

*Serge Slama*

## IMMIGRATION POLICY: A LABORATORY FOR THE SECURITY MANIA

*“If you’re dreaming of an ideal society where citizens are all honest, and clean ... the truth is that it [illegal aliens] is an ongoing fight”*  
*Brice Hortefeux, on M6 TV’s “Capital” program, November 25, 2007.*

The “ongoing fight” conducted against foreigners by the government since 2002 constitutes not only a genuine turning point in immigration policy, but a laboratory for new security policies. It is of course in line with the discourse and policy of the previous governments and majorities, be they left or right wing.<sup>1</sup> Nonetheless, President Sarkozy’s doctrine aims at demonstrating its radical break by disqualifying the policies of the past thirty years: before Nicolas Sarkozy took over the Ministry of the Interior in 2002, there was “no immigration policy worthy of the name,” a “dramatic” situation, “chaotic immigration in France” with its “shameful symbol,” the Sangatte hangar and the “glutted” waiting area (“*zone d’attente*”) at Roissy airport, the overload of applicants for asylum or regularization, “showing the administration’s failure to control the flows.” Since 2002, on the other hand, the “drifting boat” has been put back on course, a “considerable effort at setting things straight” has been accomplished, and “encouraging results” have been achieved.<sup>2</sup>

The main break, however, is embodied in the “culture of delivering the goods.” The true turning point is not so much

Nicolas Sarkozy's arrival at the Ministry, as his speech to prefects delivered on September 26, 2003 when he first assigned them "quantitative objectives" for taking in unauthorized foreigners or escorting them to the border. Since then, the numbers mania has never ceased. Statistics have become the alpha and omega for evaluating the "performance" of public policies. Prefects must make sure they conform to the objectives set. Henceforth, the nine "performance indicators" for immigration policy evaluate it exclusively on the basis of criteria for the repression and control of asylum-seekers. All foreigners are caught up in the spiraling security concern, although it supposedly only affects the illegal. This is corroborated by the introduction of a ministerial position combining—for the first time in history—Immigration and National Identity. Now, as Gérard Noiriel points out, linking these two notions—as nationalist discourse traditionally does—is intended to cast suspicion on foreigners in general: it is "the vocabulary of threat."<sup>3</sup>

Two aspects of this security spiral will be discussed here: the globalization of monitoring the entry and residence of foreigners and asylum-seekers, and the industrialization of procedures for removing and confining them.

## GLOBALIZATION OF CONTROL

In the 1990s, governments began to systematize and globalize the control of immigration by "outsourcing" their asylum and immigration policies both to the private sector (assigning responsibility to the airlines, privatizing the "hotel" functions as well as some surveillance in holding centers, and so on<sup>4</sup>) and to countries outside the European Union.<sup>5</sup> The frenzied modification of the legal tools (there have been *hundreds*

of laws, rulings, orders, and official instructions taken since 2002, and dozens of modifications of the immigration laws since 2005) has produced several forms of globalization.

*The technologization of surveillance.* This is the truly innovative aspect of the first immigration law of the Sarkozy era—the November 26, 2003 law,<sup>6</sup> authorizing the creation of new files (certificates of housing and of hosts' identity) and setting up the legal framework for the development of biometrics.

This being done, the BIODEV file (Biometrics of visa applicants) was first implemented, on an experimental basis, in March 2005, in seven consular offices (including the one in Bamako, Mali) and five border posts (including Roissy airport). This technology obliges all visa seekers to go to the consular offices in person—which only 40 percent did in the past—and is extremely costly. To cope with these difficulties, the French administration has begun, in recent years, to resort to outside operators so as to outsource some operations, in line with the Anglo-American model,<sup>7</sup> to the point where the European Commission intervened to regulate this practice, so as to avoid de facto exertion of regalian prerogatives by outside operators pre-treating dossiers.

The November 26, 2006 law and a November 2, 2007 ruling call for the generalization, for a five-year period, of the scheme (known as “Visabio”) to all of the 1.9 million “Schengen” visas delivered annually by France. As Sarkozy explains, “the biometric visa system merely allows us to determine the identity and nationality of people who have lost their memory and their identity papers” (Speech at the National Assembly on March 29, 2006). Over a five-year period, close

to ten million visa seekers are put on file for the purpose, written into the legislation, of “preventing identity paper falsifications and usurpations of identity” through a file and biometric terminals at border posts. The actual concern is really with verifying identities during checks throughout the country, and with preventing people from circumventing removal measures by concealing their identity or country of origin.

A similar system (the “Schengen visa information”) is to be implemented within the European Union. Data on visa seekers (20 million a year) will be kept for five years. The purpose is the same: to improve surveillance at the outlying borders, especially by preventing multiple requests for visas, but also, essentially, to “identify and return unauthorized migrants” and enforce the “Dublin II” regulation according to which a country may refuse to examine the application for asylum of a foreigner who entered through another European Union country. Last, it is to “prevent threats to external security,” especially those involving terrorism. Even worse, the cost of developing biometric visas is charged to the visa seekers themselves—irrespective of whether the visa is granted—through a 35 to 60 fee increase.<sup>8</sup>

Moreover, a “Sarkozy law” on fighting terrorism dated January 23, 2006 provides that airlines must transfer the data in their possession relative to passengers to the Ministry of the Interior, for inclusion in the National TransBorder File (FNT). Now, this file is interconnected with the Wanted Persons File (FPR) and the Schengen Information System (SIS). The goals are the same: the fight against terrorism, surveillance of borders and fight against illegal immigration.<sup>9</sup> When passed, these measures were described as temporary and experimental. But as

might be expected, a bill aimed at extending some provisions of the January 23, 2006 law for four additional years has recently been submitted to Parliament.<sup>10</sup>

The main objective, then, in addition to setting up a digital barbed wire barrier on the border, is clearly to facilitate the identification of foreigners during identity checks anywhere in the country, and their removal. Prisoners of their biometric signature, they may be removed as much as five years after their entry, even if they do not show their passport or their country of origin refuses to claim them.

For the finishing touch, it was even decided, in July 2005, to introduce “exit appointments,” devoid of any legal dispositions. This experimental scheme for monitoring exits was imposed on beneficiaries of visas for short stays in ten consular offices particularly exposed to the “immigration risk,” and was felt to be particularly intrusive, in that non-compliance did not necessarily imply that the visa-holders were still in the country.

Even the inter-ministerial committee for immigration control concluded that the results of this selective experiment “are not conclusive” and that it requires heavy logistic support (the creation of specific data bases, the need for personal appearance in countries where the consulates are saturated). It had the solution, however: “only biometrics will make it possible, in the future, to centralize entries and exits of foreigners in a database.”<sup>11</sup>

We learn, in the appendices of the law of finances for 2009, that this project is quite advanced. The Ministry of Immigration has issued an invitation to tender for the “complete overhaul-

ing” of the present implementation of services for aliens in prefectures (General implementation of files on foreigners in France—GIFFF) created in 1993. The “GREGOIRE” project, intended to replace that previous implementation as of mid-2009, should enable:

- The “inter-ministerial treatment” of files on foreigners by the prefectures, with a perimeter extended to consulates, police departments and gendarmerie units, specific agencies (ANAEM, OFPRA), social work agencies, the unemployment agencies (ANPE/ UNEDIC), and more generally, all those agencies whose mission requires the prior verification of the foreigner’s legal status. In other words, GREGOIRE will authorize an interoperability and interconnection consistently rejected by the National Commission on Computer Use and Liberties (CNIL) since its inception.<sup>12</sup>
- The introduction of biometrics for combating falsification and in conformity with European regulations on the subject, and especially regulation 1030/2002/EC of 13 June, 2002, modified by regulation 380/2008/EC of April 18, 2008 for a uniform format for residence permits.
- The constitution of a statistical database on the evolution of migrations.

The total cost of the project for 2009 is 30 million Euros.

This extended use of biometrics is particularly disquieting in that the intention is to apply it to the entire Schengen space. For the time being, seven European Union countries signed the Prüm treaty, in May 2005. This convention (also known as “Schengen III”), to be extended to the entire Union, prescribes the principle of the availability of security data (including genetic fingerprinting files for the prosecution of criminal offenses), to which other member countries have access.

As Ayse Ceyhan points out, “this system corresponds more to the rhizome model developed by Deleuze and Guattari in *A Thousand Plateaus* [U. of Minnesota Press, 1987] than to the panoptical model operational in well-defined spaces such as prisons. With the rhizome model, we have the establishment of a discreet system formed of heterogeneous, changing objects, which does not impose a hierarchical structure and takes extremely varied forms.”<sup>13</sup>

*Systematically extending suspicion to all foreigners.* This convention does not apply to DNA testing, performed in the framework of the enforcement of that famous Article 13 of the November 2007 law, since it has no (official) repressive purpose. The potential offered by this precedent is evident, however. Just as the national computerized genetic fingerprint file was created for sexual offenders only in 1998, and was then extended to almost all felonies and misdemeanors, it is to be feared that DNA tests, used for reuniting families, lead the way to generalization of that technique.

It is noteworthy, also, that the “Mariani amendment,” applicable to the families of French citizens as well as to those of foreigners, accentuates the logic of suspicion regarding

them. In its December 15, 2007 recommendation, extremely critical of the “Hortefeux” law, the High Authority against Discrimination and for Equality (Halde) makes no mistake: “This measure, of little concrete utility, heavily stigmatizes candidates for family reunification, which is a basic right, and is of a discriminatory nature.” Particularly so since the DNA test is an adjunction to a series of measures aimed at impeding the fulfillment of private and family life between French citizens and foreigners, including checks on the validity of marriages (the “Clément” law of November 14, 2006), French language tests for family reunification applicants,<sup>14</sup> and so on. It is easier for a foreign spouse of a citizen from another EU country to have a home than for the spouse of a French citizen (see CJCE July 25, 2008, *Metock* and the action of the group “*Amoureux au ban public*”<sup>15</sup>).

Since the constitution and EC agreements<sup>16</sup> bar the setting of quotas for immigrants entering for family and economic reasons, an active attempt is made to delay family reunification in France (longer delays for requesting family reunification, French language test, specific visas, and so forth). First and foremost, residency has become increasingly precarious for immigrants already present in France, through the increased stringency of conditions for obtaining residence permits (for ten years, automatically renewed), replaced by temporary permits (for one year, at the discretion of the prefecture). In three years, then, nearly 76,000 foreigners have been deprived of residence permits (a drop from 79.5 percent of the 2.23 million permits delivered in 2003 to 76.1 percent in 2006). In 2007, 45,000 foreigners<sup>17</sup> who applied for a permit received an injunction to leave the French territory (ILFT), a

new removal measure derived from the “Sarkozy” law of July 24, 2006. Given the fact that some 368,000 temporary residence permits are delivered annually by the prefectures, this represents a rejection rate of 11.5 percent for 2006, versus 9 percent in 2002. The “factory for producing illegal immigrants,” already ruthless in the days of the “Pasqua” and “Debré” laws, is running full blast, faster than ever . . .

*The security logic is the same for asylum.* With the same dissuasive effects: the number of first applications dropped from 52,204 in 2003 to 26,269 in 2006. This does not mean that there were half as many asylum-seekers, of course, but simply that the obstacles laid on the path of exiles by the “Villepin” law of December 2003 and the externalization policies conducted by the European Union are doing their job.

A simple look at the statistics on the nationality of unauthorized foreigners taken in by the police shows that there are still refugees in France. In 2005, for 63,681 such foreigners taken in, the first six nationalities included: 7,416 Iraqi, 5,589 Somali and 3,379 Afghans. In 2006, in metropolitan France, 35 percent of all those people were taken in within the district of Calais only. “I closed Sangatte. I brought the number of immigrants down to one tenth the figure,” said Sarkozy in 2005. But Sangatte is still there, except that there is no longer a roof over it.

Who can seriously believe that the 2,929 individuals granted asylum in 2006 by the French bureau for the protection of refugees and the stateless (OFPRA) (representing 7.8 percent of applications) reflect the number of “true” political refugees? Its conception of asylum is so restrictive that the

Commission of appeal for refugees (now the National Court for the Right to Asylum, since 2008) grants 1.5 times as many. France has never been as ungenerous toward refugees. It ranks fifteenth in Europe for the number of asylum-seekers accepted in ratio to the number of inhabitants.

Moreover, to reinforce control over asylum-seekers, the law of July 24, 2006 states that asylum-seekers cannot receive temporary financial aid (TFA) during the waiting period unless they lodge in a center for asylum-seekers (CAS). And a 2007 decree stipulates that the list of individuals housed is to be forwarded monthly, via the Ministry of Immigration, to the agencies in charge of managing TFA. Further, if the request for asylum is definitively rejected, the decision is transmitted digitally by the OFPRA to the center managers so that the person will leave the center as soon as possible, barring which the TFA is withdrawn. This brings us close to a system of house arrest for asylum-seekers, such as is found in Germany, for instance. For 2009, the objective is to have 85 percent of asylum-seekers lodged in CAS during their application procedure. Even worse, some projected EU directives would authorize the confinement of asylum-seekers, under certain conditions.

#### INDUSTRIALIZATION OF REMOVAL PROCEDURES

“It should be emphasized that the number of people escorted to the border has doubled in three years, rising from 10,000 in 2002 to 20,000 in 2005. That figure should even rise to 25,000 in 2006.”<sup>18</sup> Since the 2003 speech to prefects in which “quantitative objectives” were first set, the administration’s entire security apparatus has been galvanized to “play the numbers game,” producing a previously unprecedented “man-

hunt” for illegal immigrants. The magnitude of that chase would have been quite different had it not been halted at school gates by the Education Without Borders Network (*Réseau éducation sans frontières*—RESF) starting in the summer of 2004.

Police pressure has increased considerably since 2002 as a result of all these injunctions. Between 2002 and 2007, the number of people arrested and brought before the judicial system annually for a misdemeanor involving the immigration laws rose from 62,233 to 111,842: an 80 percent increase. Yet “only” 105,000 measures prescribing the removal of illegal immigrants were enforced in metropolitan France between 2002 and 2007. As for the 45,000 ILFT delivered in 2007 to foreigners requesting a residence permit, less than 2 percent were carried out. The main difficulty for the police and gendarmerie is that most removal measures are sent to foreigners by mail. This led to the development of “traps” for taking people in, in prefectures or places usually attended by persons overstaying their welcome (such as shelters), or in their homes. Official instructions were issued for that purpose on February 21, 2006, constituting a real memento for taking in illegal immigrants. However, in February 2007 the Court of Cassation ruled that taking in an illegally staying person using a “trap summons” is contrary to Article 5 of the European Convention on Human Rights. “Quantitative objectives” must therefore be attained by taking those people in public places or at workplaces.

Use of requisitions by the public prosecutor targeting some parts of Paris or places where foreigners congregate (such as railway stations) has been dubbed “raffles” by some associa-

tions such as the Human Rights League and some researchers.<sup>19</sup>

Above and beyond the controversy, the outcome speaks for itself. In 2007, 70,000 unauthorized foreigners were taken in by the police and gendarmerie in metropolitan France, as against 45,500 in 2003. In 2007, Iraqi (close to 9,000) and Eritreans (6,700) were the largest groups in this category. For the first half of 2008, Afghans were the largest group (7,000) among the 43,000 taken in.

Before Rumania and Bulgaria entered the European Union, their citizens represented 11 percent of illegal aliens taken in. Rumanians alone represented 5,881 procedures in 2006 and occupied second place. In 2007, once they became Europeans, fewer were taken in. This seems to indicate that people taken in are targeted, in part, on the basis of ethnic or national origin. If B. Hortefeux did not fill the “quota” of 25,000 people escorted to the border in 2007, it was to a large extent because these new European citizens are free to circulate and therefore “more difficult” to remove. But in 2008, the goal of 26,000 people “escorted” will be reached. His services have in fact “invented” a new method for removing these new European citizens: “humanitarian” forced return. The technique is simple: the police arrive at a Rom campsite with [government agency] ANEAM workers and buses. People have the choice between the police station and a bus direct to Rumania with “humanitarian aid for returning” amounting to 300 Euros per adult and 100 per child. Faced with this enticing alternative, they take the bus. As European citizens entitled to freedom of circulation, they are entitled to come right back.<sup>20</sup> As

of October 31, 2008, 8,710 Rumanian and Bulgarian citizens were escorted back to their country in this way.

But the minister can claim, that way, to attain his “quantitative objectives, on which his action is “graded,” with “voluntary” return journeys representing 38 percent of removal measures, against 7 percent in 2007.

In all, if we add up the different measures for removing foreigners from the French territory (including the overseas territories and refusal of entry at borders, and so on), 80,000 were put into effect in 2006 and 150,000 pronounced. The implementation of such massive removals requires the development of a corresponding infrastructure.

#### THE SHIFT FROM A LOGIC OF TEMPORARY CONFINEMENT TO ONE OF PERMANENT INTERNMENT

In 2006, the average rate of occupation of premises and holding centers (*centres de rétention*) was 74 percent, with peaks at 90 percent for some. At certain times of year, removal measures cannot be enforced for lack of space. Understandably, then, Nicolas Sarkozy’s priority, from 2002 on, was to lengthen the maximum time an illegally staying person can be held (increased from twelve days to thirty-two by the 2003 law) and to triple the holding capacity (786 places at the end of 2002, over 1,500 in 2006 and 2,030 in 2009). Thanks to which 32,817 foreigners awaiting removal could be held in 2006.

Gradually, the very nature of this arrangement slid toward a “logic of confinement,” as the CIMADE [see below—Trans.] wrote in its 2006 report.<sup>21</sup> Holding is no longer an exceptional

departure from and deprivation of personal freedom. It is being trivialized, industrialized (with the outsourcing of the management of “hotel” functions to private firms), and “correctionalized” (with the construction of increasingly large centers, gradually turning them into “genuine camps” in which “anonymity and despair [reign] and where tension is constant”). Violence and suicide attempts are frequent. Rebellions are quelled. In 2008, fires were set in several centers, including the center in Vincennes.<sup>22</sup> Particularly vulnerable individuals—juveniles, the ailing, the elderly—are increasingly sent to holding centers. For instance, 201 children were placed in holding centers and 989 in waiting areas in 2006.<sup>23</sup>

To facilitate removal of these families, the Ministry of the Interior has created another biometric file called “Eloi,” which records the children of removed individuals, in particular. The July 30, 2006 decree was invalidated by the Conseil d’Etat, but that did not prevent the government from passing another ruling on December 26, 2007 reinstating Eloi.<sup>24</sup>

This logic of internment may well create concentration camps, with the adoption, by the European Parliament, of the “forced return” directive, on June 18, 2008.<sup>25</sup> It provides that member countries, under some circumstances or for some specific reasons, may detain foreigners for “up to eighteen months.” It also authorizes the holding of juveniles. For the time being France has no intention of taking advantage of this possibility since holding there averages 9.97 days, and retains the maximum duration of 32 days.

The president of the Republic had also asked the Mazeaud commission to examine the possibility of eliminating “that

French eccentricity, according to which aliens are subjected to two types of jurisdiction, one public, the other judicial.” Since invalidation by one jurisdiction is the cause of the failure of 39 percent of measures for the removal of illegally staying people, he wished to eliminate the intervention of one of the two types of jurisdiction in this procedure. Here too, the Mazeaud commission responded negatively, arguing that the intervention of both types of jurisdiction was justified and necessary for the respect of civil rights and liberties.

Nonetheless, on the very day the commission’s report was delivered, the Minister of Immigration announced his intention of “smashing the monopoly” of the CIMADE, an agency providing legal aid for foreigners in administrative holding centers since 1984. The texts governing the holding center “market” have therefore been modified so as to prevent any national-level defense of removed foreigners and to induce competition among the various agencies working in this field, by dividing the country into eight parts (allotted to France Terre d’Asile, Forum Réfugiés, Ordre de Malte, and so on), and imposing confidentiality. Nevertheless, on October 30, 2008, at the initiative of the GISTI (Group for Information on and Support of Immigrants), the Human Rights League and three networks of lawyers, the Paris administrative court invalidated the invitation to tender, considering that this contract did not effectively protect the rights of foreigners in holding centers.<sup>26</sup>

Legal aid for removed foreigners represents a contract of 5 million Euros for 2009, which is to say less than 1 percent of the 700 million Euros budgeted for the removal of illegally staying people from the French territory.

This security mania costs more than ever before: the Ministry of Immigration allotted 80.8 million Euros for the functioning of holding centers and waiting areas, and for enforcing removal procedures in 2009 (including 42 million Euros in expenditures for purchasing Carlson-Wagons-lits train tickets, and renting Beechcraft planes). Upward of 600 million Euros were also allotted to the Ministry of Immigration mission known as “Policing foreigners and safety in international transportation.” More specifically, a senatorial report estimates the total cost of guarding and escorting foreigners to administrative holding centers at some 334.4 million Euros. All in all, removal of illegally staying people alone is estimated at about 415.2 million Euros, or about 20,970 Euros per person removed.<sup>27</sup>

“In 2007, the new immigration policy delivered the goods,” asserted Brice Hortefeux in an interview with *Figaro magazine* on January 20, 2008. Yes, but at what cost? At what cost in terms of broken lives, of rejected asylum-seekers, children locked up and families separated? And at what price in terms of the energy spent by the champions of civil rights in their “ongoing combat” against that arbitrary numbers game? And in the last analysis, to serve what interests?

NOTES

- 1 See, for example, Malek Boutih's report, "Pour une nouvelle politique d'immigration," Socialist Party, 2004.
- 2 N. Sarkozy, Audition, Commission des lois (Legislative Commission), National Assembly, March 29, 2006.
- 3 G. Noiriel, "*À quoi sert l'identité nationale?*", *Passé & Présent-Agone*, 2007. See also his interview and my article in *Savoir/Agir*, 2007, 2.
- 4 I. Guerlais, "L'association de personnes privées à des missions de police des étrangers," in D. Lochak, *Mutations de l'état et protection des droits de l'homme*, P.U. Nanterre, 2006.
- 5 V. Chetail, *Mondialisation, migration et droits de l'homme : le droit international en question*, vol. 2, Bruylant, 2007; A. Abecassis, "La délocalisation du traitement de l'asile et les centres d'accueil de réfugiés hors de l'UE," *Migreurop*, 2005. See, also, this communiqué from the European Commission, "EU-Libya: negotiations on future Framework Agreement start," IP/08/1687, November 12, 2008, and S. Prestianni, "Un accord italo-libyen sur l'immigration contrepartie de l'indemnisation coloniale italienne," *Migreurop*, <http://combatsdroitshomme.blog.lemonde.fr>, Oct.25, 2008.
- 6 D. Lochak, "La loi sur la maîtrise de l'immigration : analyse critique," *Regards sur l'actualité*, 2004, n° 299.
- 7 Two private companies have cornered this market: one is North American (Computer Sciences Corporation), the other Indian (VFS India, a subsidiary of Kuoni).
- 8 A. Gouteyron, Rapport d'information n° 353, Commission des finances, Senate, June 27, 2007.
- 9 F. Rolin, S. Slama, "Les libertés dans l'entonnoir de la législation anti-terroriste," *AJDA*, 2006, n° 18/15, p. 975.
- 10 Bill n° 39 (2008-2009) by Mr. Hubert Haenel, submitted to the Senate on October 16, 2008.
- 11 *Quatrième rapport sur l'orientation de la politique de l'immigration*, Dec. 2007, p. 35.

- 12 The CNIL was created in 1978 following the discontinuation of the SAFARI project entailing the interconnection of files.
- 13 A. Ceyhan, “Enjeux d’identification et de surveillance,” *Cultures & conflits*, n° 64, Identifier et surveiller, winter 2006 (<http://www.conflits.org/index2176.html>).
- 14 See ruling n° 2008-1115 dated October 30, 2008 on preparation for integration in France of foreigners desiring to establish themselves permanently there.
- 15 Translator’s note: an untranslatable wordplay, replacing the Georges Brassens lyrics “lovers on a public bench” by “lovers rejected by society.”
- 16 Commission sur le cadre constitutionnel de la nouvelle politique de l’immigration, *Pour une politique des migrations transparente, simple et solidaire*, July 2008.
- 17 The Schrameck report, *Les recours administratifs préalables obligatoires à la saisine du juge : un mode souple de règlement des conflits*, Conseil d’Etat 2008, actually mentions 55,000 rejections.
- 18 Nicolas Sarkozy, auditioned at the National Assembly on March 29, 2006.
- 19 E. Terray, “1942-2006 : réflexions sur un parallèle contesté,” [www.reseau-ipam.org](http://www.reseau-ipam.org)
- 20 See our note, “Reconduites volontaires à l’insu de leur plein gré. Brice le prestigitateur,” posted on *Combats pour les droits de l’homme*, Oct. 12, 2008.
- 21 [www.cimade.org](http://www.cimade.org).
- 22 See *Feu au centre de rétention. Des sans-papiers témoignent (janv.-juin 2008)*, Libertalia, 2008.
- 23 See our note, “De l’intérêt supérieur des nourrissons de ne pas être enfermés en rétention administrative,” blog *Combats pour les droits de l’homme*, October 2, 2008.
- 24 See E. Fassin, “Les enfants d’Eloi,” *Politis*, January 9, 2008, and the dossier on the GISTI website.

*Serge Slama*

- 25 Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals.
- 26 See our notes on this contract: <http://combatsdroitshomme.blog.lemonde.fr/category/marche-public/>
- 27 Finance bill for 2009, “Immigration, asylum, and integration” mission, articles 62 and 63, by M. Bernard-Reymond (<http://www.senat.fr/commission/fin/pjlf2009/np/16/164.html>)