



The Regularisation of Unauthorized Migrants: Literature Survey and Country Case Studies

Regularisation programmes in France

Amanda Levinson

Centre on Migration, Policy and Society, University of Oxford

2005

V. Regularisation Programmes in France

Background

Unregulated immigration to France began after the wars of liberation and colonization in the '50s and '60s, as migrants from former colonies began arriving in large numbers. As in other countries in Europe, the oil shock of 1973 led to a depressed economy, and as unemployment rose, the country's need for foreign workers decreased. In 1974, France ended its foreign worker programme and implemented employer sanctions to discourage the contracting of foreigners. Nevertheless, irregular immigration continued to grow over the following decades, as did the public debate over how to control it.

In 1993, the right-wing coalition that had come to power implemented a policy of "zero immigration," an extreme stance against irregular migration that was translated into a series of restrictive laws known as the "Pasqua laws." These laws prohibited foreign graduates from accepting positions with French employers, denied residency permits to foreign spouses who had been in the country illegally prior to marrying, and increased the waiting period for family reunification from one to three years (Hamilton et al. 2002). The result of the Pasqua Laws was to render legal migration flows illegal. It also led to a status of migrants called the "inexpulsables-irregularisables", people who could not be expelled yet who were also not eligible for residency. This informal category of migrants included asylum seekers who could not return to their countries, and foreign parents of children born on French soil. Marginalized and excluded from French society, undocumented migrants, or "sans papiers", counter-mobilized in large numbers throughout 1995-1997 (Guiraudon 2002).

In 2003 France adopted a new immigration law which places an emphasis on combating irregular immigration through various security measures, increasing the conditions for obtaining a permanent residency permit, and requiring foreigners entering for the purpose of family reunification to prove that they are integrated into French society. The government has also implemented, on a trial basis, an integration programme for foreigners consisting of language classes and civic instruction (SOPEMI 2004).

Legal channels for immigration into France

- **Residence permits** are valid for 10 years and allow a foreigner to work. To obtain a 10-year residence permit, foreigners must have been living in France for five years and demonstrate that they are "well integrated" into French society.
- **Temporary permits** are valid for 1 year and are given to foreigners who can prove family ties, scientists, artists, students and visitors. These permits give limited access to employment in France (Blion et al 2003). In 2001, 50,600 people were granted temporary residence status (SOPEMI 2003).

Demographic context and numbers of irregular migrants

By 1981, there were an estimated 300,000 irregular immigrants in France (Meissner et al. 1987). According to the ILO, between 1990-1994 there were between 150,000-200,000 unauthorized migrants (Reyneri 2001). Of the non-EU migrants entering France, three-fourths, or 2.3 million, come from Algeria, Morocco and Tunisia. Foreign workers account for 6 percent, or 1.6 million, of the total workforce. Legal migration flows number approximately 100,000 per year.

Table 9: France: Estimated Foreign-born and Undocumented population, 1980-2000

Year	Foreign-born population	Est. number undocumented pop.	Total population	Percentage foreign pop. of total pop.
1982	4.0 million	300,000	54.3 million	7.3
1990	4.1 million	150,000-200,000	56.6 million	7.2
1999	4.3 million	No estimates	58.5 million	7.4

Sources: Hamilton et al (2004), EUROSTAT, UN Population Division

Regularisation Programmes

1981-1982

According to Meissner et al. (1987), France's 1981-1982 regularisation programme was based on "moral and pragmatic grounds." Undertaking a legalization programme was intended to both bring unauthorized migrants out of the shadows as well as to reduce the size of the underground economy. Although initially restricted to those who could prove stable employment or a work contract valid for a year, the programme was eventually extended to include many categories of irregular migrants. The programme ran from July 6 1981 to February 29 1983, and was meant to apply to those who had been in the country before January 1 1982 (SOPEMI 1989). Out of 150,000 applications, 130,000 were approved.

1997-1998

French immigration policy underwent a transformation in 1997 with the election of Socialist Prime Minister Lionel Jospin to office. High profile protests by the "sans papier" movement, in addition to a increasingly loud public debate on the impact of immigration in France led the government to rethink its policies. After contracting the prominent political scientist Patrick Weil to enter the debate, the government shifted its policy to recruit immigrants with higher skill levels. This was followed by the launching of a regularisation programme in June 1997. This programme was a series of laws known as the "Chevenement laws," which established a regularisation procedure for irregular immigrants to apply for residence and work permits. This programme was primarily aimed towards family reunification and families in irregular situations (see country comparison chart for specifics). The programme ran from June 24 1997 to April 30 1998, and ultimately legalized 87,000 out of 150,000 applicants, 85 percent of which were family-related.

Table 10: Origin of Migrants Regularized in France (in thousands), 1981-82, 1997-1998

1981-82	Number (thousands)	1997-98	Number (thousands)
Tunisia	17.3	Algeria	12.5
Morocco	16.7	Morocco	9.2
African countries	15.0	China	7.6
Portugal	12.7	Dem. Rep. Congo	6.3
Algeria	11.7	Tunisia	4.1
Turkey	8.6	Other	38.1
Other	39.1		
Total	121.1	Total	77.8

Source: SOPEMI 2003

Permanent Regularisations

On May 11, 1998, France also established a plan that allows unauthorized foreigners who have been in the territory a specific length of time, the possibility to regularize their status. The length of time required to obtain residency is 3 years for families with children, 15 years for students, and 10 years for everybody else. Once a foreigner has obtained this status, he/she can only be removed if considered a serious threat to the public order.

Analysis of Programmes

The 1981 legalization programme had a number of unforeseen complications. Since some employers were uncooperative with assisting unauthorized immigrants with appropriate documentation, authorities had to accept third-party documentation of the validity of a migrant's work history. In addition, the programme eventually included not just workers, but also other categories of migrants (such as students, seasonal workers and small traders). Nevertheless, the programme accomplished several things. Not only did it promote a dialogue between the French government and immigrant communities, but according to a study by SOPEMI (1989), the government conducted a successful advertising campaign in concert with immigrant organizations. It also conducted a research programme to allow the government to understand the characteristics of the irregular population.

While the 1997-98 programme has been praised for providing an avenue for permanent regularisation on an ongoing basis, and those regularised under a permanent regularisation programme are apparently beginning to increase, its limited scope and lengthy residence requirements have not solved the issue of irregular migration to France.

In addition, Garson (1992) calls into question the ability of France to ever be able to regulate unauthorized migration from North Africa, given the networks that have been established and interdependence of migration flows from the region. Others (Guiraudon 2002)

argue that while regularisation schemes have been important, they are overshadowed by the current policies of restrictiveness which have criminalized migration and increased the demand for smuggling networks.

References

- Apap, Joanna, Philippe de Bruycker and Catherine Schmitter. 2000. *Regularisations of Illegal Aliens in the European Union: Summary Report of a Comparative Study*. Brussels: Bruylant Publishers.
- Bliou, Reynald, Catherine Wihtol de Wenden and Nedjma Meknache. 2003. *EU and United States Approaches to the Management of Migration: France* [online]. Eds. Jan Niessen et al. Brussels: Migration Policy Group. www.migpolgroup.org
- EUROSTAT. 2003. *Analysis and Forecasting of International Migration by Major Groups, Part III*. 3/2002/E/no.17 [online]. The Hague: European Commission: <http://europa.eu.int>
- Garson, Jean-Pierre. 2003. Dealing with Unlawfully Resident Immigrants: Regularisations and Beyond. In *Policy Briefs and Recommendations: the Greek Presidency Conference on Managing Migration for the Benefit of Europe* [online]. Washington, D.C.: Athens Policy Initiative, a project of the Migration Policy Institute: www.migrationpolicy.org/AMPI/docs/ampiPOLICYBRIEF5may.doc
- Garson, Jean-Pierre. 1992. Migration and Interdependence: The Migration System Between France and Africa. In *International Migration Systems: a Global Approach*. Eds. Mary Kritz, Lin Lean Lim and Hania Zlotnik. Oxford: Clarendon Press.
- Guiraudon, Virginie. January 1, 2002. *Immigration Policy in France* [online]. Washington, D.C.: The Brookings Institution: www.brook.edu
- Hamilton, Kim et al. 2004. *The Challenge of French Diversity* [online]. Washington, D.C.: Migration Policy Institute: www.migrationinformation.org
- Meissner, Doris, David North and Demetrios Papademetriou. 1987. *Legalization of Undocumented Aliens: Lessons from Other Countries*. *International Migration Review* 21:3: 424-432.
- Nueckens, Dimitry. 2001. *Regularisation Campaigns in Europe* [online]. Brussels: PICUM. www.picum.org
- OECD Secretariat. 2000. Some Lessons from Recent Regularisation Programmes. In *Combating the Illegal Employment of Foreign Workers*, 53-70 [online]. Paris: OECD: www.oecd.org
- Reyneri, Emilio. 2001. *Migrants' Involvement in Irregular Employment in the Mediterranean Countries of the European Union* [online]. Geneva: International Labour Organization. www.ilo.org/public/english/protection/migrant/download/imp/imp41.pdf
- SOPEMI. 1989. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- SOPEMI. 1990. Comparative Analysis of Regularisation Experience in France, Italy, Spain and the United States. In *Continuous Reporting System on Migration*, 65-101. Paris: OECD.
- SOPEMI. 1999. *Trends in International Migration*. Paris: OECD.
- SOPEMI. 2003. *Trends in International Migration 2002*. Paris: OECD.
- SOPEMI. 2004. *Trends in International Migration 2003*. Paris: OECD.
- United Nations Population Division. *World Population Prospects: the 2002 Revision Population Database* [online]: <http://esa.un.org/unpp/p2k0data.asp>