ICWA
LETTERS

Institute of Current World Affairs
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Four West Wheelock Street
Hanover, New Hampshire 03755 U.S.A.

KAD-5
FRANCE

Kay Dilday is an Institute Fellow studying relationships of the French and North African immigrants in France – and North Africa.

Summer of Sarko

By K.A. Dilday

AUGUST 11, 2006

PARIS–The man we had all been waiting for, Jeff Babatundé Shittu, walked into the courtroom. Two armed guards discreetly flanked him but his entrance was so quiet that it almost went unnoticed by the crowd. Some 30 seconds after he had come in a murmur finally went through the room as people realized he had arrived.

Mr. Shittu is not accused of any crime, but of wanting to stay in France when France doesn't want him. This hearing at the administrative court in Paris was to decide whether he would be permitted to leave the detention center where the state held him for nearly a week and resume his life in Paris. He was guarded so that if France rejected him, he would not try to escape and fold into the labyrinthine network of clandestine life in the city.

Mr. Shittu is a 19-year-old Nigerian. He arrived in Paris by plane in November of 2004 and immediately requested asylum. In February, his request was turned down, although his lawyer is appealing the decision. A week before his hearing, Mr. Shittu was riding in a car with friends. The police stopped the car and asked to see their papers. When he could not produce a valid resident's card, he was taken to a detention center.

At the hearing, the judge quizzed him about his family life in Nigeria: Mr. Shittu said he never knew his father and his mother, a municipal-government worker, was murdered for political reasons, which is why he fled the country. "Do you have proof?" the judge, asked. He had none.

Throughout the hearing what struck me most about Mr. Shittu was his ordinariness. Of average height and build, he wore small round metal-framed glasses and had neat close-cropped hair. In his green t-shirt and jeans, he looked like the person who might be browsing the shelves next to you at a bookstore. He stood with his hands clasped behind his back and his head bowed respectfully except when he was asked to speak. His answers were simple; he didn't make an impassioned speech about the difficult life he'd escaped in Nigeria nor one about his love for the French way of life. In the brief controlled glimpse the hearing afforded, very little about him seemed remarkable.

His lawyer, Christophe Pouly, didn't try to stress his extraordinariness. For a petition of asylum one must prove that the applicant would be in danger if forced to return to the home country. In Mr. Shittu's case that had proved difficult so Mr. Pouly played more to France's philosophy of immigration, which stresses integration. He tried to establish that Mr. Shittu had bonds to France; that he had friends here, a two-year record at school, that he spoke French, and that he had no close family members in Nigeria. One of the paradoxes of hearings like this is that proof of integration and ties to France are the main factors for being permitted to stay, yet the most effective way to achieve that is to enter illegally and then to go about building a French life. Because Mr. Shittu requested asylum immediately on arrival the authorities have been able to track his movements. When he turned 18 last July, he became vulnerable. French law does not permit the expulsion of children attending school — a right of any child in France under the age of 18 re-

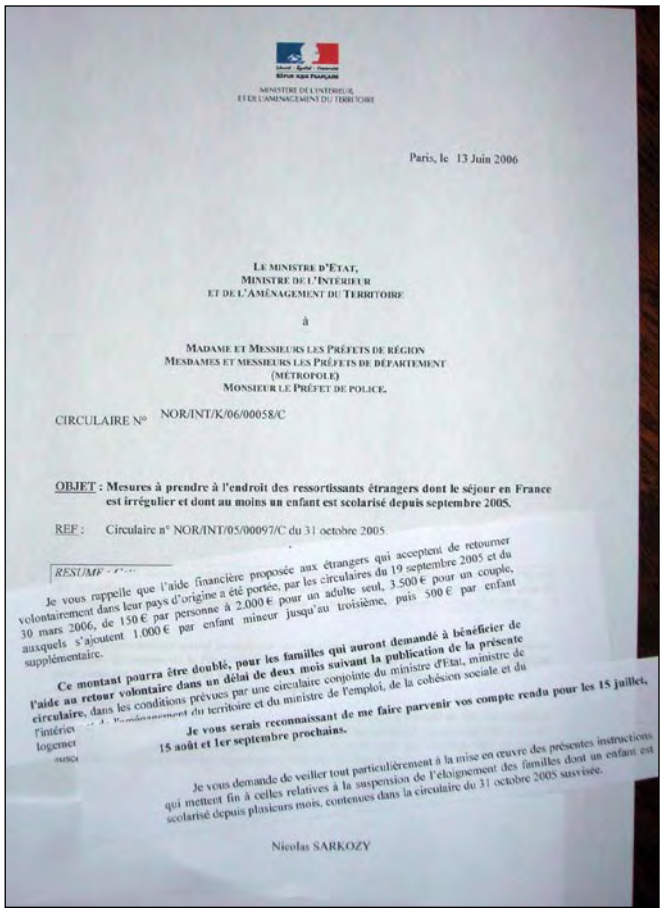
gardless of legal status — as long as they have guardians and housing.

After the riots by boys and very young men in poor immigrant neighborhoods at the end of 2005, France's interior minister, Nicolas Sarkozy, reacted by publicly vowing to expel people who were in the country illegally. He instructed the police to aggressively look for those without title to be in the country, sans-papiers (without papers) as they are called in French. There was a public outcry as police began taking children from their schools. As a compromise, Mr. Sarkozy agreed not to expel any school-age children and youths during the academic year and to give their families special consideration for residency. When the school year ended this spring, Mr. Sarkozy sent a memorandum to the prefectures across France. In it he laid out the criteria they should use to decide whether the students and their families deserved to remain in France. This memo, widely known as the "circular of June 13," has created a frenzy in the immigrant neighborhoods across the nation. It gives them until August 13 to deposit a dossier requesting papers at their prefecture. It is causing block-long lines at the prefectures that are often short staffed in summer, and among the organizations that support migrants it has raised a battle cry.

Its prescriptions take into account certain legalities of French life. Minors, regardless of their legal status, have a right to stay in the country while attending school, but when Mr. Sarkozy began his push to detain and expel illegal immigrants their children often had to go with them. If the police stopped someone on the street and discovered that he or she was in the country illegally, the police would then find their children, sometimes at schools, and remove them so that they could join their families in the detention centers.

But the circular isn't a legal document, as Marie Duflo of the organization Gisti, which provides legal advice and support to immigrants, tells me: it has no force of law. "It's nothing but a letter," she says emphatically. And it is true; the document that has been causing all of the activity is simply a memo reiterating current policies. The August 13 deadline has no legal weight. The memo's greatest success has been frightening people into revealing their whereabouts.

The circular itself seems a strange thing to my American-formed sensibility. It explains procedures that will have a tremendous effect on thousands of lives. In other places it would be written in the third person, as if it were authorless. This memo is written in the first person. Each instruction begins with "I ask you to do this, or "it seems to me that this is necessary," and it is signed by Mr. Sarkozy. It is not without sugar; Mr. Sarkozy instructs the prefects to remind people that families who voluntarily repatriate receive a free flight back, as much as 2000 euros for a single adult, 3500 for a couple and 1000 for their first child plus 500 for each additional one.



MINISTERE DE L'INTERIEUR
ET DE L'AMENAGEMENT DU TERRITOIRE

Paris, le 13 Juin 2006

LE MINISTRE D'ETAT,
MINISTRE DE L'INTERIEUR
ET DE L'AMENAGEMENT DU TERRITOIRE

à

MADAME ET MESSIEURS LES PREFETS DE REGION
MESDAMES ET MESSIEURS LES PREFETS DE DEPARTEMENT
(METROPOLE)
MONSIEUR LE PREFET DE POLICE.

CIRCULAIRE N° NOR/INT/K/06/00058/C

OBJET : Mesures à prendre à l'endroit des ressortissants étrangers dont le séjour en France est irrégulier et dont au moins un enfant est scolarisé depuis septembre 2005.

REF : Circulaire n° NOR/INT/05/00097/C du 31 octobre 2005

RESUME

Je vous rappelle que l'aide financière proposée aux étrangers qui acceptent de retourner volontairement dans leur pays d'origine a été portée, par les circulaires du 19 septembre 2005 et du 30 mars 2006, de 150 € par personne à 2.000 € pour un adulte seul, 3.500 € pour un couple, auxquels s'ajoutent 1.000 € par enfant mineur jusqu'au troisième, puis 500 € par enfant supplémentaire.

Ce montant pourra être doublé, pour les familles qui auront demandé à bénéficier de l'aide au retour volontaire dans un délai de deux mois suivant la publication de la présente circulaire, dans les conditions prévues par une circulaire conjointe du ministre d'Etat, ministre de l'intérieur [illegible] du territoire et du ministre de l'emploi, de la cohésion sociale et du logement [illegible]

Je vous serais reconnaissant de me faire parvenir vos compte rendu pour les 15 juillet, 15 août et 1er septembre prochains.

Je vous demande de veiller tout particulièrement à la mise en œuvre des présentes instructions qui mettent fin à celles relatives à la suspension de l'éloignement des familles dont un enfant est scolarisé depuis plusieurs mois, contenues dans la circulaire du 31 octobre 2005 susvisée.

Nicolas SARKOZY

The infamous June 13 circular

And this summer, if they elect repatriation before the two-month deadline, those amounts can be doubled.

This signed first-person circular makes the aggressive enforcement seem almost a personal act, which is what Mr. Sarkozy seems to want. Although France is still nine months away from its presidential election, the thing looms. For more than a year, the election has shaped every political maneuver in France. Mr. Sarkozy, the likely candidate of the conservative party, has been carving out an identity as the guardian of order, which as interior minister is his job. Yet his public rhetoric is such that he has succeeded in becoming synonymous with deportation and the melodrama that is occurring at prefectures across the country this summer. The word invoked most often by the immigrants and their supporters is "Sarko."

Leftists view this struggle against it as a personal battle between the forces of good, compassion and tolerance — and Nicolas Sarkozy. In my interview at the left-bank office of Ms. Duflo, I noticed on her shelves a box of files titled "before and after Sarko."

Despite Mr. Sarkozy's authoritative, explicit memo, regularization, as attainment of legal residence is called here, is not a simple process. Even though each prefect is a representative of the interior minister, their decisions are independent and each prefecture has its own way

A banner outside a Paris school

of satisfying the sometimes-inexact requirements of the state. "Each one is an anarchy," according to Ms. Duflo.

This year Mr. Sarkozy has promised to expel 20,000 of the 200,000 to 400,000 illegal immigrants he estimates are in the country. Mr. Sarkozy's critics say he is gaining popularity in his quest to be president by adopting the policies of the far-right National Front party for which reduced immigration has long been the signature issue. His willingness to be identified as the driving force and the sole person responsible for these summer expulsions says a great deal about the attitude toward immigrants among France's voting public.

The organization that alerted the press to Mr. Shittu's hearing is Réseau Educations Sans Frontières (RESF). Created in 2004, RESF is a loose association of about 70 organizations that try to stay the hand of the law in schools, preventing it from expelling students. They place students under what they call "parrainage" — parrain is the word for godfather — of a legal family. Since June, Mr. Shittu has been under the parrainage of a local official and the marrainage of Catherine Bayru, one of his teachers. She was present at the hearing and stood up to tell the judge that he is a good and responsible student and a good young man.

I learned about Mr. Shittu's hearing from the email that RESF sends out on each student who is in danger of expulsion. The headline of the advisories often gives a name and then says, "young student in danger" of expulsion. But although Mr. Sarkozy has talked tough, most of the students expelled thus far this summer have been over the age of 18, and their stories are often quite textured. I received one such email about Abdallah Bouchraf, a young Moroccan who was expelled on July 8. As I read further, I discovered that he is 19, that he entered the country illegally at age 14 and made his first attempt to get legal residence at age 18 despite that his father had been a legal resident in France since 1964, and that he came to the attention of the authorities when he was arrested for allegedly beating up a homeless man.

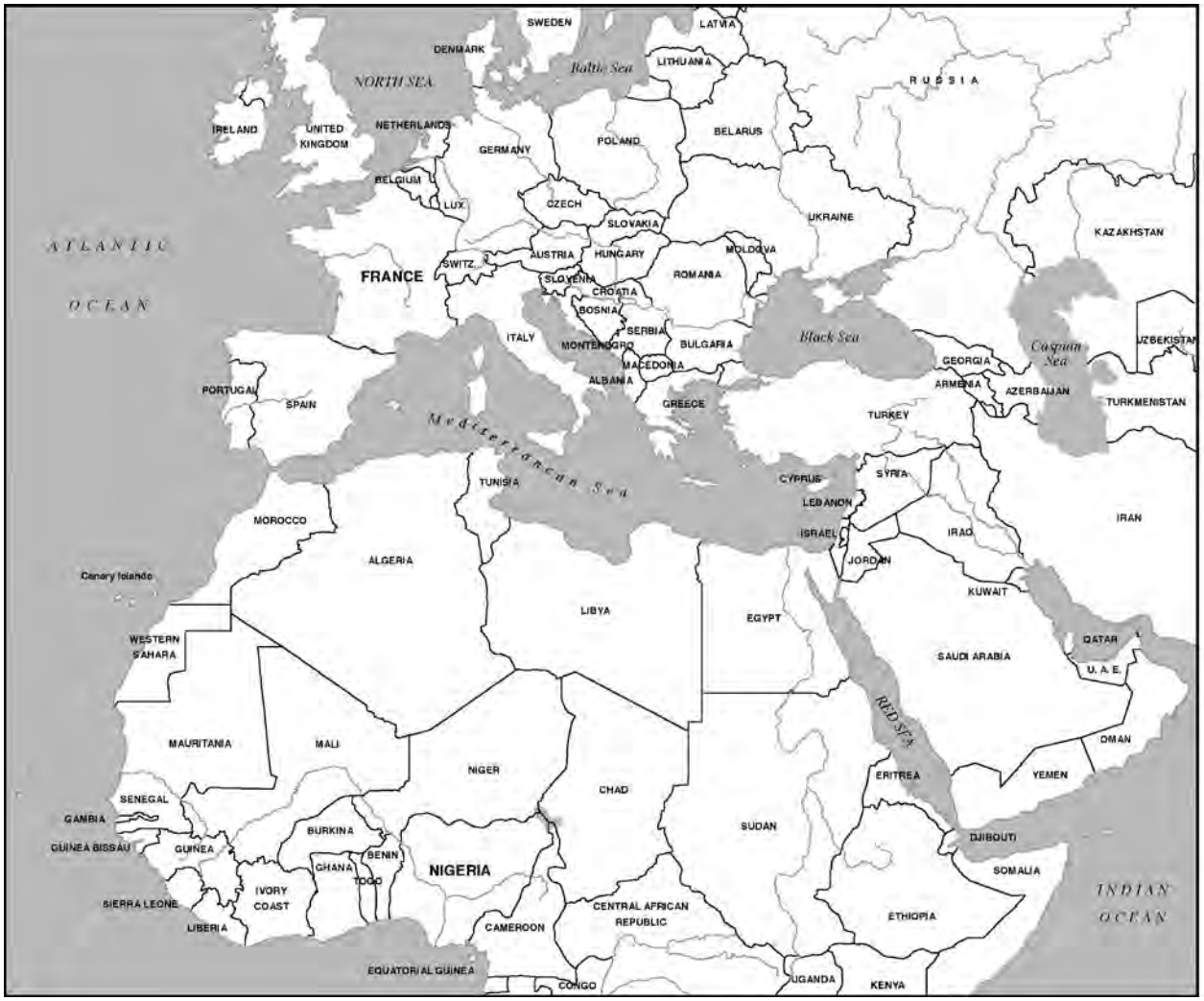
By the time I finished reading the email my sympathy had all but waned. The only thing that kept a bit of it alive is the possibility that perhaps he didn't beat up the homeless man, but barring that contingency, I have to agree with Mr. Sarkozy when following protests by organizations over Mr. Bouchraf's expulsion, he said that there was absolutely no reason for anyone to protest the young man's deportation. RESF's argument is that he is entrenched in this society, that he has hopes and dreams and family and friends in France, and that it is disruptive, not only to the student, but to the community, Pierre Cordelier, one of its spokesmen, tells me. It is RESF's position, Mr. Cordelier says, that lawbreakers who serve time before they are deported are being penalized twice. At the end of the announcement about

Mr. Bouchraf's imminent expulsion, RESF calls for the "regularization of all those without papers." But in the case of someone like Mr. Bouchraf, it is hard to elicit sympathy from most French people who do not believe that their country should provide residency to criminals especially when there are so many others who are clamoring to come or to stay and not pummeling indigents. This is the problem that the left (emblemized in this case by RESF) faces: it has yet to figure out how to address the issue of immigration in a way that answers the public's fears about violent or disruptive temporary residents but is in line with the left's traditional principles. Yet despite the left's inability to find a coherent political position, Mr. Cordelier claims that the spate of publicized expulsions is making the French public sympathize with immigrants.

When Aminata Diallo, a 19-year-old student, was being returned to Bamako in Mali, RESF members showed up at the airport and convinced the other passengers on the Air France flight to refuse to buckle their seat belts so the plane could not take off. While the aboriginal French don't much like the chaotic car-burning, violent kind of protest, they cherish France's revolutionary birth and thus have never met an orderly insurrection they didn't like. It was only when they were threatened with arrest that the other passengers finally shackled themselves and the plane took off. Yet the public's only meaningful protest against the aggressive expulsions will be to vote the Socialist candidate for president into office. As it is now, Mr. Sarkozy is merely enforcing laws that have been on the books for decades.

But organizations like RESF and many other groups don't see why France won't follow the example of its European neighbors. Last year in Spain, about 700,000 people who had come to the country illegally were given amnesty and then submitted successful applications for residency by proving they had a work contract and no criminal record. At the end of July, the new government in Italy said that it would give legal status to as many as 500,000 illegal residents in the country provided they already had jobs. Around the same time Germany announced that it would give resident's papers to between 150,000 and 200,000 people. In France, where the inability to create new jobs is another one of the government's headaches, Mr. Sarkozy has said there will be no such massive amnesty program. Of the approximately 20,000 residency demands the ministry expects to receive by its August 13 deadline this summer, about 30 percent, or 6000, will be approved, he says.

Mr. Sarkozy says he is being forced to deport such large numbers of people precisely because the social-



National day of action against expulsions, July 1.

ist government that preceded the current administration did not know how to handle immigration and was chronically lax at enforcing the laws of the country. Even those who disagree with Mr. Sarkozy's policies concur with this assessment in some way. Samuel Hanryon, an aid worker with the Médecins sans Frontières center in Paris, a center that provides medical care, both physical and psychological to immigrants, agrees. He says that when the left was in power, it wasn't easier for immigrants to obtain citizenship, but the government tended to leave the thousands of people living in the shadows in peace. It was a form of the "don't ask don't tell policy," offering only the slimmest semblance of protection.

At the same time, it is true that asking has a tremendous effect on the daily life of black and brown people in France regardless of their legal status. In France, the police do not need a reason to demand papers from a passer-by. Thus racial profiling, while perhaps technically illegal, is fully operational, since police don't have to supply a reason as to why they stopped someone. As the clock begins to tick the police are out in full force at the metro stops in neighborhoods where immigrants tend to live. In Belleville, the immigrant-saturated neighborhood that was the subject of my second newsletter, people I've spoken to claim that the police wait at the exit, asking all black, brown and Asian people for their papers while letting whites pass.

This may sound like a small thing, but being routinely asked for proof of legitimacy papers is a more insidiously damaging experience than one might first think. I have met men who claim that there are months at a time when they are stopped and asked to show their papers every day. The effect it has is profound and profoundly distinct for titled and illegal residents. When constantly asked to prove his right to be in the country, a citizen begins to feel that he seems like an interloper and an outsider to those charged with guarding the populace. For illegal immigrants it creates a terrible fear and sense of precariousness as even those who are in the process of legalizing their status can be deported or forced to wait out the decision in a detention center if discovered without a valid resident's card.

The difference between someone like Mr. Shittu and Mr. Bouchraf is stark. And indeed these differences are essential to those who are concerned with the legal rather than the social aspects of migration. "Refugees have rights under the Geneva Conventions," Ms. Duflo repeats again and again as does Mr. Hanryon of Médecins sans Frontières. They are different from economic migrants, Mr. Hanyron emphasizes in that they have fled their countries because of some sort of danger or trauma. Often they are still struggling to cope psychologically with the trauma of what caused them to flee.

When they arrive in France, they aren't in physical danger, but their situation is usually a precarious one. They move from place to place, Mr. Hanryon says, often every few weeks. They have no family and no support. "It's the worst for women," he says. In the cramped conditions that many of the clandestines live, they are particularly vulnerable, and they live in fear of the daily

possibility of being stopped and asked for their papers.

Under the laws of the country that have been in place since the 1970s, Mr. Bouchraf would have had a better chance of staying as he has a familial connection to the country, but these controls are changing. Mr. Sarkozy wants to make familial regroupement, providing residency to people with family members already in the country, less common and "immigration of choice" the operative concept in France's immigration laws. Thus people who work in industries where France has shortages would be invited for temporary employment.

At the first ever African-European conference on African migration in Rabat, Morocco, this July, more than 60 representatives from the two continents gathered to discuss the huge numbers of people who attempt to enter Europe from Africa each year, Mr. Sarkozy came under attack for the stringency of his new immigration rules. Many of the African representatives accused him of facilitating a brain drain from troubled countries. He countered with several arguments including one that talented Africans who had received their educations in France should return to Africa to help improve their native countries. Mr. Shittu would seem to fall into that category. He is law-abiding, resourceful and a dedicated student. In time he may be able to return to Nigeria or to another country in Africa.

Mr. Shittu's friends outside the courtroom with journalists. Bimbola Kuteyi, left in sunglasses.

At Mr. Shittu's hearing the judge asked him what he would do if he was allowed to stay in France. "Finish school, take my baccalaureate," he replied. "Not work," he added emphatically. "And after that" the judge asked. "I don't know," he answered, seeming a little confused.

I spoke to one of two Nigerian men who had come to support him after the hearing. They are friends he has made here in the Nigerian community and the only moment I saw a hint of Mr. Shittu's personality was when he greeted them. He clasped their hands and smiled with real warmth. One, Bimbola Kuteyi, is a 26-year-old Nigerian who has been in France for three years. "Why did you come here," I asked. I spoke to him in French, but as soon as I said I was American he asked to switch to English.

"Because it is better than being in my country."
"Why not America?"
"It was harder to get a visa."

Mr. Kiteyi has finished school, but didn't want to say what he was doing now. Working, taking a job from a French person is immediate cause for the loss of privileges.

In the next breath he said that he would most likely go back soon because his family is there. I wondered if he was telling the truth, because if he stays here, in two more years under the current rules, he would be eligible for a 10-year residents' card that permits him to work.

Mr. Shittu's hearing was brief, no more than 40 minutes. When it ended I asked his lawyer how he thought it went, and he shrugged.

A few hours later the court rejected Mr. Shittu's application for residency and ruled that he be returned to Nigeria as soon as the logistics could be arranged with the Nigerian government. Yet three days later the mayor of Mr. Shittu's neighborhood contacted Arno Klarsfeld, the mediator Mr. Sarkozy chose to review special residency cases. Mr. Klarsfeld reviewed Mr. Shittu's dossier and, noting that he spoke French well and was second in his class, recommended that he be allowed to stay for an appeal.

For the moment, Mr. Shittu can exhale. He has a reprieve of 15 days. Even so, no one knows whether he will be allowed to stay. But as I mentioned, Mr. Shittu is only extraordinary in his ordinariness. Among the hundreds of thousands of people living clandestinely in France, there are thousands of young men and women like him.

Mr. Sarkozy has said France cannot, and will not sustain them all. ❑

POSTSCRIPT: On August 30, Jeff Babatundé Shittu was deported on a morning flight to Lagos , Nigeria, 27 days after he was randomly stopped by the police in Paris. The plane departed late due to the rebellion of other passengers.

INSTITUTE OF CURRENT WORLD AFFAIRS

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Richard D. Connerney (January 2005 - 2007) • INDIA

A lecturer in Philosophy, Asian Religions and Philosophy at Rutgers, Iona College and the University of Hawaii at Manoa, Rick Connerney is spending two years as a Phillips Talbot Fellow studying and writing about the intertwining of religion, culture and politics in India, once described by former U.S. Ambassador John Kenneth Galbraith as "a functioning anarchy." Rick has a B.A. and an M.A. in religion from Wheaton College and the University of Hawaii, respectively.

Kay Dilday (October 2005-2007) • FRANCE/MOROCCO

An editor for the *New York Times*' Op-Ed page for the past five years, Kay holds an M.A. in Comparative International Politics and Theory from the Graduate Center of the City University of New York, a Bachelor's degree in English Literature from Tufts University, and has done graduate work at the *Universiteit van Amsterdam* in the Netherlands and the *Cours de Civilisation de la Sorbonne*. She has traveled in and written from Haiti and began her jouralistic life as city-council reporter for Somerville This Week, in Somerville, MA.

Nicholas Schmidle (February 2006-2008) • PAKISTAN

Nicholas is a freelance writer interested in the intersection of culture, religion and politics in Asia. He is spending two years in Pakistan writing on issues of ethnic, sectarian, and national identity. Previously, he has reported from Central Asia and Iran, and his work has been published in the *Washington Post*, the *Weekly Standard*, *Foreign Policy*, the *Christian Science Monitor*, and others. Nick received an M.A. in International Affairs - Regional Studies from American University in December 2005. He lives with his wife, Rikki.

Andrew J. Tabler (February 2005 - 2007) • SYRIA/LEBANON

Andrew has lived, studied and worked in the Middle East since a Rotary Foundation Ambassadorial Fellowship enabled him to begin Arabic-language studies and work toward a Master's degree at the American University in Cairo in 1994. Following the Master's, he held editorships with the *Middle East Times* and *Cairo Times* before moving to Turkey, Lebanon and Syria and working as a Senior Editor with the Oxford Business Group and a correspondent for the *Economist* Intelligence Unit. His two-year ICWA fellowship bases him in Beirut and Damascus, where he will report on Lebanese affairs and Syrian reform.

Jill Winder (July 2004 - 2006) • GERMANY

With a B.A. in politics from Whitman College in Walla Walla, WA and a Master's degree in Art Curating from Bard College in Annandale-on-Hudson, NY, Jill is an ICWA Donors' Fellow looking at Germany through the work, ideas and viewpoints of its contemporary artists. Before six months of intensive study of the German language in Berlin, she was a Thomas J. Watson Fellow looking at post-communist art practice and the cultural politics of transition in the former Soviet bloc (Czech Republic, Slovakia, Poland, Croatia, Hungary, Latvia, Romania, Slovenia and Ukraine).

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Phone: (603) 643-5548
Fax: (603) 643-9599
E-Mail: icwa@valley.net
Web address: www.icwa.org