

Immigration and the 2007 French Presidential Elections

On May 6, 2007, France votes for its new president. Nicolas Sarkozy, the former Interior Minister and candidate of the center-right l'Union pour le Mouvement Populaire (UMP), is known for his blunt law-and-order character. Ségolène Royal, the candidate of the center-left Parti Socialiste (PS), is critical of traditional French institutions. Both have pledged to reform French politics and have made immigration a major part of their platforms.

In the first round of this year's elections on April 22, 2007, France successfully prevented a repeat of the political "earthquake" that shook the country five years ago when xenophobic extreme right candidate Jean-Marie Le Pen and his Front National (FN) party made it to the final round of the 2002 presidential elections. This year, Jean-Marie Le Pen was eliminated after receiving only 10.4 percent of the vote, a 6.4 percent decline from what he earned in 2002. In his place, centrist leader François Bayrou of l'Union pour la Démocratie Française (UDF) garnered 18.6 percent of the vote (6.8 million votes), an increase of 11.7 percent or 4.9 million votes from 2002. With the traditional center-left and center-right balance restored, Bayrou's centrist supporters hold the key to tipping the elections.

The election comes in the midst of large-scale changes to French policy and opinions regarding immigration and integration. Before discussing where the two candidates stand on immigration, the following section examines why immigration in France is important, offering a portrait of immigration trends that have emerged during the first half of this decade.

Current State of Immigration in France¹

In mid-2004, France had a total foreign-born population of 4.9 million, comprising 8.1 percent of the total population.² Approximately 2 million, or 3.4 percent, of all French citizens were born abroad. In 2004, approximately 40 percent of the foreign born in France had acquired French citizenship.³ Between 1999 and 2005, over a million foreign-born individuals had acquired French citizenship, averaging over 100,000 new citizens a year since 1996.

¹ Data for this section are taken from the 2006 annual report on Immigration and Foreign Presence in France in 2005 published by the Ministry of Labor, Social Cohesion, and Housing. Corinne Régnard. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

² This excludes the foreign born living in the overseas departments (Guadeloupe, Réunion, Martinique, and French Guiana).

³ INSEE. Annual Census Survey 2004 and 2005.

Approximately 60 percent of the people residing in France who are not French citizens live in one of three metropolitan regions: Île-de-France; Rhône Alpes; and Provence Côte d’Azur. One in eight residents in Île-de-France, also known as the Paris Region, is not a French citizen.

A Rise in Permanent Migration Flows

France measures permanent migration flows by counting the number of arriving immigrants who intend to stay for more than a year, those who regularize, and those who change their status from temporary to permanent (see Table 1). In 2000, the permanent flow from countries outside of the European Economic Area (EEA) totaled 91,875. By 2005, this had risen to 135,890. The largest component of permanent migration to France is family migration (see Figure 1). The most recent figures (from 2005) suggest a slight decline in family migration, following eight consecutive years of growth. Despite this decline, however, seven out of ten permanent migrants still entered France under the family migration route. Most family migration flows consist of French citizens’ family members arriving to join their French spouse, parents, or children.

Table 1: Permanent Migration Flows of Non-EEA Nationals between 2000 and 2005⁴

	2000	2001	2002	2003	2004	2005
Family	63,629	72,634	88,860	100,149	102,662	95,389
Work	6,403	9,244	7,979	6,906	7,041	8,920
Visitor*	8,424	8,968	9,985	7,616	5,731	4,825
Refugee	5,570	7,587	8,700	9,916	11,420	13,770
Other**	7,849	8,430	8,728	11,807	14,707	12,986
Total	91,875	106,863	124,252	136,394	141,561	135,890

*In this background, a ‘visitor’ is an individual who is not a French citizen, who can support him or herself without engaging in any authorized professional activity in France, and who has a residency permit valid for at least a year.

**Beneficiaries of the 1997 regularization, holders of a “private and family life” permit who were admitted to reside under a permit granted for reasons other than family migration or asylum, holders of a work accident annuity, non-French citizens with medical conditions, and holders of other residency permits granted with exemption from undergoing a medical check.

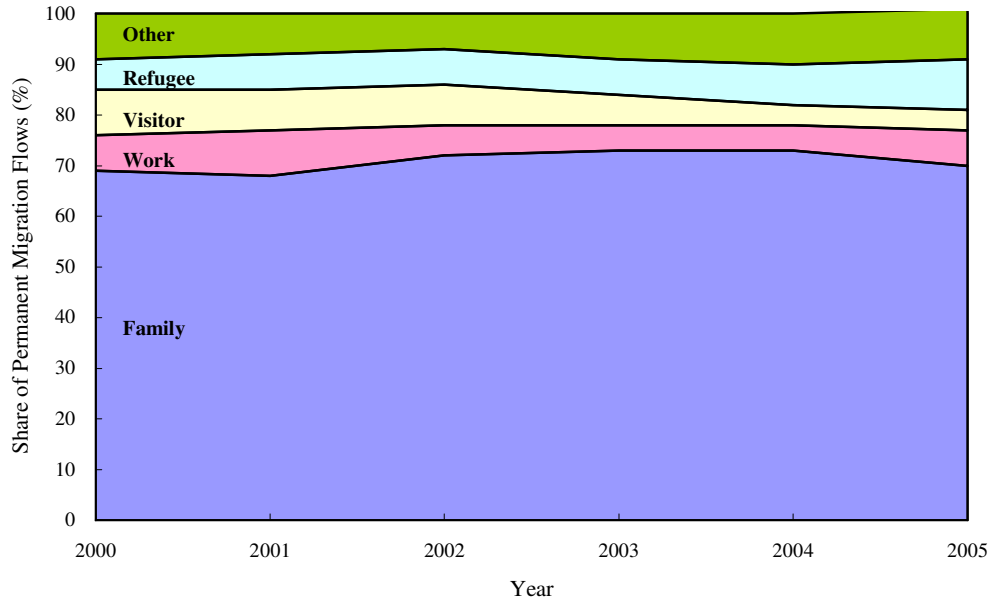
Sources: ANAEM, OFPRA, Ministry of Justice, and Ministry of the Interior.

The increase in family migration is partly attributable to the large regularization program of 1997, which legalized 68,000 foreigners, and to the RESEDA law on the Entry and Stay of Foreigners in France and on Asylum of May 11, 1998, which established a regularization provision that offered a permit called “private and family life” (VPF). Approximately 3,300 migrants were registered under this permit in 1999, but they numbered 14,200 by 2005. In addition, family reunification flows increased from 13,900 in 1996 to 27,300 in 2002 before falling continuously to 23,000 in 2005.

In 2005, more than 70 percent of family migration was from Africa. Migrants from the Maghreb (Algeria, Morocco, and Tunisia) alone made up 48.6 percent of family migration.

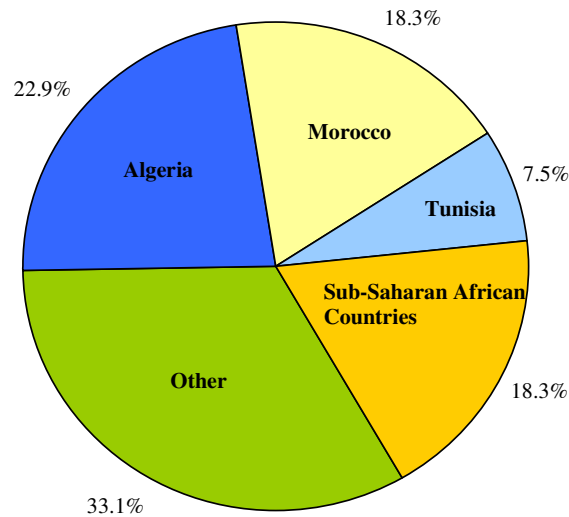
⁴ “Tableau IV.1 Entrées à caractère permanent pour la France entière. Ressortissants de pays tiers – Flux enregistrés de 2000 à 2005” translated from Corinne Régnard. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l’emploi, de la cohésion sociale et du logement. December 2006.

Figure 1: Share of Permanent Migration Flows of Non-EEA Nationals by Category between 2000 and 2005



Sources: ANAEM, OFPRA, Ministry of Justice, and Ministry of the Interior.

Figure 2: Share of Family Migration by Geography in 2005⁵



Sources: ANAEM, OFPRA, Ministry of Justice, and Ministry of the Interior.

⁵ Based on author's calculations from "Tableau A.12 Immigration à caractère permanent en 2005. Ressortissants de pays tiers (suite)" from Corinne Régnard. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

In 2005, work- and visitor-related flows accounted for only 6.6 percent and 3.6 percent of permanent flows respectively, while refugees constituted 10.1 percent of permanent flows. In 2005, Africans made up 63.0 percent of all permanent migrants and more than half of these Africans were from Algeria (28.9 percent) or Morocco (23.4 percent).⁶

An Increase in Temporary Migration Flows

Temporary migration flows are measured by the number of entries into France by immigrants who intend to stay for less than a year (see Table 2). Student and asylum flows are the largest components of temporary migration, and together comprised over 75 percent of such flows in 2005.

Table 2: Temporary Migration Flows of non-EEA nationals between 2000 and 2005⁷

	2000	2001	2002	2003	2004	2005
Holder of Provisional Work Authorization	7,502	9,628	9,822	10,138	9,950	10,405
Seasonal worker	7,929	10,794	13,543	14,566	15,743	16,242
Intern	875	915	993	1,008	535	422
Student	36,140	39,983	55,498	52,062	55,008	46,186
Asylum Request made at l'OFPRA*	38,747	47,291	51,087	52,204	50,547	42,578
Asylum Request made at Ministry of the Interior	n/a	28,952	28,362	27,751	-	-
Total	91,193	137,563	159,305	157,729	131,783	115,833

*In 2004, the French Office of Protection of Refugees and Stateless Persons (OFPRA) became the sole window through which asylum seekers could apply for asylum in France.

Sources: ANAEM, OFPRA, Ministry of Labor, Social Cohesion, and Housing, Ministry of the Interior, and Ministry of Justice. Covers metropolitan France and the overseas departments (DOM).

While flows of people recognized as refugees to France increased between 2000 and 2005 (see Table 1), asylum applications have declined since 2003. This paradox may, among other explanations, be a reflection of government efforts to process backlogged asylum applications, which increased the number of asylum seekers who obtained refugee status.

In the early 1980s, there were more than 100,000 seasonal workers, but by 2000, that figure had dropped to below 8,000, largely as a result of the gradual mechanization of harvesting techniques. In 2005, seasonal workers totaled 16,000, half (50.4 percent) of whom were from Poland and 42.7 percent of whom were from Morocco, mainly due to bilateral labor agreements.⁸ Almost all seasonal workers are employed exclusively in agriculture, and receive a work contract of a maximum of six months. The National Agency for Welcoming Foreigners and for Migration (ANAEM) is responsible for paying the travel expenses and salaries and organizing the arrival of seasonal workers who come from countries with which France has signed bilateral accords.

⁶ "Tableau IV.2 Entrées à caractère permanent selon l'origine géographique. Ressortissants de pays tiers – Flux enregistrés de 2000 à 2005" translated from Corinne Régnard. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

⁷ "Tableau III.1 Principales entrées à caractère temporaire. Ressortissants de pays tiers – Flux de 2000 à 2005" translated from Corinne Régnard. Original sources are ANAEM, OFPRA, Ministry of Justice, and Ministry of the Interior. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

⁸ France signed bilateral accords on seasonal workers with Poland on May 20, 1992; with Morocco on June 1, 1963; and with Tunisia on August 1, 1963.

France has tried to attract executives and highly skilled foreigners by exempting them from many administrative arrival procedures. For example, foreign executives are permitted to start work immediately upon arrival without having to wait to receive their residency or work permits.

Finally, the number of foreign students from countries outside of the European Economic Area (EEA) has increased over the past decade. Since 1998, the government has implemented various measures, such as relaxing financial resource requirements and easing access to the labor market, to attract foreign students into the country. Annual student flows more than tripled, from 15,000 in 1995 to 55,000 in 2004, before declining by 16 percent in 2005.⁹

Economic Activity

At approximately 1.5 million people, those who are not French (including those from the EEA) comprised 5.3 percent of the civilian labor force in France in 2005.¹⁰ Almost half of the non-French labor force was made up of Portuguese (20.8 percent), Algerians (12.7 percent), and Moroccans (12.4 percent). In 2005, Africans (618,000) and nationals of the EU-15 (517,000) comprised 78 percent of non-French individuals in the French labor market.¹¹ Unemployment rates are higher for the foreign born than for their French native counterparts, a reality that holds true, though to a lesser extent, even after they acquire citizenship. From 2003 to 2005, native-born French citizens had an average unemployment rate of 9.1 percent; foreign-born French citizens, 15.6 percent; and foreigners who were not French citizens, 26.2 percent.¹²

The Presidential Candidates

It is within this immigration context that Nicolas Sarkozy and Ségolène Royal, the two finalists in the 2007 French presidential elections, have formulated their positions on immigration policy. This section illustrates each candidate's stance on immigration policy.

Nicolas Sarkozy

During his time as former Interior Minister of France, Nicolas Sarkozy heavily influenced the passage of two critical laws that have changed the direction of French immigration policy. The first was known as the MISEFEN Law on Immigration Control, Stay of Foreigners in France, and Citizenship of November 26, 2003. It aimed to clamp down on illegal immigration; tighten entry and residence conditions for third-country nationals and relax them for nationals of the

⁹ The decline in student flows between 2004 and 2005 can partly be explained by the free flow of foreign students from the new EU member states. After becoming EU nationals in 2004, entrants disappeared from these statistics. Another explanation for this drop is that universities began to adopt a semester-based system, which allows students on a three or six month visas to reside and study without registering as a student. Furthermore, students are sometimes treated as permanent migrants if they choose to stay in France upon completion of their studies and obtain another residency permit by finding a job or receiving another type of change in status.

¹⁰ The civilian labor force is composed of paid, unpaid, and unemployed individuals.

¹¹ "Tableau VIII.2 Population active (15 ans et plus) selon la nationalité et le sexe: France métropolitaine – 2005," from Corinne Régnard. *Immigration et présence étrangère en France 2005: Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

¹² "Tableau VIII.5 Taux d'activité et taux de chômage (en %, parmi les 15-64 ans) selon le sexe et la nationalité: France métropolitaine – moyenne sur les années 2003 à 2005," from Corinne Régnard. *Immigration et présence étrangère en France 2005 : Rapport annuel de la direction de la population et des migrations*. Ministère de l'emploi, de la cohésion sociale et du logement. December 2006.

European Economic Area;¹³ recognize subsidiary protection status¹⁴ in domestic legislation; and harmonize procedures for asylum processing. It also sped up the removal process of unauthorized immigrants and made it harder to acquire French citizenship through marriage.

The law on Immigration and Integration of July 24, 2006, or Sarkozy Law II as it is known, was his latest effort to open France to high-skilled immigration, stem illegal immigration, restrict family migration, and promote integration into French society. First, this law mandated that the government create a list of economic sectors that face shortages and would benefit from foreign labor, and also simplified procedures for international students to study and transition to work status in France. Second, it repealed the 1998 Chevènement law that automatically offered amnesty to all unauthorized immigrants who had resided in France for ten years and replaced it with one that examines regularization requests on a case-by-case basis. Third, it imposed stricter conditions for family reunification by requiring a foreigner to prove legal residence in France for at least 18 months (instead of a year) and to earn an income equaling at least the minimum wage (without public assistance). Fourth, it required a foreigner to be married to a French citizen for at least three years to become eligible for legal permanent residence. Finally, Sarkozy Law II made it mandatory, as of January 1, 2007, for immigrants who wish to receive a residency permit to sign a “Welcome and Integration” contract (CAI) that requires immigrants to respect and uphold the laws and values of France and to take civic and, if deemed necessary by the government, language courses.¹⁵

In addition to these measures, in 2006 Sarkozy proposed the creation of the Eloi Index (short for l'éloignement, or removal) of unauthorized immigrants and their families. While this effort was temporarily suspended for administrative reasons by France's highest court, the Eloi Index would allow police to enter into a system the name, sex, nationality, parents' names, languages, photograph, and identity document of unauthorized immigrants as well as the name and address of anyone who housed them or visited them in holding centers.¹⁶ Sarkozy also supports barring some legal and all unauthorized immigrants from exercising the new national right to social housing, a recent law passed in March 2007 that guarantees housing to the homeless, poor workers, and single mothers starting in 2008, and to improve the conditions of all others living in substandard homes starting in 2012.¹⁷

Despite his tough law-and-order policies, Sarkozy has promoted religious dialogue with Muslim communities in a country known for its strict separation of church and state. He has also

¹³ Nationals of the A-8 countries that joined the EU in May 2004 must still acquire a residency permit if they wish to work in France.

¹⁴ Subsidiary protection is a status awarded to individuals who do not meet the definition of a refugee but, if returned to the country of origin, would face ‘serious threats’ such as the death penalty, torture, or indiscriminate violence resulting from a situation of national or armed conflict. In France, OFPRA determines whether an individual receives subsidiary protection status. Those with subsidiary protection status receive one-year residency permit that is renewable only if the conditions in the country of origin have not changed since the individual first received the status.

¹⁵ La documentation française. “Loi du 24 juillet 2006 relative à l’immigration et à l’intégration.” Available online at: <http://www.vie-publique.fr/actualite/panorama/texte-vote/loi-du-24-juillet-2006-relative-immigration-integration.html>.

¹⁶ La documentation française. “Immigration irrégulière: le fichier Eloi annulé.” March 22, 2007. Available online at: <http://www.vie-publique.fr/actualite/alaune/immigration-irreguliere-fichier-eloi-annule.html>.

¹⁷ Christophe Jakubyszyn and Laetitia Van Eeckhout. “Droit au logement: M. Sarkozy veut exclure des étrangers réguliers.” *Le Monde*, January 12, 2007. Available online at: <http://www.lemonde.fr/web/article/0,1-0@2-823448,36-854738@51-902449,0.html>.

engaged in serious discussions on ways to advance the socioeconomic integration of immigrants and their children. In an effort to organize a representative Muslim body and endorse a French brand of Islam, he helped establish the Conseil Français du Culte Musulman (CFCM). Contrary to his firm stance on upholding French secularism, termed *laïcité*, Sarkozy is open to adapting the 1905 law on the separation between church and state to respond to the evolving needs of Muslim communities, France's second largest religious group. He has advanced the idea of offering state funds to support mosques and encouraging them to become independent of foreign states.¹⁸

Sarkozy is also known for his active support of positive discrimination *à la française*, a policy line based on social, rather than ethnic, criteria that gives preferential treatment when accessing jobs or schools to those in disadvantaged socioeconomic situations. Both of these approaches to engage Muslim communities and to tackle socioeconomic integration challenges are seen by many in France as challenges to the deeply rooted notions of French Republican equality. Finally, contrary to many of his fellow party members, he would like to offer legal immigrants who have resided in France for at least ten years the right to vote in municipal elections.

During this election campaign, Sarkozy has proposed six key pillars with regard to immigration:

1. Create a Ministry of Immigration and National Identity to address immigration, integration, and co-development under one ministry instead of the current three. Despite objections by those such as Prime Minister Dominique de Villepin, one of the Ministry's core missions would be to foster solidarity between the French and foreigners by actively engaging the public in defining and protecting the core values, culture, and identity of France.¹⁹
2. Promote and defend the culture and values of the French Republic by asking immigrants to learn French before arriving in France, and stressing the non-negotiable nature of French values such as *laïcité* (French secularism) and gender equality. He hopes to create and embed a Charter of *Laïcité* and Citizenship in schools across France and highlight the importance of these values in the "Welcome and Integration" contract (CAI).
3. Channel funds into disadvantaged neighborhoods to help provide better education, training, urban renovation, public services, transportation, and economic activity to their residents.
4. Invite highly skilled immigrants or the elites of developing countries with which France has co-development partnerships to fill key jobs. He hopes to institute an annual cap on the number of immigrants France receives so as not to put a strain on its capacity to implement meaningful integration policies in the areas of housing, employment, and education.
5. Tighten rules for family reunification by requiring an individual to have housing and work (financial resources) that are sufficient to provide for his or her family without any state family support. Sarkozy also would require family members to learn basic French before arriving in France to help them integrate faster.
6. Prohibit the re-entry of unauthorized immigrants, who have been removed from France to

¹⁸ "Elections 2007: Interview de Nicolas Sarkozy et de Julien Dray (pour la candidate du PS) à propos du Proche Orient," *TV5Monde*, April 30, 2007. Available online at: <http://www.tv5.org/TV5Site/info/communiqués-de-presse-article.php?NPID=FR187198>; "Call for mosque funding revives old debate." *Expatica*, October 31, 2006. Available online at: http://www.expatica.com/actual/article.asp?subchannel_id=25&story_id=24904.

¹⁹ "Immigration: Villepin tacle Sarkozy." *La Libération*, April 2, 2007. Available online at: <http://www.liberation.fr/actualite/politiques/elections2007/245055.FR.php>.

their home countries, for five years following their removal. He has also ruled out any possibility for offering blanket amnesties.

Ségolène Royal

Unlike her center-right contender, Ségolène Royal, Socialist candidate for the presidency and former Vice-Minister for Family, Childhood, and Handicapped Persons, is known for taking a more moderate line on immigration. Royal proposes to examine regularization applications case-by-case based on one's length of stay, presence of children in school, or possession of a work contract.²⁰ She hopes to reinstate an amnesty law that would regularize unauthorized immigrants who have resided in France for at least ten years. Furthermore, Royal is willing to make it easier for unauthorized immigrants to access emergency state medical aid (AME), something that the 2003 Sarkozy law made difficult by requiring unauthorized immigrants to prove their uninterrupted presence in France for at least three months. She, like Sarkozy, is also an advocate of giving foreigners who satisfy a residency requirement the right to vote in local elections. Instead of Sarkozy's ten years, however, she would award this right to legal immigrants if they have resided in France for five years.

Her overall vision of immigration, however, differs from that of Sarkozy. If Sarkozy has focused on courting the highly skilled and curbing illegal and family migration, Royal has emphasized the inseparable link between migration and development. To address the root causes of migration to France, she pledges to focus her energies on co-development, namely assisting African countries in poverty reduction and economic growth. Unlike Sarkozy who favors attracting highly skilled professionals to France, Royal would like to invent new channels that make circular and temporary migration a reality for immigrants of all skill levels. She proposes a "multiple round-trip, multi-year" visa that would allow different kinds of migrants to return to their countries of origin upon completion of their work and ensure that they still have opportunities to return to France in the future. She believes this would offer France a win-win situation in which immigrants can remain closely tied with their countries of origin while contributing to the French economy.

Royal has criticized Sarkozy's plan to create a Ministry of Immigration and National Identity, saying that foreign workers and international students who contribute to the French economy have never posed a threat to French identity.²¹ In a political strategy to attract a wide range of voters during the first round, however, Royal has also alluded to national identity by recommending every household should own a French flag and sing *La Marseillaise* on Bastille Day.

Ever since Sarkozy referred to the rioters in the French suburbs in the fall of 2005 as "scum," many youth from disadvantaged neighborhoods have mobilized to counter his presidential aspirations. In response to the lack of law enforcement in these neighborhoods, Royal has

²⁰ Royal had previously stated in the early stages of her campaign that she had considered to offer amnesty to all families with children in French schools.

²¹ "Immigration : Royal dénonce l'amalgame 'assez ignoble' de Sarkozy." *La Libération*, March 10, 2007. Available online at: <http://www.liberation.fr/actualite/politiques/elections2007/240075.FR.php>.

proposed community policing as a way to develop relationships and foster trust between the police and local residents.

Conclusion

Immigration and integration have come to the fore of French public policy discussions and decisions. Many new government agencies and authorities—including the High Authority for Fighting Discrimination and for Equality, the National Agency for Welcoming Foreigners and for Migration, and the National Agency for Social Cohesion and Equal Opportunities—have been established in recent years to help immigrants and disadvantaged individuals integrate into the socioeconomic fabric of France.

Royal and Sarkozy's stances on immigration must be placed within the wider context of the presidential debate, in which other issues such as the 35-hour work week, employment for youth, nuclear energy, foreign relations, European integration, and Turkey's accession to the European Union are just as important. However, there is no doubt that many French voters will largely be swayed by the candidates' stances on immigration. In June, France will officially open the doors to its National Museum of Immigration History, and the immigration policies that the new president will oversee in the next five years will undeniably become part of that memory.

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