

RESF: the fight of humanity against the absurdity of the law

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Abstract:

The Réseau Education Sans Frontières (RESF) is a French non-profit organization working in the area of undocumented migrants in France. Their work is particularly focused on students, or families of children going to school. The article presents a description of this “Education Without Borders Network”, its activities, history and ideas.

In France, the law forbids the deportation of children under 18 years of age; however, when families of undocumented migrants are forced by the government to move back to their country of origin, the children cannot be separated from their parents and are deported with them. Article 8 of the European Convention of Human Rights outlines the right to a “normal family life”, and the deportation of the parents of a child to another country or continent without the child contravenes this right. The Réseau Education Sans Frontières network tries to fight against this absurd situation, caused by the French immigration laws, which leads to the deportation of people with real ties to the country. It argues that attending a national school or university shows a real desire and a potential for integration as a citizen on the part of the migrant.

The children of undocumented parents are just one category of the potential deportees RESF wants to help. Most of these have been refused a French visa on the grounds of family reunification, but their parents (often long-term workers in France) send for them anyway. Actually, the conditions of entitlement to a family reunification visa are quite strict, depending on the financial resources of the family in France or the surface area of the house. This is meant to ensure that the request for family reunification is truly made to allow family members to live together, and not for economic reasons or to take advantage of the French social system. Consequently, when family reunification is refused, parents will often arrange for their children to come to France to avoid them living in extreme misery or under conflict. Or so as not to leave them alone when the parent carer in the country of origin becomes unable to do so.

The second category is made up of the most common cases: the ones who “got lost” in the complex administrative system. Such an assortment of laws and administrative systems is quite confusing, and so it is not surprising that young people sometimes do not understand their rights. For example they may not know that they are entitled to a visa or to naturalization, or may fail to meet the deadlines, which can have tragic consequences for them. In these cases, help from an adult who is informed about the system can change everything.

The last category is made up of the orphans who came to France alone, or whose parents died during the trip. They may also have escaped from criminal organizations which bring them to rich countries.

On the 24th June 2004 a meeting was held in Paris and was attended by teachers, pupils’ parents, unions, associations, and youth workers. They were all concerned with one issue: the precarious situation of over-18 students without legal status, and the families of unauthorised migrants with children under 18 attending school. On this day, they decided to create an assistance network for these children, the Réseau Education Sans Frontières (Education Without Borders Network, RESF).

The RESF then expanded rapidly: even if it is hard to give figures about this development, really, all the people who act in favour of undocumented migrant youths and their families can say that they are in one way or another related to the network. Its organization is uncommon, without a leading person; all the decisions are taken following the consensus.

The purpose of this network is to allow young people going to school to stay within the French territory if they wish to. Consequently, RESF asks not only for the regularization of the young over 18, but also for the parents of children who go to school in France. The great aim of the RESF is to make regularization automatic in these circumstances.

The name RESF refers to two different aspects of the organization; the first is on the national, institutional scale¹. It is supported by a lot of associations, political parties (the Green Party for example) and NGOs. The presence of all these contacts allows the RESF to be more credible, but such diversity is not necessarily seen as an advantage by all partners, because it appears too complex a structure to work.

The most important part of the RESF’s activities is the informal and local side. It consists of groups of parents who gather in a school when one parent has been arrested or received the OQTF, “Obligation de Quitter le Territoire Francais”, or obligation to leave the French territory. These groups of parents are becoming more and more numerous; when their campaigns against deportations succeed, it encourages new groups to start up and helps other

¹ However, it is not even registered as an association.

unauthorised parents to ask for help. The link of all these groups with the RESF is not always clear, the collaborations are made informally. This particular functioning has the advantage that the actions reach a much larger audience than if a formal allegiance to RESF had to be made. When people become aware of a problem that parents or young adults that they know are experiencing then they can just seek help from the RESF and lead their own action through petitions or meetings. The interesting thing is that even if the groups are initially created to help one particular person or family, they often continue to exist after the case has been solved, and so the group is present to help other families .

This method of work brings together people who are very different from each other, and who surely would not meet in a more institutionalized organization like a party, a union or a religious group, but who share the same goal. People usually get involved in the action because of a personal connection to the victim. This is in contrast to most charity organizations, and it has the advantage of reaching the public which usually does not get interested in such matters. The mix of people which can be found in these groups, together with the absence of a hierarchy, provides a real potential for reactivity and creativity in the RESF.

For ten years, the problem of deportations has been well known, and so support actions in favour of “les sans-papiers” (or, migrants “without documents”) have been organized. But the issue of unauthorized students and parents of children who attend school were not really known until recently. The situation has now changed in this respect, and everybody in France, even if they are not informed of practical things to do in order to help, knows about them.

Actually, at the time of its creation in 2004, the RESF was supposed to help only with the regularization of young adults who were following a school education in France. The people involved in the network had no idea yet of the existing risk for the children. But in their first year, many protests in favour of “illegal” people were held in secondary schools, which encouraged families of children attending school to make themselves known. That is how the actions in the schools began, and they now represent the greatest part of RESF’s actions.

Migration policy in France is becoming increasingly severe. The number of deported persons doubled between 2002 and 2006 (from 12,000 to 24,000 persons). This issue is the responsibility of the Ministry of Immigration, Integration, National Identity and Solidarity Development, whose minister recently changed from Brice Hortefeux (who became the minister of labour) to Eric Besson, a former socialist. The objective of the former minister was to deport 25,000 persons in 2007, 26,000 in 2008 and 28,000 in 2010; for Besson, the objective is 26 000 deportations in 2009.

The RESF has also greatly extended its geographical area of action. When first created, the organisation was active in the region of Paris, and in some areas where action was required. Today, there is a permanent RESF structure in nearly every French department, and the

network has inspired people in Belgium, and also Morocco, where RESF tries to help the deportees from France. These deportees may barely know their native country and arrive there without any money or any place to go.

Even if the main aim of RESF (the automatic regularization of parents with children at school) has not yet been achieved, they achieved some positive results when Nicolas Sarkozy was the Interior Minister. First, in October 2005, he gave in to pressure from RESF and the civil society in general and ceased the deportations of parents until the end of the school year. In 2006 he passed a bill which allowed the regularization of nearly all the families, but he then backtracked and arbitrarily limited the number of families to be regularized to 6,000. The actual number was in fact around 22,000 regularized families.

Though insufficient, these results encouraged other people to join the cause. The Réseau Universités Sans Frontières (Universities Without Borders Network) was created by students; another association was created by and for couples who are unable to marry because of the “illegality” of one of them. Seeing the solidarity which was developing towards the youth and children, some “illegal” workers also identified themselves in their firm. Some of them even started movements to fight for their regularization, a sort of union of undocumented workers. In April 2008 a strike began, two weeks later 600 undocumented workers gathered in the Paris region; it was extended to 20 different workplaces and led to more than 1,000 regularizations.

Actually, the work of the RESF helped to change the image the public had of undocumented residents in France. What's more, a research made by the association Droits Devant!, together with the union CGT (Confédération Générale du Travail - the general labour confederation), showed that, as we could logically have expected, most of the undocumented residents in France do work and so do contribute to the economy.

The school-based actions take the same form: the signing of petitions, gatherings of parents in front of the school, or teachers' strikes. The gatherings may take place in other public places and the actions may sometimes also take more original forms, such as going to Paris in a big group to hand in the visa applications all together. The RESF also gives migrants legal and administrative advice.

The RESF also set up a system of sponsorship of the children by artists, political figures and other people, a system which has been copied in many municipalities. The sponsors committed themselves to helping these people through the difficult process of regularization. But in general, members of the RESF very often attend to the audiences of the JLD (Juge des Libertés et de la Détention, Judge of Liberties and Detention), help families to prepare their applications and so on.

Another kind of action is to prevent the police from finding undocumented residents. Several times, members of the RESF hid and took care of children whose parents were threatened by deportation. This despite the fact that any support provided to an “illegal” resident faces a penal punishment in France. The French Code of Entrance and Stay of Foreigners and Asylum Rights states: “Every person who would have, either directly or indirectly, facilitated or attempted to facilitate the forbidden arrival, circulation or stay of a foreigner in France will be punished by 5 years of prison and a fine of 30,000 € ”. Which can make the work quite difficult for the RESF; many cases of proceedings against RESF activists have occurred. They now also fight against the growing trend of considering solidarity as an offence.

As the annual RESF rescue guide, which is full of advice for people hoping to be regularized, says, “Giving a real statute to those who chose France as a country of rights, freedom and culture, and those who work there and whose children study in our schools may be a risky option, but it is the only worthy one. ”

Website (in French): <http://www.educationsansfrontieres.org/?article17254>

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