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N° 1654

NATIONAL ASSEMBLY

CONSTITUTION OF OCTOBER 4, 1958

TWELFTH LEGISLATURE

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relating to the **conditions**
for the **expulsion** *of the persons referred to*
in Article 26 of Ordinance No 45-2658 of 2 November 1945,

(Referred to the Committee on Constitutional Laws, Legislation and the General Administration of the Republic, in the absence of the establishment of a special committee within the time limits laid down in Rules 30 and 31 of the Rules of Procedure.)

PRESENTED

by Mr. Pascal CLÉMENT and Mr. Bernard ACCOYER

Members.

EXPLANATORY STATEMENT

Ladies and Gentlemen,

Article 26 of the 1945 Ordinance, relating to the conditions of entry and residence of foreigners in France, protects certain categories of foreigners against expulsion measures because of their special link with our country.

Today, only three derogations from this almost absolute protection are possible. They concern foreigners whose behaviour:

- is likely to undermine the fundamental interests of the State,

- or is linked to terrorist activities,

- or constitutes acts of incitement to discrimination, hatred or violence on the basis of origin or religion.

This last exception now appears to be inadequate in that it does not allow France to fight effectively against all calls to discrimination or hatred.

It is therefore proposed that the exceptions provided for in Article 26 of the Ordinance be extended to foreigners who have behaved "constituting acts of explicit and deliberate provocation to discrimination, hatred or violence against a specific person or a group of persons".

This new wording will thus give the public authorities the legal means, which are currently lacking, to fight effectively against acts contrary to the values on which the Republic is founded and to remove their perpetrators from the territory.

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Single article

The first paragraph of I of Article 26 of Ordinance No. 45-2658 of 2 November 1945 on the conditions of entry and residence of foreigners in France is worded as follows:

"I. - Except in the case of conduct likely to undermine the fundamental interests of the State, or linked to activities of a terrorist nature, or constituting acts of explicit and deliberate provocation to discrimination, hatred or violence against a specific person or a group of persons, may not be the subject of an expulsion order, including in the cases mentioned in the last paragraph of Article 25:".

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