

# French immigration “reform”: an attack on basic human rights

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The new Immigration and National Identity Ministry run by Brice Hortefeux in Nicolas Sarkozy’s UMP (Union for a Popular Movement) government is ramming yet another law attacking immigrants through parliament, the fourth such law since 2003. This relentless pursuit of immigrants enshrined in the law on “Immigration Control, Integration and Asylum” passed its first reading in the National Assembly on September 18-19.

The main thrust this time is to prevent families being reunited with relatives legally resident in France. One element of the law, which has raised a storm of controversy, is the use of DNA testing on those wishing to rejoin their families. The DNA amendment to the law, passed by 91 to 45 votes, claims that DNA testing will be “entirely voluntary and requested by the would-be immigrant.” UMP parliamentary deputy Thierry Mariani instigated the amendment, citing the use of fraudulent documents by immigrants. This “can affect 30-80 percent of birth certificates presented in some African countries,” he claimed.

The bill’s supporters fraudulently claim that this measure will help people seeking residence permits to get their papers more rapidly because the verification of documents proving kinship is taking many months, even years. In fact, it is a dangerous introduction of genetics into the assessment of human relations, which is why the amendment has received much attention in the German press. Memories of the tragic consequences of the definition of human beings by race and genetics are still very strong in Germany.

In France, prominent Catholic and Protestant church leaders have expressed opposition and even Charles Pasqua, the right-wing Gaullist former hard-line law-and-order minister of the interior, objected in *Le Parisien* October 2: “The choice of DNA testing is not acceptable. It brings up bad memories for us Gaullists. We know the use the Nazis made of genetics.”

Many commentators have pointed out that the family is primarily a social relationship and does not necessarily require proof of biological filiation: the adoption of children makes them just as fully legal members of their family as others. It is not borders and ethnicity which define a person’s human rights but his or her membership in humanity itself.

Hortefeux, in opening the debate on the bill, had recourse to

racist arguments usually associated with the National Front of Jean-Marie Le Pen. “For many of our compatriots,” he said, “immigration is a source of concern. They see it as being a threat to their security, their jobs, their way of life. And French people who think this way are just as respectable as others. We must understand these expectations, the hopes of this silent majority.”

According to Hortefeux, 185,000 residence permits were issued in 2005, 94,500 of which were for family reunification and 13,000 for work. Hortefeux’s brief from President Sarkozy is to get the percentage of immigration for work up to 50 percent from its present 7 percent, at the expense of family reunification.

The bill’s purpose is to make family reunification extremely difficult. Candidates will be given tests on the French language and ‘republican values.’ Adequate financial resources will also be a condition. If the foreign resident applying for family reunification does not earn more than 1 to 1.2 times the minimum wage, depending on family size, then entry into France of his or her family members will be refused.

This is blatant discrimination against poor immigrants, in light of the fact that 1.3 million of France’s active population live below the poverty line of 645 euros a month. France has 2.5 million workers on the minimum wage (1,280 euros gross per month). This is 16.8 percent of the workforce.

The law also requires French people’s partners already resident in the country to return to their country of origin to apply there for a long-stay visa, a necessary precondition for obtaining a French residence permit.

Also, the parents of children who have achieved family reunification must sign with the state a “contract for the reception and integration of the family,” which includes “education in the rights and duties in France of the parents.” If the authorities judge that these have not been adhered to, their family welfare benefits could be taken into administration by the authorities (*mises sous tutelle*). This is extremely foul stuff.

Husbands, wives and children of people legally residing in France will be sent back to their countries of origin, where a visa application will be necessary to obtain a long-stay residence permit in France.

Refugees seeking asylum will have only two weeks instead of

one month to sort out administrative problems to prove the legitimacy of their case. France has already been condemned by the European Court of Human Rights for expelling an Eritrean who saw his application for asylum rejected, leaving him no right of appeal.

Another article in the bill excludes undocumented immigrants from access to emergency housing. The Christian charity organisations Emmaüs and Cimade protested strongly: “We cannot imagine that in the country of the Rights of Man, people who are in the street and not legally resident are not able to find shelter. To refuse them this elementary right throughout the year would be a step in the stigmatisation and marginalisation of these people, and would be an intolerable attack on the dignity and equality of treatment of people.”

The DNA amendment even caused a revolt in the ruling UMP’s ranks in the Senate, where the law commission threw it out. Brice Hortefeux made it clear however that “it is the National Assembly which has the last word.” The Human Rights League said the amendment “goes one step further in breaking with common law and the principles of the republic,” referring to the French civil code which only allows DNA testing for scientific or medical purposes.

The Socialist Party (PS) has concentrated its fire on the DNA amendment, but it has been largely mute on the main provisions of the bill with which it is essentially in agreement. While voting against the bill in the National Assembly, general secretary Francois Hollande expressed concern that “the control of family immigration has to be effective ... it is not in this way that we are going to regulate family regroupment.”

The alignment of the Socialist Party with Sarkozy’s policies is ever more apparent. Sarkozy has already made it clear that in the next few weeks there will be new decrees on immigration quotas: “Within the upper limit, I want us to examine the idea of a quota by profession, category and, naturally, by regions of the world.” Hollande embraced this idea saying it could be “looked at.”

This is in line with the PS presidential election programme and the views expressed by the defeated PS candidate Ségolène Royal in her presidential election campaign. Manuel Valls, an PS deputy and supporter of Royal, was even more openly in agreement with Sarkozy. “I don’t mind opening the debate on immigration quotas. Looking for an agreement with the social forces of this country should not be taboo.” For his part, he would like to see the Socialist Party more on the “offensive” on immigration questions.

The PS position on immigration was spelt out in a study document in 2005 by Malik Boutih. Boutih, a former leader of the PS-dominated anti-racist organisation *SOS Racisme* and now in the PS leadership wrote in the section “A New Policy on Management of the Flow (of Immigration)”: “We propose to set up a policy of quotas of immigration flows allowing us to foresee the needs and capacity of our society. These quotas will be constituted on the basis of the number of immigrants that

France welcomes each year and concerns the countries which have historical economic and political relations with France, like the Maghreb [North Africa], countries of the CFA (French Africa) or certain East European countries, members or not of the EU.”

The immigration bill returned to the Senate (Upper House) on October 2 for a full debate on the DNA amendment and then will be voted through by the UMP majority in the National Assembly. By introducing the new bill on immigration, the French government is attempting to focus the attention of the public on immigration issues while a raft of new laws attacking pension rights, job protection and the right to strike are introduced.

Brice Hortefeux has no qualms about the DNA procedure as he claims it is already accepted in eleven European Union countries and forms part of “Fortress Europe” on immigration. The Prüm treaty goes even further. Negotiated independently of the EU, instigated by Germany and Austria, the latter was also signed in May 2005 by Belgium, Spain, France, Luxembourg, the Netherlands. It “is designed to enhance the exchange of information on the basis of the ‘principle of availability’ with regard to sensitive personal data such as DNA records and fingerprints” which will assist in the “stepping up of cross border co-operation, particularly in combating terrorism, cross border crime and illegal immigration.” (Justice and Home Affairs issues at the EU level—House of Commons Home Affairs Committee Report). The aim is to incorporate this into EU law.

The Sarkozy-Hortefeux bill is a strengthening of the powers of surveillance and repression of the state, not just in France, but throughout Europe and represents a European-wide escalation of attacks on the basic human rights of both immigrants and EU citizens.



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