PISM | POLSKI INSTYTUT SPRAW MIĘDZYNARODOWYCH
THE POLISH INSTITUTE OF INTERNATIONAL AFFAIRS

BULLETIN

No. 62 (1133), 26 April 2018 © PISM

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Immigration and Asylum Policy Reform in France

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The French government's project of changes to immigration and asylum policy, recently adopted in the National Assembly, is among the most right-wing of President Emmanuel Macron's reforms. It includes limits on immigration by speeding up processing of asylum applications, extending the period of detention for immigrants who entered through irregular means, as well as a faster deportation procedure. These changes were considered too restrictive by some parliamentarians in the president's La République En Marche! (LRM), and their adoption risks party cohesion.

According to surveys, two in three French citizens say they are concerned about the increase in immigration in the last few years, symbolised by strong emotions accompanying the debate on the dissolution of the illegal refugee camp at Calais. In 2011, there were 193,000 new residence permits registered. Four years later, in 2015, there were 218,000, then 228,000 in 2016, and 262,000 in 2017. In addition, more than 100,000 applications for asylum were submitted last year, a rise of 18% compared to the previous year. During the peak of the refugee crisis, in 2015, the number of asylum applications increased by 22.1%. In 2017, only about 15,000 people were expelled from France. Public opinion polls show that as a result of the mass-migration crisis and terrorist attacks committed by jihadists, the vast majority of French citizens are demanding the government take more control of the flow of immigrants into the country.

To meet these expectations, on 21 February Interior Minister Gérard Collomb presented a new bill on immigration and asylum policy at the Council of Ministers. The government presented the project as an example of the right balance between "effectiveness and humanitarianism" in dealing with the problem of mass immigration, but the proposed changes are also the most restrictive in 70 years. The whole leftist part of the opposition and an ad hoc non-parliamentary coalition of associations helping immigrants opposed the proposal. What's more, for the first time, a group of LRM deputies openly criticised the government's bill.

The Restrictive "Collomb's Law." Adopted as final on 22 April, the changes are likely to drastically reduce immigration to France, both refugees and economic migrants. Minister Collomb had stated that "the lack of a decisive government response will result in arriving in France annually of entire new cities of immigrants, for which the state is not ready." The new laws include several key changes meant to give the government more control.

First, people subject to deportation could be held under arrest for a maximum of 45 days, but the new law doubles that to 90 days with the possibility of extending the period three more times by 15 days each, so a maximum of 135 days. The longer detention period is meant to allow more effective organisation of departures from French territory and was designed to improve the negotiations between the French government and the specified country of return. To facilitate this process, in September 2017 Macron appointed a special migration envoy. Second, security services wanting to verify the identity of an immigrant had only 16 hours of so-called administrative detention. The law extended this period to 24 hours. Third, the changes are expected to significantly accelerate the procedures for processing asylum

applications from 11 months to six months. Until now, asylum applicants had 120 days to submit relevant documents to the French Office for the Protection of Refugees and Stateless Persons (OFRPA), then a month to appeal against a refusal decision to the National Court of Asylum. Under the new law, this period will be reduced to 90 and 15 days, respectively. Specialists say these deadlines are too short for consideration of the cases and are aimed at deterring migrants from coming to France. In light of the new law, the lack of a grant of asylum automatically entails deportation. According to the new regulations, to speed up the asylum procedure, the OFPRA would assess first whether an asylum-seeker can safely return to his or her home state. This introduces a preliminary, some say arbitrary, selection process at the beginning of the asylum procedure. Critics of this change indicate this provision as proof of France's restriction of refugee rights. It is worth noting, however, that the act envisages increasing the budget to support the integration of refugees by 25% in 2018 and by an additional 5% in 2020.

Reactions and Challenges. The draft law was the most right-wing of President Macron's numerous reform measures and is biggest test of cohesion in the governing LRM. The party has 312 deputies, with more than 100 from the traditional Left (socialists, ecologists, civic movements). About 20 of them submitted 200 amendments (out of a total of 850) to draft law and some planned to not take part in the vote. Like the Socialists, the Communists, and the deputies of Unsubmissive France (*La France insoumise*) they stated that, contrary to the government's declarations, the reform is not more "humane" and its main goal is to effectively reduce the flow of unwanted migrants by tightening criteria for granting residence rights.

Until now, LRM deputies have largely voted and spoken in keeping with the government line. This is the first time the party is in danger of a split, which is why Minister Collomb, in presenting the bill to the National Assembly on 16 April, addressed mainly the critics of the bill from his own camp. The risk of dividing the president's support among the left-wing and right-wing factions is very serious. The differences of opinion between them over the immigration reform measures have sharpened to such an extent that the chairman of the LRM, Richard Ferrand, threatened to expel deputies who do not maintain party discipline. So far, an informal group of "break-uppers" meets once a week to discuss and agree a common position within the LRM, wishing, as the leader of the group, former Socialist Brigitte Bourguignon, to influence policy under the sometimes too "right-wing" government. However, in the voting, only one deputy from this group opposed the bill.

The most active and spectacular of the opposition to the immigration changes were marches, protests, and petitions promoted by a coalition of associations helping immigrants in France, the so-called General States for Migration (470 organisations), including Doctors of the World, the League of Human Rights, and the Abbé Pierre Foundation. This coalition in particular criticises instruments meant to improve protection of refugees as both insufficient and available to too few people. On the other hand, on the right-wing side of the opposition, Republican leader Laurent Wauquiez and National Front's (FN) Marine Le Pen tried to outpace each other in their critique of the bill, aiming to present themselves to the public as the main opponents of Macron's migration policy. In this context, FN is more consistent and credible in its opposition. A few hours before the presentation of the Collomb project, FN presented a counter-proposal in the form of 70 amendments, following on from Le Pen's presidential campaign and including a provision mandating priority be given to citizens in work and housing, and the exclusion of immigrants from state medical care.

Conclusions for the EU and Poland. The adoption of a bill in such form and in this moment is politically risky, considering that at the EU level negotiations are ongoing on a "new asylum package." Certain proposals in the French law seem a new twist on the "Dubliner" system, which is based on the Dublin regulations that state a person applying for asylum must be processed in the first EU country to which they arrived. These may conflict with the current line of EU negotiations on revising the Dublin system. The French law assumes these people may be detained without the need to obtain a decision on returning them to a "third" state. As a result, the law now contains instruments enabling massive preventive arrest of these "Dubliners."

On the other hand, some of Macron's proposals, such as improving sharing of information on asylum-seekers between Member States, increasing EU border control (both external and internal), and greater focus on helping African and Middle Eastern populations in their home countries, are close to Poland's position. The French example shows a focus on greater control and even a drastic reduction of immigration is now more in the European mainstream, or go even further, such as measures taken in such countries as Denmark and Austria.