Draft law
on immigration control and residence of foreigners in France

LAW No. 2003-1119 of 26 November 2003 on the control of immigration, the residence of foreigners in France and nationality
(Official Journal of 27 November 2003) [*on the Légifrance website*]

Table of concordance between the articles of the law and the articles examined during discussion (PDF format)

Report on the implementation of this law, n° 1962 by Mr. Thierry Mariani
Report on the implementation of this law n° 2922 by Mr. Thierry Mariani

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Parliamentary
Business [Diagram of the 1st *reading AN* - *1st reading Senate* - *Constitutional Council* - *Orders*

National Assembly - 1st reading

▶ Draft law on the control of immigration and to the residence of foreigners in France, n° 823 , filed on 30 April 2003. **Declared** emergency Main provisions of the text

■ Work in committee

Commission of laws: M. Thierry Mariani, rapporteur
- Hearing of Mr Nicolas Sarkozy, Minister of the Interior, Internal security and local freedoms: meetings of Wednesday, 4 June 2003 and of Wednesday, 11 June 2003
- Examination of the bill: meetings of Wednesday 11 and Tuesday 17 June 2003 - Main amendments adopted by the Committee
▶ Report No. 949 by Mr. Thierry Mariani, tabled on 18 June 2003 -
- Examination of amendments, Art. 88: meetings of Thursday 3 and 8 July 2003

■ Examination in public session

2nd session on Thursday 3 July 2003	Summary Record	Full report
3rd session on Thursday 3 July 2003	Summary Record	Full report
1st session of Tuesday 8 July 2003	Summary Record	Full report
2nd session on Tuesday 8 July 2003	Summary Record	Full report
3rd session on Tuesday 8 July 2003	Summary Record	Full report
1st session of the Wednesday, July 9, 2003	Summary Record	Full report
2nd session of the Wednesday, July 9, 2003	Summary Record	Full report

▶ **Adopted text n° 166**: Bill adopted by the National Assembly in the first read on 09 July 2003

Senate - 1st reading
(*Online file on the Senate website*)

Bill , adopted by the National Assembly, after declaration Emergency Report, No. 396 (2002-2003), tabled on 10 July 2003 Report by Mr. Jean-Patrick Courtois, No. 1 (2003-2004), tabled on 1 July 2003
October 2003

Discussion in public session on Thursdays 9, Tuesday 14, Wednesday 15 and June16 October 2003
Adopted on 16 October 2003. Text Adopted No. 3 (2003-2004)

Joint Committee

Bill amended by the Senate, relating to the immigration control, the stay of foreigners in France and the Nationality, No. 1151, filed on October 16, 2003

Road repairs of the Joint Committee:
Composition
Meeting of the Joint Committee: Wednesday, 22 October 2003
Report by Mr Thierry Mariani, Member of Parliament, and Mr Jean-Patrick Courtois, Senator
[National Assembly: 1164 and Senate No. 36 (2003-2004)]

Examination in public session

- At the National Assembly 1st sitting of Tuesday, 28 October 2003: report
Text adopted No. 193, 28 October 2003.

- In the Senate
Discussion and adoption of the bill relating to the control of Immigration and Residence of Foreigners in France, Tuesday, October 28, 2003. **Text Final No. 8 (2003-2004)**

Constitutional Council

Referrals to the Constitutionnel dated November 4 2003 by more than sixty deputies and by more than sixty senators, in application of Article 61 paragraph 2 of the Constitution
Decision No. 2003-484 DC of 20 November 2003 . [*on the Council's website constitution]*

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- Opinion of the National Consultative Commission on Human Rights on its website

Account of the Council of Ministers of 30 April 2003

The Minister of the Interior, internal security and local freedoms presented a Draft law on immigration control and residence of foreigners in France.
This project is based on the need to strengthen our legislation in the fight against illegal immigration. He includes a number of measures designed to facilitate and improve the reception and integration of foreigners by Regular situation on French territory. It proposes and a reform of the legislation relating to measures administrative expulsion and judicial penalties of exclusion from French territory.
1. As regards the fight against the and the control of migratory flows, The text seeks to fill the gaps in the legislation on immigration. To this end, he creates a fingerprint file digital information of visa applicants, which will make it possible to identify foreigners who, having

entered our territory legally, remained there clandestinely. Similarly, the draft establishes a check of the reception certificates. The mayor may refuse validate the certificate of reception when previous applications will reveal an attempt at fraud or when the of housing by the Migration Agency will show that normal hosting conditions are not met.
Secondly, the bill proposes provisions to combat against "sham" or forced marriages and acknowledgments of paternity of convenience. Thus, the cohabitation period necessary for the issuance of the resident by virtue of marriage to a French national will be increased from one to two years. Similarly, the status of parent of a French child will not give access to the residence card that after two years of exercising parental authority and participation in the child's maintenance costs. The law also establishes an offence of organization or participation in a marriage of convenience. It provides for other than the civil registrars will have to check the situation with regard to the right of residence of persons who wish to get married in France. In the event of an illegal stay, the prefect will be informed of this situation and the mayor may refer the matter to the prosecutor for the purpose of investigating the real intentions of the future spouses. The celebration of the for a period of 75 days. Within this period, the public prosecutor may oppose it.
Thirdly, the bill strengthens the arsenal of Sanctions against smugglers and transporters.
Finally, it proposes a reform of detention prior to the forced execution of removal measures. After a First detention period decided by the Authority for a period of 48 hours, the extension of the detention must be authorised by the judge of liberty and detention for a period of 15 days, renewable once if the alien is an obstacle to his removal. If the distance has not occurred within 17 days (48 hours plus 15 days) in because of problems external to the behaviour of the foreigner, The extension will be for a maximum of nine days. This duration maximum retention, which will therefore vary from 26 to 32 days, will be approximates the minimum retention periods applicable in the States of European Union and it will be a step forward significant compared to the current 12-day time frame, which is incompatible with the usual time for issuing passes or the organization of group flights between States of the European Union.
2. As regards the right of residence of and the consideration of integration objectives, The bill makes the issuance of the residence card conditional to an integration criterion, with a view to ensuring integration foreigners legally residing in France and distinguish between the right of residence and the status under which the foreigner stays in the territory: after an initial period for a minimum of five years under cover of a residence permit renewable period of one year, foreigners who have integrated into French society will be able to claim the benefit of a ten-year residence permit which confers greater security of stay. This integration condition will be assessed taking into account various criteria, such as knowledge of the French language, vocational training or participation in local and associative life. It will constitute A major incentive to monitor the reception and integration contract which will be implemented gradually and generalized to as^{of} $^{January\ 1}$, 2005. The final stage of integration the acquisition of nationality will remain.
The bill also removes the requirement for to have a residence permit.
3. The draft finally proposes a **balanced reform legislation on evictions and prohibitions of French territory**. When they concern foreigners who have made their lives in France, these measures are largely unenforceable and lead to situations of clandestinity and disintegration contrary to the objective they pursue. The bill does not remove expulsions and the additional penalty of banning territory, which are useful in keeping offenders away from have no connection with French territory.
On the other hand, it establishes four categories of foreigners who will benefit from almost absolute protection against expulsion and Exclusion from French territory: foreigners born in France or arrived before the age of 13; foreigners legally resident in France for 20 years; foreigners legally residing in France for 10 years and married for three years to a French national or a a foreign national who has spent his or her entire childhood in France; and foreigners legally residing in France for ten years and parents of French children. The project intends to prevent the situation where the expulsion and exclusion from French territory constitute a banishment and the one in which they lead to the break-up of stable French families.
Three exceptions are provided: terrorism, fundamental interests of the State and the provocation to the racial hatred.
For foreigners whose ties to France are not of such density that they would warrant protection protection measures are provided: existence imperatively necessary for the security of the State or the Public Safety forr that expulsion may be ordered, possibility of postponement of eviction, social investigation mandatory before any prohibition is imposed territorial judicial system, possibility of benefiting from measures sentence adjustment despite the existence of a inadmissibility, systematic review every five years of deportation measures.

Key provisions of the bill:

Article 2: Reception certificates.
Article 5: Fingerprinting and registration at the visa applications.
Article 6: Abolition of the compulsory residence permit for European Union nationals.
Article 10: Extension of the minimum period of residence from 3 to 5 years for access to the resident card and the addition of a condition relating to "the integration of the foreigner into society French".
Article 11: Extension of the duration of marriage with a French national giving full access to a resident.
Article 16: Rewriting of Article 21 of the Ordinance of 2 November 1945 on the conditions of entry and residence of foreigners in France concerning direct or indirect residence assistance by natural persons. The system has been modified on two points: extension of the territory concerned and increase of the quantum of two of the additional penalties (withdrawal of licence and prohibition of residence for a maximum of 5 years instead of 3 years).
Article 17: Creation of two new aggravating circumstances in in addition to that of an organized gang already provided for offences of Article 21 of the 1945 Ordinance. In case of circumstance aggravating sentence, those convicted face a new sentence (confiscation of all or part of the property).
Article 19: Creation of a new offence relating to " sham marriages".
Article 20: Extension (72 hours instead of 48 hours) of the time limit granted to the administrative judge to rule on an appeal against a deportation order.
Articles 22 to 27: Provisions relating to "double punishment" (the clauses 38 to 41 of the bill have the same purpose and amend certain provisions of the Criminal Code and the Code of Criminal Procedure).
Article 28: Changes to the conditions of family reunification.
Article 33: Amendments to Article 35 bis of the Ordinance of 1945 relating to administrative detention, the maximum duration of which is extended from 12 to 32 days; Creation of a control commission detention centres and premises.
Article 34: Conditions of detention in waiting areas; possibility of holding hearings in rooms set up on the rail, port or airport right-of-way.
Article 35: Abolition of the impossibility of acquiring the French nationality for persons who have been sentenced to six months in prison or more.
Articles 36 and 37: Provisions to combat marriages and "sham marriages".

Main amendments adopted by the committee:

Article 2
- Competence of the municipality's social services for verifications on the spot (rapporteur).
- Deadline for the implied decision of rejection reduced to one month (rapporteur).
- Collection of a tax of 15 euros per person accommodated during the Request for a certificate of reception (rapporteur).

Additional article after Article 6
Possibility for the administrative authority to withdraw their title of stay for persons subject to criminal prosecution for Drug offences punishable by ten years imprisonment (Messrs. Jean-Pierre Grand, UMP, Hérault and Christian Vanneste, UMP, Nord).

Article 7
The years during which an alien has availed himself of documents are not taken into account for the Regularisation provided for by the 1945 ordinance after more than ten years of habitual residence (rapporteur).

Additional article after article 9
Re-routing costs for foreigners in an irregular situation are the responsibility of their employers (rapporteur).

Article 10
The residence card may be issued after two years instead of five for family reunifications at the request of the holder of a residence card (rapporteur).

Article 28
Possibility of withdrawal of the residence permit of an alien who has attempted to to carry out a "regrouping on the spot" (rapporteur).

Article 33
Possibility of holding hearings in rooms set up for this purpose. in the vicinity of detention centres (Mr Christian Vanneste, UMP, Nord).

Additional article before article 35
The minimum duration of marriage with a French national for make a declaration of acquisition of French nationality is extended to two years (rapporteur).

Additional article after Article 35
Procedure for the control of foreign civil status documents (rapporteur).

Additional Article after Article 40
Possibility of entrusting the transfer of persons detained in detention centre or holding area to private companies (MM. Christian Estrosi, UMP, Alpes-Maritimes and Christian Vanneste, UMP, North).

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