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Time for Tough Love: How France’s Lenient Illegal Immigration Policies Have Caused Economic Problems Abroad and Social Turmoil Within

Jennifer Kolstee*

On April 15, 2005, a fire blazed through a hotel in Paris killing twenty-four people, nearly half of them children.¹ This event would have been tragic under any circumstances, but the nationalities of the victims brought attention to the issue of illegal immigration in France; most of those injured or killed were North-African immigrants living in deplorable conditions.²

On August 26 of the same year, another fire claimed the lives of seventeen African immigrants and injured twenty-two more³ in an apartment building in Paris.⁴ Like the April 15th incident, many of those killed were children trapped by fire while they slept,⁵ and many were from the West African nation of Mali.⁶ According to the Agence France-Presse, 130 people, including 100 children, from Mali, Senegal, Ivory Coast, and Gambia were staying in the 1920’s building.⁷ They had been

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² Id.
⁵ Smith & Bernard, supra note 3, at A4.
⁶ Deadly Paris Fire Kills 17, Injures 22; No Word Yet on Cause, FT. WORTH STAR TELEGRAM, Aug. 26, 2005 at A21.
⁷ Smith & Bernard, supra note 3, at A4.
sent to the building by charities charged with housing immigrants without papers. 8
Residents of the apartment building reported that three-room units often housed twelve people or more. 9 The buildings were infested with rats and mice and had poorly lit hallways, not to mention inadequate emergency exits. 10

These events triggered calls for reform to France’s policies on illegal immigration and its treatment of poor migrant workers. 11 Some groups argued that France’s strict policies forced illegal immigrants to live in crowded, unsafe conditions. 12 Lack of employment and poor compensation for those able to find jobs have limited adequate housing options for many of the nation’s migrant workers and illegal immigrants. 13

Although this is not the first time attention has been called to the immigration issue in France, 14 the present situation has been complicated by world affairs 15 and social tensions between North-African immigrants and French citizens. 16 This is especially true in light of the more recent riots that have taken place in Parisian suburbs. 17

European countries have consistently struggled to strike a balance between preventing illegal immigration and providing humanitarian aid to those in need. 18 Finding the balance between the two has only been

8. Id.
10. Id. Only days later, another fire broke out in a Paris apartment building killing seven African immigrants. Immigrants Killed In Second Paris Apartment Fire, SYDNEY MORNING HERALD, Aug. 31, 2005 [hereinafter Immigrants Killed]. The fires were determined to be accidental, but their intensity was fueled by the poor building materials and overcrowded conditions. Id.
11. Craig S. Smith, Hotel Fire Sheds Light on France’s Illegal Immigrants, N.Y. TIMES, Apr. 20, 2005 at A3 [hereinafter Hotel Fire].
12. See id.
13. See id.
16. See generally id. (Large Muslim populations have come into conflict in European nations that already retain a strong ethnic identity.).
18. See Virginie Guiraudon, National Center for Scientific Research, Immigration
complicated by the current war on terror. 19 Although France has
welcomed African laborers in the past, 20 the country has recently
undertaken efforts that have limited the hiring of foreigners in an effort
to control the influx of people into their country. 21

While the European Union has struggled to keep illegal immigrants
out, 22 the African nations from which these people come have little
incentive to stop their citizens from leaving. 23 Families and local
economies in African countries benefit from income sent back to them
from their children and family members working abroad. 24 Many
African countries turn to European states, such as France, not because
they look to strengthen their local economies or seek trading partners, 25
but because they have become dependent on economic aid. 26

As former colonies, countries like Mali have learned to depend
largely on the support of their former colonizers and have had difficulties
cultivating their own economies. 27 In a meeting with French President
Jacques Chirac, 28 Malian President Amadou Toumani Touré expressed
that Malian men and women working in France were necessary to Mali’s

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20. See Jana Evans Braziel, Notes on the History of French Immigration and
Migration, http://www.umass.edu/complit/aclanet/frenchmi.htm (last visited July 7,
2006).

21. See generally Kimberly Hamilton, Patrick Simon, & Clara Veniard, The
Challenge of French Diversity, Migration Policy Institute, November 2004, available at
http://www.migrationinformation.org/Profiles/display.cfm?id=266 (last visited July 7,
2006) [hereinafter Hamilton, et al.] The Pasqua Laws created in France made it a
punishable offense to hire illegal immigrants. This effort is likely to strengthen after
the terrorist attacks in London in the summer of 2005, as several of the perpetrators of those
attacks were of African origin. Philippe Naughton, Peter Bale & Sam Knight, London
Bombs, TIMES [LONDON], Jul. 7, 2005 available at http://www.timesonline.co.uk/
article/0,,22989-1684290,00.html (last visited July 7, 2006). At least two of those
arrested in connection to the London bombings were either naturalized British citizens
of Somali descent or Somalians with British residency. See Allessio Vinci, Henry Schuster &
Jennifer Eccleston, Sources: 4 UK bomb suspects held, CNN.com, July 29, 2005,

22. EU Countries Agree on Illegal Immigration Issues, Workpermit.com, Jul 6,

23. Michael Kamber & Marc Lacey, For Mali Villagers, France Is a Workplace and
Lifeline, N.Y. TIMES, Sept. 11, 2005 at A16.

24. Id.

25. See id.

26. See id.

27. Ann Talbot, Justifying the Role of Imperialism in Africa, World Socialist Web
visited July 7, 2006).

Malian workers in France send money back to their families in an amount equivalent to what Mali receives in public aid annually. President Touré also stated, "In France, [Maliens] work tirelessly and for that, they deserve our respect." However, the presence of immigrants in France is facing increasing scrutiny.

For instance, in the face of terrorist threats and violence that have gained worldwide focus, tension between French citizens and North-African immigrants, most of whom are Muslim, has also posed a dilemma for immigration policy. Thus, France must balance its efforts to curb illegal immigration between its own security and policies that may make Muslim immigrants feel targeted, increasing tension on the already strained social relations. France should also consider whether it has a responsibility to aid former colonies, which include a number of North-African, Muslim nations.

While France should undertake a higher degree of responsibility to assist in the economic development of its former colonies because of the lasting impact of colonization, increased economic aid and more lenient immigration laws are not the answer. Europe’s colonial relationships have created substantial economic dependence on former colonizers, and that reliance persists today. Political power struggles, social dilemmas, and poor economies are part of the legacy of colonization. However, permitting the free flow of immigrants into countries like France will

29. Id.
30. West Africa: Illegal Migration, the Lure of the North, UN Integrated Regional Information Networks (IRIN), June 16, 2004, http://www.irinnews.org/report.asp?ReportID=41719&SelectRegion=West_Africa (last visited July 7, 2006) [hereinafter Lure]. IRIN is a component of the UN Office for the Coordination of Humanitarian Affairs, but its news service is independent. IRIN was founded in 1995 to “improve the flow of vital information to those involved in relief efforts.” IRIN provides news from sub-Saharan Africa, the Middle East, and Central Asia.
31. Id.
32. See Naughton et al., supra note 21.
34. The second French colonial empire grew to include the modern day nations of Algeria, Tunisia, Mauritania, Senegal, Guinea, Mali, Cote d’Ivoire, Benin, Niger, Chad, Central African Republic, Republic of Congo, Djibouti, and Morocco. After the First World War, France also took over what are now Syria, Lebanon, Togo, and Cameroon. French Colonial Empires, Answers.com, http://www.answers.com/topic/french-colonial-empires (last visited July 7, 2006).
36. Colonialism has been blamed for altering the social, political, and economic landscape of many African nations. For instance, the Rwandan genocide was thought to be fueled by changes made in the country by Belgian colonial powers. Belgian rule exacerbated a divide between the Hutu majority and the ruling Tutsis by favoring one group over the other creating fertile ground for an ethnic conflict. See id.
only exacerbate social tensions and further harm African economies.

This Comment proposes that former colonizers have a special relationship with the countries they previously occupied, which requires consideration when formulating various policies, particularly those involving immigration. The special relationship also imposes a duty to promote economic stability in those nations. However, lenient immigration policies allowing guest workers from former colonies are not the answer, nor are increased budgets for international aid donations.

While formulating policy, France must consider the social consequences of its legislation. Incidents like the recent hotel fires and riots are illustrative of the tension that currently exists between the French and its immigrant population, illegal and otherwise. Creating tougher immigration laws may decrease social tensions in the future. If France continues its lenient policies, the problem will likely be exacerbated because of inequities between immigrants and native Frenchmen.

Part I of this Comment examines the relationship between France and its former colony, Mali. It examines this relationship in light of France’s historically open policies with regard to illegal immigration. Parts II and III focus on the present situation in France with respect to illegal immigration. This analysis considers the policy options in light of the special relationship that France has with its former colonies and the social environment within France as evidenced by the 2005 riots, in which adolescent immigrants have played a key role.

Ultimately, Part IV argues that the best policy for France to pursue is to strengthen its illegal immigration and deportation laws in order to calm social unrest within its borders and prevent overcrowding of its cities. Part V explains how stricter immigration laws, as opposed to more lenient policies, will aid countries like Mali.

I. Historical Background

The village of Somankidi, Mali is economically advantaged by traditional African standards. It has a half-dozen public wells, medical and birthing facilities, clinics, stately mosques, and a number of concrete homes with electricity. Though these items may not seem out of the

37. See, e.g., Ganley, supra note 4, at A13.
40. See Kamber et al., supra note 23, at A16.
41. Id.
ordinary, to the residents of this village, they are rare luxuries. However, the capital for these facilities does not come from local industry or economies. The village's prosperity is attributed to the large number of Malians working in France who send their income back to family members in Mali.

A. African Immigrants Search for a Better Life

The residents of many villages in Mali, like those in Somankidi, send their children and young adults to work in France and depend on the income their children send back. This system is part of a tradition that has endured for nearly six decades, stemming from Mali’s French colonial days when Malians were welcomed to France as workers. Mali is not alone in this migration of workers to Europe. People from a number of African nations make dangerous treks north in the hopes of escaping poverty and making money to send back to their families. The stories of some of these people have made headlines in recent years and are representative of the vast number of Africans seeking a better life in European nations.

B. The Historical Background of Mali

Mali was once one of the great centers of Islamic culture and wealth. Even today, ninety percent of Mali’s population practices Islam. The country flourished between the 11th and 14th centuries when it was a part of the empire of Ghana. Then, Mali was important for its

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42. See id.
43. Id.
44. Id.
46. See Kamber et al., supra note 23, at A16.
47. See id.
48. See Lure, supra note 30.
49. Id.
50. Id. Two boys from Guinea were featured in 1998 when they were found frozen to death in the cargo bay of a plane destined for France. Id. A Cameroonian man died when he fell from the undercarriage compartment of a flight destined for the Middle East. Id. Nearly 200 illegal immigrants from West Africa were discovered on a boat sailing from Libya when the boat’s engines failed in the middle of the Mediterranean. Id.
role in the gold trade through the trans-Saharan trading routes.\textsuperscript{54}

Today, Mali is one of the poorest nations in the world.\textsuperscript{55} Sixty-five percent of its land is desert or semi-desert,\textsuperscript{56} so its economic activity is largely confined to the river area along the Niger.\textsuperscript{57} Eighty percent of Mali's economy comes from agriculture and fishing.\textsuperscript{58} Its main exports are cotton and gold, which are vulnerable to market fluctuations.\textsuperscript{59} With sixty-four percent of its population living in poverty,\textsuperscript{60} Mali is heavily dependent on foreign aid,\textsuperscript{61} although its economy has shown some growth in recent years.\textsuperscript{62}

Largely desert, the Kayes region of Mali is famous as the point of origination for large numbers of people migrating to and settling in France and other European nations.\textsuperscript{63} Figures from France estimate that around 120,000 Malian immigrants live in France,\textsuperscript{64} sixty percent of which are illegal.\textsuperscript{65} In order to understand the current situation in Mali, it is important to understand its history as a French colony.

C. \textit{French Colonization and Mali's Ultimate Independence}

Mali was invaded by France in 1880 and became known as the "French Sudan."\textsuperscript{66} Mali joined Senegal in 1959 and became the Mali Federation, which gained independence from France in 1960.\textsuperscript{67} Senegal and Mali split soon after, with the latter becoming the Republic of Mali.\textsuperscript{68} The first President of Mali, Modibo Keita,\textsuperscript{69} severed ties with

\begin{thebibliography}{99}
\bibitem{55} \textit{Id.}
\bibitem{56} CIA World Factbook, \textit{supra} note 52.
\bibitem{57} \textit{Id.}
\bibitem{58} \textit{Id.}
\bibitem{59} \textit{Id.}
\bibitem{60} \textit{Id.}
\bibitem{61} \textit{Id.}
\bibitem{62} \textit{Id.}
\bibitem{63} \textit{Lure, supra} note 30.
\bibitem{64} \textit{Id.}
\bibitem{65} \textit{Id.}
\bibitem{66} CIA World Factbook, \textit{supra} note 52.
\bibitem{67} \textit{Id.}
\bibitem{68} \textit{Id.}
\bibitem{70} \textit{Id.}
\bibitem{71} Keita was the leader of the Sudanese Union, a militantly anti-colonial party.
\bibitem{72} \textit{Id.}
\end{thebibliography}
France and developed a strong relationship with the USSR. Political unrest and economic inflation resulted from those ties with communist Russia and led to a military coup in November of 1968. This coup brought the Military Committee for National Liberation party to power.

Facing pressure from France, the government began a process of democratization; plans for formal elections were created and a framework for the separation of the army from politics began in 1992. Presidential elections were held in April of 1992 with university professor Alpha Oumar Konare taking power under the Alliance pour la Democratie au Mali en Mali-Parti Pan-Africain pour la Liberte, la Solidarite et la Justice party (ADEMA).

ADEMA dominated politics for the next ten years, but the political system was ravaged by strikes, student protests, and constant changes of leadership and alliances within the political party. In 2002, Amadou Toumani Touré returned to office by popular election, backed by the newly-formed political party Espoir 2002. French influence was obviously present as “the bulk of Mali’s debt to France was cancelled within months of the election of the French supported candidate.”

While France vacillated in its immigration policy toward African

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70. Mali Travel Guide, supra note 53.
72. Id. The party was also eventually brought down in March 1991 and replaced with a new government known as the Conseil National de Reconciliation headed by Lieutenant-Colonel Amadou Toumani Touré. Id.
73. Id.
74. Id. A new constitution placed the executive power in the president, who is elected for a five-year term. The Constitution of the Republic of Mali, Title III, art. 30. The constitution also allows for the president to appoint a prime minister, who then appoints a Council of Ministers. Id. at art. 38. Legislative powers are held by a 147-member National Assembly, which is also elected for a period of five years. Id. at Title V, art. 59-61.
75. Mali Travel Guide, supra note 53.
76. Id.
77. ADEMA is a centrist party whose names is translated as Alliance for Democracy in Mali/Pan-African Party for Liberty, Solidarity and Justice organized in 1990 in opposition to the single-party state organized under the Union Democratique du Peuple Malien or Democratic Union of the Malian People. Country Profile: Mali, supra note 71.
78. Mali Travel Guide, supra note 53.
79. Id.
80. Id.
81. Espoir 2002 translates to Hope 2002, a socialist coalition for the 2002 legislative elections which encompassed groups such as Rally for Mali, the National Congress for Democratic Initiative, Patriotic Movement for Renewal, and Rally for Labour Democracy. Rally for Mali became the second largest political party in Mali after the 2002 legislative elections. Country Profile: Mali, supra note 71.
82. Mali Travel Guide, supra note 53.
immigrants, its reaction to events in the politics of Mali illustrated that its influence is still present. This leaves the door open for France to use its influence to shape the economic policy of Mali presently. Increasing economic self-sufficiency will reduce the necessity of migrating to France in order to earn a living.

II. France’s Immigration Policy Historically and Today

Traditionally, French immigration policy had two aims: “to meet the needs of the labor market by introducing migrant workers; and to compensate French demographic deficits by favoring the permanent installation of foreign families while ensuring their integration into the national body." Thus, France’s policies centered on its economic needs while creating a diverse society; however, it has not truly considered the social implications of its actions. France’s colonial relationships have laid the groundwork for a steady movement of people between France and its former colonies.

Immigration to France greatly increased in the 1950’s and 1960’s as Africans moved northward to escape wars of liberation and decolonization. Immigrant workers were welcomed to help rebuild France following the Second World War. Decolonization of African colonies also fueled migration because European states were in need of cheap labor and Africans were lured by the prospect of higher paying jobs. Also contributing to this influx was the political uncertainty in Mali and problems created by land disputes with the Tuaregs. France especially felt this impact in the form of free and unregulated entry of immigrants from Algeria.

The 1970’s brought social and economic changes, and immigrants
faced tough challenges. Large population growth and the introduction of more women into the labor force limited the need for foreign workers. These circumstances, coupled with international economic difficulties, led to high levels of unemployment in France. Ultimately, the French government followed other European countries and officially ended its pro-labor migration programs. France's policy included provisions for imposing sanctions against employers who hired illegal immigrants. Therefore, those individuals were then forced to work under the table to support themselves and their families.

A. France's Policy at the End of the Twentieth Century

In 1945, France declared itself officially open to immigrants and their families. Not until 1980 did France begin to take measures to restrict immigration. In 1981, parliament altered conditions of entry into France for foreigners and other laws introduced controls on immigrants and penalties for those harboring or aiding them into the country.

The most sweeping reforms were made in 1993, when the French government's interior minister, Charles Pasqua, set the goal of "zero illegal immigration." This objective was later codified in what became the Pasqua Laws.

The Pasqua Laws touched every facet of life, including immigrant families. The laws prohibited foreign graduates from obtaining employment in France and denied residence permits to foreign spouses who had been in France illegally before marrying. Restrictive measures put in place by the Pasqua Laws also undermined the family

93. See Hamilton et al., supra note 21.
94. Id.
95. See Braziel, supra note 20.
96. Id.
97. Hamilton et al., supra note 21.
98. Id.
100. See id.
101. See id.
102. Hamilton et al., supra note 21.
103. Guiraudon, supra note 18.
105. Guiraudon, supra note 18.
Children of foreign parents born in France had to make a voluntary declaration between the ages of sixteen and twenty-one that they wished to become French citizens, whereas children born in France of a parent from a former colony were considered French citizens at birth. The laws increased the power of the police to deport illegal immigrants and also eliminated the opportunity to appeal asylum rejections. Consequently, these reforms significantly altered migration to France and led to the emergence of a group known as "inexpulsables-irregularisables." That group included rejected asylum seekers from countries to which it is not safe to return and foreign parents of French children.

The Pasqua Laws were not left unchallenged. In 1996, a group of Africans and Chinese who were unable to obtain residence permits occupied a church in Paris. The protesters were denied permits even though most of them had resided in France for several years and thus, could not be legally deported.

In that same year, the lower house of the French Parliament amended a proposal that would have granted legal status to immigrants after fifteen years of crime-free illegal residence in France, and required citizens to notify local authorities whenever they have non-European Union foreigners in their homes. The French government also resorted to a number of expulsions. From 1995 to 1996, nearly

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106. Nigh Smith, supra note 104, at 1120.
107. See id. This was later changed in 1998 with the Elisabeth Guigou Law, which gave the right to French citizenship to children born in France to foreign parents at the age of thirteen with parental consent, or at the age of sixteen if the child has lived in France for five years. See Brigitte Hardy, Droit de la Nationalité: Historique [The Nationality Law: History], at http://www.ac-rouen.fr/pedagogie/equipes/ecjs/droit_de_la_nationalite.htm (last visited June 27, 2006).
108. Hamilton et al., supra note 21.
109. Id.
110. Guiraudon, supra note 18.
111. Id. Rejected asylum seekers were not returned to their dangerous countries of origin due to humanitarian concerns and foreign parents of French children cannot be expelled, but are ineligible to apply for residency permits. Id. Thus France was caught in a struggle between humanitarian and immigration concerns. See id.
112. See Hamilton et al., supra note 21.
113. Id.
114. Id.
115. Id.
117. Id.
118. Id.
20,000 illegal immigrants were deported.\textsuperscript{119}

Immigrants without legal documents became known as sans papiers.\textsuperscript{120} The sans papiers mobilized the support of over 10,000 people, who marched in Paris on their behalf.\textsuperscript{121} Similar demonstrations and acts of civil disobedience continued throughout the period of 1995 to 1997.\textsuperscript{122} In 1997, Socialists won control of the National Assembly\textsuperscript{123} and took a critical look at immigration policy.\textsuperscript{124} At the government's request, political scientist Patrick Weil and a team of government experts produced a report on nationality and citizenship.\textsuperscript{125} The report concluded that the Pasqua Laws "deprived France of human capital by deterring foreign students and professionals from settling in France."\textsuperscript{126}

The report's recommendations led to new legislation in 1998.\textsuperscript{127} "The new rules aimed to provide highly skilled workers, scholars, and scientists with special immigrant status, while simultaneously combating illegal immigration."\textsuperscript{128} This legislation, coupled with the \textit{Loi relative à l'entrée et séjour des étrangers en France} (RESEDA) on foreign immigration, sought to ease the admission procedures for graduates and highly skilled employees.\textsuperscript{129} Specifically, RESEDA grouped together foreign students, scientists, and artists, giving them preferential treatment in the immigration system.\textsuperscript{130} Additionally, a new regularization procedure, created in 1997,\textsuperscript{131} led to the legalized status of roughly 87,000 unauthorized immigrants out of approximately 150,000 applicants.\textsuperscript{132} Since then, the number of foreign students entering France has continued to rise.\textsuperscript{133}

The Pasqua Laws took a step in the right direction by increasing the power to deport and creating more stringent asylum procedures; however they did not tackle the social implications of such legislation. Families
were often left with few options: foreign parents of children who were French citizens could not be expelled, but were prevented from receiving residence papers.\textsuperscript{134} In fact, ironically, the laws changed the status of many legitimate aliens to illegal immigrants.\textsuperscript{135} However, reforms did not create any better situation. The less restrictive legislation that replaced the Pasqua Laws only further deprived African nations of human capital by permitting skilled and educated workers admittance into the France.

B. \textit{Today's Trends in France's Immigration Policy}

Illegal immigration has continued to flourish in France.\textsuperscript{136} In November of 2003, the National Assembly passed the Sarkozy Law, amending legislation on immigration and the residence of foreigners\textsuperscript{137} to provide more stringent regulations to combat illegal immigration and regulate the admission and stay of foreigners.\textsuperscript{138}

A tougher stance on immigration was a move in the right direction, but recent proposals threaten the effectiveness of such laws to return human capital to African nations.\textsuperscript{139} Nicolas Sarkozy, Minister of the Interior, has proposed a new policy of allowing immigrants based on criteria such as education, professional capabilities, political views, and religious beliefs.\textsuperscript{140} France appears to be moving toward a policy of selective immigration. While explaining the new law in parliament, Sarkozy stated, “a radical Muslim husband who keeps his wife cloistered at home must know that he is putting his other relatives’ access to [a] visa at risk.”\textsuperscript{141} Rather than focusing on immigration itself, Sarkozy’s new laws and his characterization of them will only alienate Muslims even more.

In fact, tensions persist between France and its former African colonies.\textsuperscript{142} French resentment has led to racism and discrimination against African immigrants,\textsuperscript{143} many of whom are Muslim.\textsuperscript{144} Sarkozy’s

\textsuperscript{135} See id.
\textsuperscript{136} Hamilton et al., \textit{supra} note 21.
\textsuperscript{137} Id.
\textsuperscript{138} Id.
\textsuperscript{139} See Julio Godoy, \textit{France: Making it Harder for Immigrants}, Inter Press Service News Agency, May 9, \url{http://ipsnews.net/interna.asp?idnews=33172} (last visited June 27, 2006).
\textsuperscript{140} See id.
\textsuperscript{141} Id.
\textsuperscript{142} See Masci, \textit{supra} note 15, at 1-2.
\textsuperscript{143} Id.
comments are illustrative of negative feelings toward Muslims, which have incorporated a religious dimension to the discrimination, especially in light of the prevalence of Islamic fundamentalism and highly publicized and deadly terrorist attacks in the name of Islam. 

Recently, Sarkozy reported that “13,000 undocumented immigrants have been expelled” and pledged to send 10,000 more immigrants home before the end of 2005. Over 18,000 foreigners were expelled in 2004. In response, African leaders called for accelerated economic development in their countries to stem the flow of illegal immigrants. By strengthening local economies, African citizens will be more likely to remain in their home countries rather than seek employment in Europe.

While the number of those immigrants deported is increasing, France still maintains a relatively lenient practice for dealing with illegal immigrants or those who are denied working papers. The hotel fires illustrate the severity of the problem of dealing with immigrants left in limbo after having their petitions for working papers denied. All three fires took place in hotels or apartment buildings that were part of a “circuit of low-end lodgings contracted by government-financed agencies to house asylum seekers or aliens whose requests for residency have been denied.” Agencies, such as SAMU Social, argue that the residents of these housing units have no legal status and must be placed somewhere while awaiting a permanent decision regarding their status.

The Paris Opera Hotel, the site of the April 15th fire, was one of

144. Id.
145. Id.
146. Id. Recent events include the London and Madrid bombings and the 9/11 attacks on the United States.
148. Id.
149. Id.
150. Tougher Immigration, supra note 116.
151. See Expels, supra note 147.
152. See, e.g., Hotel Fire, supra note 11, at A3.
153. Id.
154. Id.
155. SAMU Social was created in 1993 by Dr. Xavier Emmanuelli to assist finding housing for the homeless and providing them with medical care. SAMU Social de Paris, http://www.samusocial-75.fr/ (last visited July 7, 2006). Dr. Emmanuelli was a co-founder of Medecins Sans Frontieres (Doctors Without Borders) and served as the honorary president of the organization. Id. The name SAMU stands for service d’aide medicale urgent, or emergency medical assistance. Id.
156. Hotel Fire, supra note 11, at A3.
157. Id.
158. Paris Hotel Blaze Leaves 20 Dead, BBC News, Apr. 15, 2005,
about 150 private hotels around the city that hold contracts to provide low-priced housing.\textsuperscript{159} Families often move from hotel to hotel,\textsuperscript{160} depending on the availability of space and the need to rent rooms out to paying customers.\textsuperscript{161} Alien residents typically pay a reduced price for rent,\textsuperscript{162} or approximately sixteen Euros per person per day.\textsuperscript{163} Unfortunately, these hotels are often in deplorable condition without adequate exits\textsuperscript{164} and are unsafe for occupation by such large numbers of people.\textsuperscript{165}

The French government does provide aid to immigrants while their status is undetermined.\textsuperscript{166} One woman, Ms. Alouache, whose request for asylum was denied and is pending appeal, receives 100 euros a month for her and her family, as well as provisions for food, clothing, and free health care from the state.\textsuperscript{167} Without papers, Alouache and her husband are unable to find adequate employment.\textsuperscript{168} Consequently, Alouache spends her days in city parks waiting for her son to get out of nursery school while her husband plays soccer and acts as an informal coach for boys.\textsuperscript{169} Since France rarely resorts to deportation,\textsuperscript{170} families like Alouache's can wait for years before a resolution is reached.

France has been one of the top countries for submissions of asylum applications.\textsuperscript{171} Quasi-governmental agencies often take charge of caring for immigrants denied papers or asylum.\textsuperscript{172} For instance, SAMU Social handles about 3,000 people in Paris, half of whom are children.\textsuperscript{173} Through these agencies, France feeds, houses, and clothes between 9,000 and 10,000 immigrants lacking papers in Paris alone.\textsuperscript{174} Problems begin when France leaves families without a resolution for long enough periods

\textsuperscript{159} \url{http://news.bbc.co.uk/2/hi/europe/4447001.stm} (last visited July 7, 2006).
\textsuperscript{160} \textit{Id.}
\textsuperscript{161} \textit{Hotel Fire, supra note 11, at A3.}
\textsuperscript{162} \textit{Id.}
\textsuperscript{163} \textit{Id.}
\textsuperscript{164} \textit{See Paris Hotel Blaze Leaves 20 Dead, supra note 158.}
\textsuperscript{165} \textit{Id.} The hotel had only a single exit as older buildings were not required to have separate fire exits.
\textsuperscript{166} \textit{Hotel Fire, supra note 11, at A3.}
\textsuperscript{167} \textit{Id.}
\textsuperscript{168} \textit{Id.}
\textsuperscript{169} \textit{Id.}
\textsuperscript{170} \textit{Id.}
\textsuperscript{172} \textit{Hotel Fire, supra note 11, at A3.}
\textsuperscript{173} \textit{Id.}
\textsuperscript{174} \textit{Id.}
that they become established, many giving birth to children in France. Deportation then becomes a much more complicated issue.

France only offers residency to illegal immigrants on a case-by-case basis. Data from France’s Office for the Protection of Refugees and Stateless Persons (OFPRA) shows that the European nation is “the world’s leading destination for asylum seekers.” France recorded more than 65,600 requests in 2004 alone.

III. Social Tensions Erupt in France

France is a nation that has based its social structure on the promotion of secularism in favor of nationalism; therefore, the presence of a large faction that bases its identity on religion is highly problematic. Racism has manifested itself in many forms: Muslims feel discriminated against in their search for employment, they feel harassed by the police force that is predominantly comprised of white males, and they feel targeted by legislation aimed at promoting secularism in public education. These conditions have led African Muslim immigrants to feel like outsiders rejected by traditional French society.

A. Riots Spread Across France Suburbs

Racial tensions finally erupted in violence in 2005 after the deaths of two young boys, the sons of immigrants from African nations.

175. Id.
177. Id.
179. Id.
181. See id.
183. See Gecker, supra note 38, at A5.
184. See Katrin Bennhold, Firestorm in France: The Police; Suburban Officers Criticized As Insensitive, N.Y. TIMES, Nov. 8 at A6.
187. Thomas Crampton, Behind the Furor, the Last Moments of 2 Youths, N.Y. TIMES, Nov. 7, 2005 at A10.
Zyed Benna and Bouna Traore, two Muslim African immigrants, were killed after an encounter with the police by accidental electrocution. Their deaths set off more than ten days of violence that spread from the housing projects of Paris to cities and towns across France. The riots resulted in the burning of more than 10,000 cars, schools, nurseries, gyms, warehouses, and businesses.

Interior Minister Sarkozy stated that police arrived to investigate a possible break-in at a construction site and detained six youth for questioning. Benna and Traore were electrocuted as they hid from the police in a transformer at an electrical substation. The Interior Ministry then released a preliminary report stating that the officers were not chasing the boys, and exonerating the officers of any direct role in the deaths.

Benna and Traore’s friend Muhittin Altun, who survived the electrocution with burns covering approximately thirty percent of his body, gave a different story. He stated that the police arrived with sirens blaring and chased the boys with police dogs as they returned home from a soccer game. According to Altun, the group of friends ran in different directions when they saw the police patrol. He contended that they were not hiding because they were guilty of any crime, but because youths in the housing projects often faced lengthy questioning by police. Young immigrants claim they are often required to present identity papers and can be held for hours at the police station for questioning.

Benna and Traore came from an impoverished housing project in a suburb north of Paris. The area is predominantly populated by first and second-generation immigrants, largely from northern Africa.

188. Id.
190. Crampton, supra note 187, at A10.
191. Id.
192. Id.
195. Id.
197. Symons, supra note 193, at MATP1.
198. Id.
199. Crampton, supra note 187, at A10.
200. Id.
201. Id.
202. Id.
203. See Steph Salter, Gangs of France, Declaration Online, Nov. 10, 2005, available
Benna was of Tunisian descent and Traore was Mauritanian.204 Their deaths sparked extreme outrage among the Muslim and immigrant communities, and youths began to burn cars, break windows, and vandalize public property.205 The violence began in the city of Clichy-sous-Bois,206 but quickly spread to other French suburbs.207 Police claimed that the violence spread quickly through the use of internet chat rooms,208 cell phone text messages,209 and online news articles.210 The violence prompted Prime Minister Dominique de Villepin to meet with eight of his ministers and a top Muslim official to discuss an end to the rioting.211

The families of the deceased Muslim boys refused to meet with Interior Minister Nicholas Sarkozy because of his inflammatory remarks,212 referring to Sarkozy’s characterization of the rioters as “scum” or “thugs.”213 Even members of the politically conservative government criticized Sarkozy’s tough attitude toward illegal immigrants and their plight.214 Many immigrants blame Sarkozy for alienating their youth with his zero-tolerance campaign against crime.215 That policy includes frequent police checks of French Arabs in the housing projects and other poor neighborhoods216 and has created increased immigrants’ distrust and resentment of the police.217

B. The French Government Reacts

Sarkozy responded to the riots by urging the French government to expel foreigners guilty of participating in the riots, whether they were in

204. Crampton, supra note 187, at A10.
205. Id.
206. Adam Sage, Death Provoke Youth Riots on Suburban Estates, TIMES [UK], Oct. 31, 2005 at 33.
207. Craig R. Smith, Riots and Violence Spread From Paris to Other French Cities, N.Y. TIMES, Nov. 6, 2005 at A13 [hereinafter Riots and Violence].
208. Crampton, supra note 187, at A10.
209. Id.
210. Internet sites like Afrik.com were also cited as helping to spread the violence by airing video images, including a home video of police using guns that shoot soft balls at high velocities on rioters. Id.
213. Id.
215. Id.
217. See id.
France legally or illegally.\(^{218}\) One-hundred twenty foreigners had been found guilty of rioting since the violence began on October 27, 2005.\(^{219}\) Sarkozy stated that he asked the French government to deport foreign participants without delay, even if they held resident visas.\(^{220}\) Human rights groups cited that request as "collective expulsion,"\(^{221}\) but in France, foreigners convicted of a crime are subject to losing their resident visas and are often deported after serving their sentences in France.\(^{222}\) Thus, Sarkozy's policy is legally permitted, in spite of criticism from human rights groups and foreign governments.\(^{223}\)

The suburbs where the riots have taken place are home to communities largely comprised of immigrants from Muslim nations in northern Africa.\(^{224}\) Residents are forced to cope with soaring unemployment, estimated at nearly fifty percent,\(^{225}\) and discrimination.\(^{226}\) The unavailability of adequate housing options has also fueled resentment within these communities.\(^{227}\)

As violence raged on in the form of riots, fires, and gunfire,\(^{228}\) French officials declared a state of emergency.\(^{229}\) That declaration permitted the French Cabinet to invoke a 1955 law that triggered curfews throughout cities and towns, a move that allowed police to jail rioters for up to two months.\(^{230}\) Prime Minister Dominique de Villepin acknowledged that the social unrest was the result of France's failure to "provide hope to" the young people of France, a large number of them the children of Muslim immigrants from northern Africa.\(^{231}\)

Prime Minister de Villepin also spoke of several ways in which the

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218. Mark Landler, France Prepares to Deport Foreigners Guilty of Rioting, N.Y. TIMES, Nov. 10, 2005 at A12.
219. Id.
220. Id.
221. Id.
222. Id.
223. Sweden's Prime Minister, Goran Persson criticized the inflammatory language of Sarkozy as "tough and confrontational" and stated that it is "difficult to see how it will lead to dialogue." Id.
230. See id.
231. Hour of Truth, supra note 228.
government is planning to help ease tension between the Muslim
immigrants and other French citizens. He pledged that 30 billion euros
will be spent in the regions most affected by the riots, with the primary
focus on helping the young people in those areas. Funds were also
promised to create a social cohesion agency to provide direct contact
between French government officials and mayors and other local
officials. Additionally, an employment agency will focus on the so-
called “hot zones,” which have an unemployment rate as high as fifty
percent. This figure is starkly contrasted with France’s national
unemployment rate of ten percent. Jean-Louis Borloo, Minister for
Social Cohesion, noted that France must acknowledge its failure to deal
with the problems facing its impoverished neighborhoods. Borloo
concluded his remarks with the statement, “We cannot hide the truth: that
for 30 years we have not done enough.”

IV. Why Strict Immigration Standards are Necessary to Strengthen
African Economies and Allay Social Tensions in France

The problem of illegal immigration in France is not easily resolved. The French government has compounded the problem of dealing with a
large number of asylum seekers and illegal immigrants with its
incredibly slow deportation system. France rarely deports illegal
immigrants that it denies papers. This systemic inaction can leave
immigrants without a resolution for years, which only exacerbates the
problem by giving them time to create a life in France, and in many
instances, start a family.

However, France will not likely solve its problems by choosing to
quickly deport those to whom it denies papers or by granting asylum or
working papers to a higher number of immigrants. The problem is two-
fold. First, France must address illegal immigrants by tightening its
immigration rules, quickly dealing with denied immigrants, and

232. Id.
233. Id.
234. Id.
235. Id.
236. Chirac, supra note 225.
237. Hour of Truth, supra note 228.
239. Id.
240. See Hotel Fire, supra note 11, at A3.
241. Id.
242. Id.
243. Id.
providing safe environments for those awaiting a permanent decision.244 Second, France faces the social problem of integrating immigrants into French society and preventing incidents like the riots occurring in 2005.245 Providing safer housing options could prevent tragedies like the apartment and hotel fires, but would not likely lessen the tensions that exist between the North-African Muslim population and native French citizens.

A. The Secular Foundation of French Society

The social problem concerning immigration of African Muslims is exacerbated by a foundational element of French society; France’s constitutional model is inherently ill-equipped to deal with religious factions.246 The French model envisions a nation founded on equality of citizenship operating through a democratic political system.247 As a nation, France became “a body of associates living under common law and represented by the same legislative assembly . . . governed by the ideals of reason, equality, and universality.”248 Therefore, France is not defined by an ethnicity, religion, or common culture, but by the notion that the citizens all live under the same system. The French model provides that the nation must be constructed within the newly instituted constitutional order.249

Because of its constitutional model, France discourages recognizing ethnic, religious, or cultural differences.250 The “republican integration model”251 was created to promote unity within the country and eliminate religious or ethnic factions from dividing French society.252 All French citizens are to have the same cultural identity so long as they learn the one official language,253 agree to religious neutrality,254 and be educated according to a common curriculum.255

244. Id.
247. Id.
248. Id.
249. Id.
251. Dorsen et al., supra note 246, at 42.
252. Id.
253. Id.
254. Id.
B. European Models of Integration

The French approach to integration is one of three basic models in Europe.\textsuperscript{256} The German and Austrian examples pursue a "guest worker"\textsuperscript{257} policy based on the notion that "immigrants were temporary laborers who would eventually go home."\textsuperscript{258} However, these workers have not gone home,\textsuperscript{259} instead they have remained in Europe and started families, and now their children have begun demanding citizenship and equal rights.\textsuperscript{260} Germany has addressed this problem by naturalizing a greater number of "guest workers"\textsuperscript{261} and children born to immigrants in Germany are now considered German citizens.\textsuperscript{262}

The British model of integration pursues a method closer to that of the United States, focusing on multiculturalism.\textsuperscript{263} Britain has extended citizenship to immigrants\textsuperscript{264} and encourages strong ethnic communities.\textsuperscript{265} British identity thus takes on characteristics of the cultures of new immigrants.\textsuperscript{266} However, this model has been criticized for eliminating a unified identity in British culture due to the large number of ethnic sub-cultures.\textsuperscript{267}

France has pursued a method of assimilation for immigrants.\textsuperscript{268} It has offered citizenship to immigrants, but the current process is extremely slow.\textsuperscript{269} France has ignored the ethnic and religious differences of its people,\textsuperscript{270} choosing instead to emphasize French identity above all.\textsuperscript{271} The idea is that by ignoring ethnic differences in favor of universal French identity,\textsuperscript{272} the country would avoid the social

\textsuperscript{256} Riots and Violence, supra note 207, at A13.
\textsuperscript{257} Id.
\textsuperscript{259} Riots and Violence, supra note 207, at A13.
\textsuperscript{260} Id.
\textsuperscript{261} Id.
\textsuperscript{262} Id.
\textsuperscript{264} Id.
\textsuperscript{265} Id.
\textsuperscript{266} Id.
\textsuperscript{267} Id.
\textsuperscript{268} Riots and Violence, supra note 207, at A13.
\textsuperscript{269} Id.
\textsuperscript{270} Id.
\textsuperscript{271} Id.
\textsuperscript{272} Id.
stratification that existed prior to the French Revolution. Thus, France has refused to recognize ethnic and religious differences among its inhabitants.

The problem emerges when second-generation immigrants have difficulty finding their own identity. Although they are born and raised in France, French society refuses to see these second-generation immigrants as citizens. Because these immigrants are shunned by French society and are separated from their North African identity, they often turn to their native Islam. By turning to Islam, immigrant youths further exclude themselves from secular French society.

France’s issues with illegal immigration are brought full circle by the social issues surrounding immigrants. Tensions between immigrants and native-born Frenchmen increase distrust of immigrants, who in turn are less likely to be considered for employment. This fuels resentment among the immigrants, ultimately leading to incidents like the recent riots that engulfed Paris and its suburbs. The social problem then fuels the problems France faces with illegal immigration.

273. DORSEN ET AL., supra note 246, at 42.
274. The French government put into effect on September 2, 2004 a ban on religious symbols and apparel in public schools. This ban included Muslim hijabs (headscarves), Sikh turbans, Jewish yamakuhs, and large crucifixes; however, the most attention was focused on the effect of the ban on Muslim headscarves. With France serving as the home to the largest Muslim population in Europe, the ban was hotly debated. Proponents of the ban have cited political unity and neutrality as benefits of prohibiting religious symbols, while those opposed to the ban argue that it infringes on the freedom of religious expression. France’s Hijab Ban, supra note 185.

Some Muslim girls feel that the ban on the hijab is targeted at Muslims because Christian students are still able to wear a crucifix, so long as it is not conspicuous. Henri Astier, Headscarf Defeat Riles French Muslims, BBC News, Nov. 1, 2005, http://news.bbc.co.uk/2/hi/europe/4395934.stm (last visited July 7, 2006). Other girls affected by the ban take comfort in the fact that teachers will not be able to single them out as Muslims any longer. Id. In fact, the ban on the hijab in public schools has gained support since its inception as reported in a recent survey which found that 75% of the population backed the ban. Acceptance of the ban is also supported by the fact that no groups are currently lobbying for its repeal, even the Organisation of Islamic Organisations of France, a group with strong connections to French Muslim communities. Id. Tensions still exist between French Muslims and their non-Muslim counterparts as many female students are uncertain whether they will continue to wear their hijab once they have finished school because they fear that it will close many doors to employment. Id.

276. Id.
277. Id.
279. See Legacy, supra note 182, at A1.
280. See id.
281. Id.
282. Id.
283. See id.
One answer to this problem may seem counter-intuitive. France needs to strengthen its stance on illegal immigration and adopt a stricter system for evaluating asylum applications. It also needs to pursue deportation when it chooses not to extend citizenship papers to immigrants rather than supporting them while they go through the appeals process. By doing this, France can decrease the number of illegal immigrants being housed and supported by the state thus creating revenue to send to North African nations like Mali to support their local economies.

Decreasing the number of illegal immigrants will likely have a positive effect on the way in which the native French perceive immigrants. This is only one step in the long process of easing social tensions, but it is important because it will ease social and economic concerns. France took a step backward with the Immigration Act of 1998 that permitted immigrants seeking asylum to have more rights to live in France. However, the European Union issued a directive in 2001, stating that all member states should introduce provisions prohibiting the carrying of foreign nationals into the territory of the member states. This provision is to be enforced without prejudice to the obligations arising under the Geneva Convention relating to the Status of Refugees of 1951. That Convention requires signing states to be fair in their consideration of admitting refugees without discrimination based on race, religion, or country of origin.

V. Conclusion

France has already begun to recognize a stronger illegal immigration policy as a possible avenue for alleviating both the social and economic problems it faces. At the 23rd French-Africa Summit, French President Jacques Chirac promised Malian President Amadou Toumani Touré that France would help bring Africa out of poverty. Both leaders recognized the need to dismantle illegal immigration networks. Africans flee to Europe because they feel it is a land of

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287. Id.
288. Id.
289. Id.
291. Id.
292. Id.
opportunity;\textsuperscript{293} when they arrive, they find a land with few jobs where they are unwelcome.\textsuperscript{294}

Deporting illegal immigrants, rather than supporting them while they reside within France's borders, will alleviate much of the social pressure within the country. With fewer immigrants to house, conditions for those in France legally should improve as the government will not be forced to house and support such a large number of people. Improving conditions for those immigrants living in France would diminish the perception of Muslim ghettos and perhaps ease social tensions.

This policy would also return human capital to the African nations from which the immigrants originate. Although Malian villages, like Somankidi, have benefited from sending workers abroad,\textsuperscript{295} keeping workers in Mali would help build up the state's internal economy. Returning an able work-force to those nations would help stimulate local economies.\textsuperscript{296} France could further this objective by repealing special considerations for skilled workers and highly educated immigrants created by the Pasqua Laws.\textsuperscript{297} The struggling economies of African nations, like Mali,\textsuperscript{298} need a skilled work force if they are ever to be successful. Also, by deporting rather than supporting illegal immigrants, France could make a greater investment in the foreign aid that it provides to nations such as Mali.\textsuperscript{299}

Swift deportation of rejected asylum seekers will prevent immigrants from establishing lives in France, thus complicating their removal. A decrease in the number of unemployed immigrants will reduce spending on housing and social welfare to support them and reduce the perception that foreigners are forced into unsafe ghettos. Decreased spending on welfare will, in turn, allow more spending within France to increase jobs and social programs aimed at stemming tensions between French citizens and African immigrants. Tougher laws aimed at decreasing illegal immigration will also return human capital to African nations. Ultimately, French and African interests alike will be better

\begin{footnotesize}
\begin{enumerate}
\item See id.
\item See id.
\item Kamber et al., supra note 23, at A16.
\item Comparatively, Mali's unemployment rate, as reported in 2001, was 14.6\% (CIA World Factbook, supra note 52) as opposed to the nearly fifty percent rate found among foreigners in France. Chirac, supra note 225.
\item Hamilton et al., supra note 21.
\item CIA World Factbook, supra note 52.
\end{enumerate}
\end{footnotesize}
served by tougher immigration laws that are strictly enforced.