodology employed in order to calculate invisible people.

### 3. DISCUSSION AND POLICY IMPLICATIONS

#### Policy Brief:

*"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". (p. 3)*

*"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".*

*(p. 3-4)*

*"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". (p. 4)*

#### **State Policy Responses and their Implementation on the Ground. Examples of State Beneficial Policies Employed**

Most interviewees stated that there are no beneficial state policies implemented on the ground for undocumented migrants. Repression, expulsions, retention/detention, restrictions at the border, exclusion, marginalization and denial of human rights are the main policy responses of the French government. According to the respondents, the policy implemented is caught between symbolical declarations; namely the so-called "chosen/selected immigration policy" and the expulsion of a fixed quota of undocumented migrants per year.

The majority amongst the respondents were very concerned about the French policy approach of trying to prevent migration with expulsions while depriving migrants of their basic social rights.

According to an undocumented migrant, the immigration policy implemented is racist and discriminatory, and runs against the national laws of the French Republic. One journalist argued that media and politicians take an ambivalent stance on irregular migration. He highlighted, in particular, the ambivalence between 'the particular case' and 'the general phenomenon' whereby, on the one hand, particular cases generate empathy and mobilization and, on the other, general outlooks on the phenomenon bring fear and condemnation. As regards the principle that "every irregular immigrant has to be expelled", another media representative said that the French government has prioritized the fight against irregular immigration over the past five years. Applying a quota of expulsions has exercised significant pressure onto civil servants (police, prefecture) and led to the development of non respectful practices as regards fundamental rights of migrants.

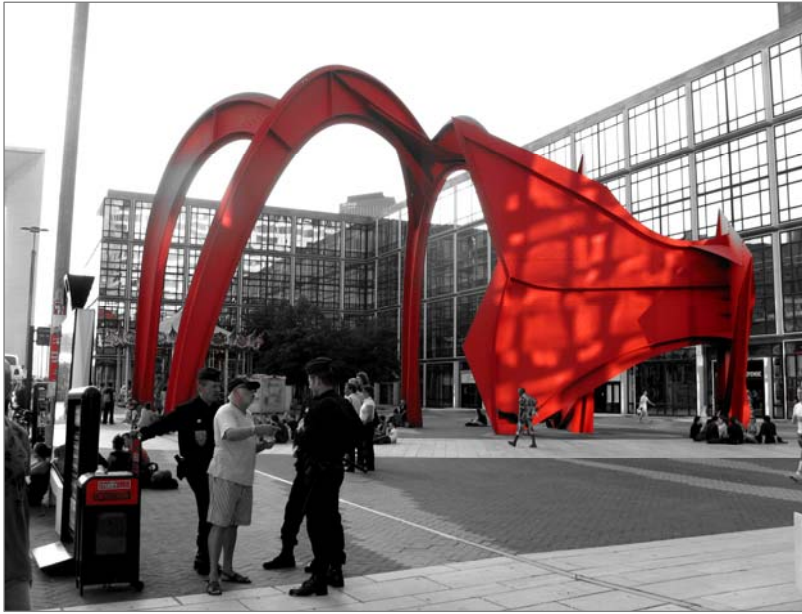
Both a sociologist and an NGO representative stressed the contradiction of the twofold policies the French government pursues: on the one hand, it promotes radical populist propaganda against irregular migration on the other, French economy relies on the convenient work force supply of the migrants. The same opinion was supported by another interviewee who added that while there is an official policy which aims at integrating regular migrants, expulsion is the only policy response undertaken with regard to undocumented migrants.

One NGO representative expressed his disappointment regarding the lack of beneficial policies toward irregular migration and the predominance of the expulsion of migrants through fixed annual quotas as a policy response. The discretionary power of the prefects in the regularization process of migrants was also underlined by the interviewee. According to him, there are practical barriers that prevent irregular migrants from entering the country legally or following any legal procedure. A respondent pointed out a correlation between immigration and harassment.

An NGO argued that the government does make exemptions on human rights by means of fear and intimidation. According to a trade union representative, closing the borders is not a solution but 'a big hypocrisy' while another NGO representative said that besides expulsions and selected migration, cooperation agreements and humanitarian assistance should also be considered as state policy responses towards immigration. Joining a 'collectif', taking part in demonstrations and submitting their dossier to the prefecture were considered by the NGO representative as the three main steps irregular migrants should take in order to be regularized.

Some interviewees said that the mainstreaming of free access to health care and education for all children under the age of 18 are the only two beneficial state policies implemented.

One respondent from a trade union underlined that denying mass regularizations - dealing with singular cases instead - should be treated as another beneficial state policy. According to an NGO representative, the aim of this policy approach is to facilitate attracting a high qualified migration. Moreover, one journalist stressed that measures in order to regularize migrants exist. Until 2006, regularization was possible after ten years of residence in France or on the basis of the "private and family life." However, while in 2006 the first channel to regularization was removed and the second heavily restricted, another type of regularization through work was introduced in 2007. According to the current governmental policy, regularization "should not be a right but an opportunity". However, the disparities in implementing this principle are strong and are related to the arbitrary process followed by different prefectures.



country”, he was quoted.

All the interviewees agreed that expulsions constitute the only policy implemented in France as regards irregular migration. The majority amid the respondents (NGOs, trade unions and journalists) were not interested in data and believed that the latter would not provide any reliable or definite answer to the issue. Most of them were convinced that concrete results will only be achieved through actions, demonstrations and mobilization. The regularization of some undocumented workers after extensive pressure from the main French trade union, CGT, was cited as an example.

On the contrary, a trade union representative argued that his trade union will pursue a regularization policy that would guarantee equal social rights to everyone and empower irregular migrants towards improving their life circumstances.

Nevertheless, according to three NGO representatives and a journalist, there is no beneficial state policy for undocumented migrants.

The newly introduced amendment which criminalizes any person providing assistance to an irregular migrant “criminalises solidarity”, according to one respondent.

An undocumented migrant pointed out that undocumented migrants neither have rights nor are they considered as human beings; “they only have to leave the