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France, Terre d'Accueil? Integration and post-national citizenship in French legislation (2001-2022)

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Abstract

Does French legislation encourage integration and post-national citizenship? Although French national identity and integration literature reaffirms the exhaustion of the French model and politics for integration, and although traces of economic and social segregation are still observed, data from the *Institut national de la statistique et des études économiques* and the Migrant Integration Policy Index indicate instead a growing care, from 2015 onwards, to include non-nationals into French society. In light of this mismatch between literature and data, this study tests the hypothesis that the legislative acts published by Paris display a propensity towards welcoming and guaranteeing rights regardless of the immigrants' nationality. To that end, our research design is multi-method. First, we applied content analysis to 40 regulations referring to immigration, nationality, and citizenship in the period from 2001 to 2022. Then, correspondence analysis was used to gauge the correlation between the proposed categories. Corroborating our hypotheses, the results suggest that (i) French laws, decrees, and ordinances have set norms that are more focused on respecting and welcoming immigrants; and that (ii) there is a correlation between the norms that include non-nationals and those that dissociate the guarantee of rights from nationality. In this way, the present study contributes to the literature on migration flows in the 21st century, especially the guarantee of Human Rights and dignity in French society.

Keywords: Post-national citizenship; France; Legislation; Integration; Migration.

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Introduction

According to the *Institut national de la statistique et des études Économiques* (Insee), by 2014 the immigrant¹ population in France had increased by approximately 2.3 million. Between

¹ In the definition adopted by the French High Council for Integration, an immigrant is a person who is born a foreigner and abroad, and resides in France. Therefore, persons who were born abroad and of French nationality and live in France are not taken into account. (Institut National de La Statistique et des Études Économiques 2023).

2004 and 2012 alone, an average of 200 thousand foreigners arrived on French soil each year, characterized, above all, by the influx of Europeans and the growth in the percentage of women.²

In order to cushion the effects of this upward trend, France has produced extensive legislation concerning migration. This study seeks to answer the following research question: does French legislation encourage integration and post-national citizenship? Our hypothesis is that the French legislative acts display a propensity towards welcoming and guaranteeing rights regardless of the immigrants' nationality.

The study, which is part of the debate on international migration and citizenship, adopted a multi-method approach. We first carried out a detailed analysis of the texts of French migration legislation published between 2001 and 2022. The analysis coded 40 documents according to their affiliation to categories that we derived from the literature. These categories referred to two dimensions: how inclusive was the piece of legislation and the relevance it ascribed to nationality in the granting of rights. Complementarily, we applied correspondence analysis so as to identify associations between the categories. We were thus able to observe how integration and post-national citizenship were addressed based on French legal texts.

Besides presenting an overview of immigration in France, this research investigates the notions of post-national citizenship and integration. The former refers to the guarantee of rights to foreigners regardless of their countries of origin. The latter relates to the immigrant's process of adaptation to the host society. By surveying these notions, aided also by the literature on globalization and French national identity, we seek to draw a more accurate picture of migration in the country.

The decision to study France is based on case significance. This country, in particular, is the focus of this study given the centrality of migration in its political debate for over a century (Reis 1999; Schnapper 2017; Mung and Lacroix 2003), being the second leading destination in Europe for humanitarian refuge, behind Germany (Boubtane 2022). This centrality ensures both a wealth of observational data and relevance of the findings within the broader European landscape of migration policy.

The affirmation of the Charter of the United Nations (1945), the Charter of the Nuremberg Tribunal (1945-1946), and the Universal Declaration of Human Rights (1948) has altered the international political landscape significantly. The development of this regime of rights constitutes a challenge to the autonomy of states in administering issues relating to the movement of individuals in and out of national territory. At the same time, the existence of state borders is treated by international legislation as a self-evident fact, and the power of decision enjoyed by states regarding their jurisdictional space is likewise incontestable (Vieira 1999; Reis 2004).

In France, this discussion became important especially after World War I, with the creation of ministerial services aiming to attract labor for the textile industry. To control the workforce and

² Institut National de la Statistique et des Études Économiques - Insee. "Recent immigrants to France - Increasingly European immigration." *Insee Premier*, November 28, 2014. Accessed September 25, 2022. <https://www.insee.fr/en/statistiques/1283872>

render assistance to immigrants, the *Service Social d'Aide aux Émigrants* (SSAE) and the *Société générale d'immigration agricole et industrielle* (SGI) were created.

Over the years, Paris created important agreements and extensive legislation dealing with the topic, aiming to properly manage migration flows, which ranges from authorization for the entry or stay of foreigners in national territories to social integration. Its elaboration of migratory policy was strengthened in the interwar period (1918-1939), with the aim of formalizing control over foreigners seeking employment.

With the end of World War II, the need to implement policies to rebuild the continent arises, following the devastation of Europe caused by the conflict. In France, the demographic deficit and labor shortage stimulated the creation of the *Office National d'Immigration* (ONI) that, at first, carried out an important role in rebuilding the economy (Reis 2006).

Starting in the 1960s, actions by ONI were extended to other European countries and the institution stated its commitment in curbing illegal flows through a proper reception of non-nationals. Consequently, France began to receive an even greater number of immigrants and refugees, encouraged by the 1951 Geneva Convention, which led to the implementation of stricter migratory policies.

Later years were marked by greater political visibility of migrants, through their participation in strikes and workers' movements, in defense of the working conditions for immigrant workers. This domestic scenario, added to the international economic crisis wrought by the oil shock, led the government to disincentivize and control illegal entries, putting an end to its policy of attracting foreign labor (Reis 2006).

The debate on migration in France has expanded from the loosening/tightening of border control to the matter of integrating immigrants, to the construction of a contemporary understanding of citizenship, based on the recognition and prevalence of fundamental guarantees (Ferreira Neto 2011).

The paper is structured in five sections, including this introduction. In the second section, we review the literature on integration and post-national citizenship in the French context. The third presents our empirical method, and it is subdivided in content analysis, description of categories, and correspondence analysis. Results are presented and discussed in the fourth section. The final part presents conclusions.

Literature review

Terre d'accueil? Integration in France

The term “integration” is treated here as a multifaceted process. It ranges from the immigrants themselves, passing through governments and institutions, up until the local communities (Weil 2004). The topic is sensitive in the political agenda of countries that receive large inflows, especially

for states that associate the guarantee of equity to the migrant's absorption of the values and principles of the society, without taking social diversity into account. To ensure acceptance and effective inclusion of non-nationals, several policies are set in motion to ensure the wellbeing of immigrants on matters such as employment, health, income, habitation, social and cultural capital, and safety (Grzymala-Kazłowska and Phillimore 2017).

In France, this process is conceptualized via the incorporation of the immigrant to the nation through the construction of a national identity (Mung and Lacroix 2003; Schnapper et al. 2016). The acquisition of linguistic competence, for instance, is regarded as a central aspect in the assimilation of republican values and a determining condition to obtain a permanent visa (Ager and Strang 2008; Mota 2014). The assimilationist approach is described as the imposition of practices, norms, and values to immigrants (Sampaio 2010).

These traits reinforce the tradition of inclusion based on universalist and homogeneous principles. Christophe Bertossi (2009, 16) discusses “French-style integration” as a model that would allow anyone to actively participate in national society. France has traditionally used the model of assimilationist integration, which is, nonetheless, considered deficient by a large part of the literature when compared to affirmative policies that emphasize multiculturalism (Brubaker 1995; Simon 2015; Mota 2014).

The integration crisis in France follows a broad consensus on the depletion of its conventional model (Bertossi 2009; Simon 2015). However, this debate still raises some points that are favorable to the republican model and uphold its potential for receptiveness (Gil 2014; Schnapper et al. 2016). Alves (2019) links the notion of French integration policies to nationality itself. The absence of specific reception regulations for non-nationals in France is, according to the republican model of citizenship, the best way to integrate the children of immigrants (Schnapper et al. 2016; Alves 2019).

Schnapper et al. (2016) discuss this issue and reaffirm the guarantee of basic principles regardless of ethnic dimensions or the origin of individuals arriving in the country, contributing to effective integration³:

Where French nationals are concerned, whatever their “origin”, the main implicit principle of the French Republican approach to integration is that the lack of a specific integration policy is the best way to integrate children of international migrants. They are simply considered as French citizens. At school, in the workplace, in trade unions, the “ethnic” dimension has never been taken into account, even if, in practice, these principles have not always been scrupulously followed (Schnapper et al. 2016, 17).

These approaches relegate the discrepancies between “model” and reality, wherein the latter still presents hostility and anti-immigrant feelings (Ward et al. 2018).

³ Effective integration takes into account aspects such as family reunification, health, education, political participation, permanent residence, access to nationality and anti-discrimination (Solano and Huddleston 2020).

However, over the years it is possible to see an effort towards the construction of social and cultural identity in the country. Albeit reaffirming the legacy of inclusion based on universalist and heterogeneous principles, France takes incremental steps forward to improve its reception and integration policies.

According to the Migrant Integration Policy Index (MIPEX), France climbed three points on the integration index between 2014 and 2019, placing it in a leading position compared to international reform trends in other countries. In other words, in recent years, the country has offered non-nationals greater opportunities and security in settling within French territory.

Especially from 2015 on, immigrants arriving in France find more opportunities for than obstacles to integration (Solano and Huddleston 2020). This was ratified with the creation of the law on the rights of foreigners of 2016, which implements major reform in regulations for the reception and integration of non-nationals.

On a societal level, the diversity of origins and the mixed unions in French society have progressed over generations. According to data from INSEE, while 27% of immigrants are in a couple with a partner with no direct migration background, 66% of second-generation descendants are coupled with nationals (Institut National de La Statistique et des Études Économiques 2022). This points towards greater intersection between individuals and, consequently, effective social integration.

Despite efforts to implement inclusion and equal opportunity mechanisms, French integration is still considered “temporary” (Solano and Huddleston 2020). This means that, in the long run, immigrants do not find sufficient backing to settle down and exercise full rights as citizens. Consequently, France engenders a perspective of immigrants as equals, but also as foreigners.

In addition to the set of national laws and provisions aimed at the reception and integration of non-nationals, host countries, such as France, are increasingly emphasizing their concern with guaranteeing rights. MIPEX analyses conclude that nationality policies are an important factor in naturalization rates, which can increase acceptance, socioeconomic status, political participation, sense of belonging, and confidence among some immigrants (Solano and Huddleston 2020).

The acquisition of citizenship is highlighted in the process of welcoming foreigners, but sometimes it is still conditioned to the applicant’s professional/financial situation, or even their origin. The result is the implication of frequent dilemmas regarding changes to the very concept of contemporary citizenship (Ferreira Neto 2011). The next section looks more deeply into this issue and identifies the possibility of a post-national citizenship in France.

Post-national citizenship: the case of France

Traditionally, citizenship constitutes the primary bond between the individual and the state. In this logic, it represents a structural element for the integration of non-nationals into the host community, thus enabling the guarantee of human rights (Brubaker 1995; Goodman 2015).

The implementation and guarantee of these universal and indivisible rights, despite being recognized as independent of nationality, still dependent on the state (Costa 2016). For this reason, in the current context, there is an indispensable discussion about the role of the state in maintaining these assurances, since the international affirmation of human rights has come to be seen as an opportunity to subvert the competitive logic characteristic of the international system (Reis 2006).

Alfred Marshall (1967) describes citizenship as a kind of basic human equality related to the concept of full participation in the community. However, it is remarkable that, with the advent of globalization, the individual who used to be bound to the community by a matter of identity is no longer limited only to the territory of the state that shelters him or her (Sampaio 2010).

It is currently necessary to rethink the legislation that places national sovereignty above the protection of human rights. In this context, the concept of post-national citizenship emerges to change the way citizenship is understood. It is an approach that goes beyond the borders of a territory and is structured above national boundaries, in a transnational and cosmopolitan perspective (Vieira 1999; Carvalhais 2006).

Vieira (1999) points out that the initial notion of citizenship, linked to a relationship of descent and blood between members of a nation, reaffirms the traditional link between this concept and the idea of national identity. However, globalization has stressed the irrelevance of the material limits of each state with the spread of cross-border virtual spaces where goods, capital, people and, consequently, power circulate (Vilela 2010). As a result, the importance of borders has decreased and the traditional concept of citizenship has been questioned (Vieira 1999).

As Vieira (2001) points out, the idea of the citizen recognized beyond the nation-state and detached from territorial requirements highlights the tension between classical paradigms, which hold sovereignty as an inseparable characteristic of state power, and globalization, which has shortened distances and brought borders closer to each other. From this perspective, the evermore-visible rupture in the link between nationality and citizenship opens the way for tying this concept to other aspects, such as the politics of dignity and the value of humanity.

In view of this, post-national citizenship is understood as the right of individuals, regardless of their country of origin, to bear these guarantees recognized among all states (Carvalhais 2006; Nunes 2015). This is also because, as Nunes (2015) points out, the distinct nations of the world are linked in a global perspective of human rights.

The need to think about the denationalization of citizenship has become the reality of several European states receiving non-national populations. It is within this context that post-World War II Europe finds itself and observes the progressive affirmation of forms of citizenship more aligned to the idea of a post-national citizenship (Fonsêca 2014; Carvalhais 2006).

What is often called “the national question” has assumed in recent years great salience in France, thus giving rise to a legitimate uneasiness regarding the definition of what it is to be French (Reis 1999). The great migratory flux toward the country has brought to light the tension between citizenship and national identity.

French citizenship is defined expansively, as pointed out by Brubaker (1995), in the manner of a territorial community. Policies on birth and residence are more liberal in comparison to Germany, where the notion of the community of descent is stronger. French understanding of nationality has been state-centric and based on assimilationist traits. From this perspective, as Sampaio (2010) proposes, French citizenship is conceived in reference to the state, within its borders. However, Carvalho (1996) points out that the French revolutionary impulse made it possible for citizens to take ownership of the state, which enabled the definition of citizenship in a universal way, beyond the limits of the nation-state itself.

The narrative around the construction of a post-national logic is still only a normative discourse about a future possibility (Carvalho 2006). Therefore, following the alignment of the literature concerning post-national citizenship, the present study is based on France's propensity to recognize guarantees to non-nationals regardless of their origin. In this way, we take into account the trend in this country towards citizenship along the aforementioned lines.

Materials and methods

The literature review below helps us clarify the management of the French state over time on the issue of migration, as well as the insertion of foreigners in society. It is clear that Public Administration is an important explanatory factor in the process of welcoming immigrants and it is impossible to dissociate it from the practical obstacles faced by those who arrive in the country. Now we focus on detailing integration in accordance with the law.

This methodological section is divided into two parts: (1) Content Analysis of French laws, decrees, and ordinances published or modified between 2001 and 2022, and (2) Correspondence Analysis of the classifications proposed for each norm collected. Together, these two approaches provide a broad view of the country's legislative landscape regarding integration and post-national citizenship.

Content Analysis

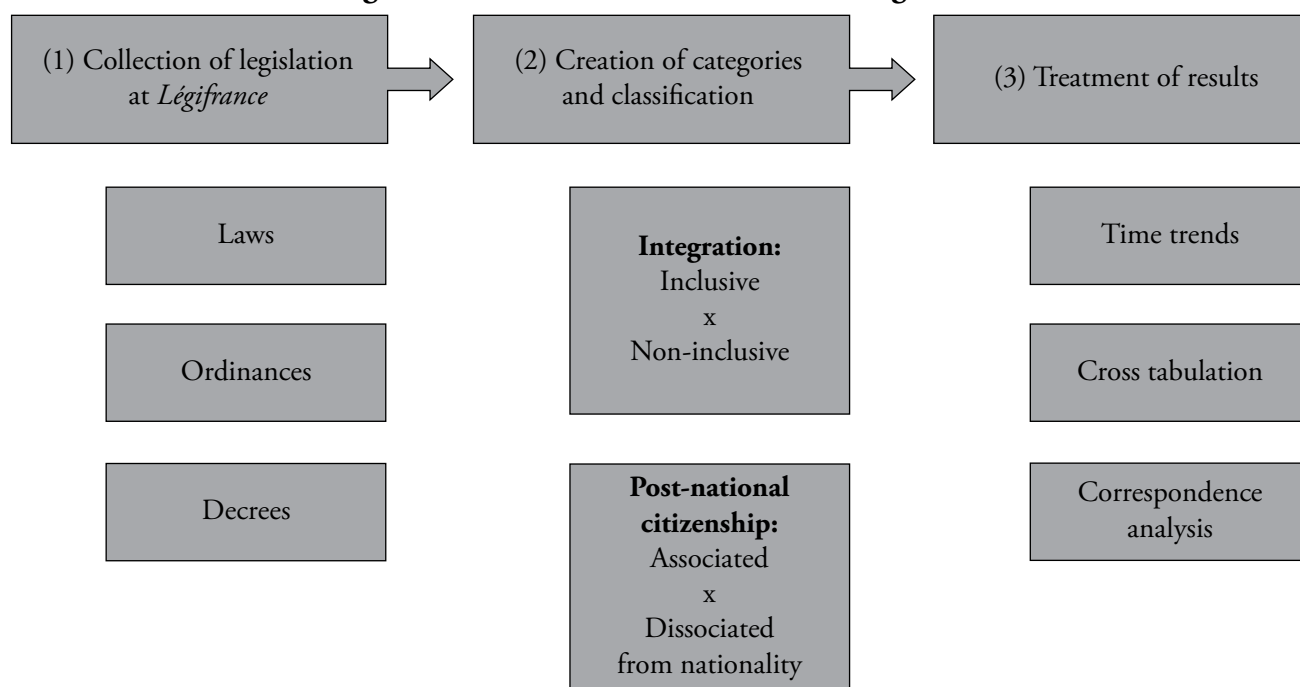
Content Analysis is defined by Bardin (1977, 31) as “a set of techniques for analyzing communications” organized in three stages. The first organization and preparation of the materials. In the second stage, the researcher explores the collected data. Categories are generated with the purpose of grouping the terms based on common characteristics. Only later, in the third stage, results are treated to render the raw data meaningful.

According to the division proposed by Bardin, our analysis follows the three phases depicted in Figure 1. Initially, we selected the French laws, decrees, and ordinances⁴ in force that pertained

⁴ The Decree (*Décret*) is typically a measure for the execution of a Law (*Loi*). Hence, in the hierarchy of the sources of law, Decrees are subordinate to Laws, as the latter applies to all regulatory standards. Likewise, Ordinances (*Ordonnances*) are measures that normally fall within the domain of the Law. (Secrétariat Général du Gouvernement 2017).

to the topics of integration and post-national citizenship. These rulings were chosen because of the hierarchy of French legislation. According to *Vie Publique*⁵, an ordinance, after ratification, has the same value as a law. As for other texts, the higher the position of its author in the French administrative hierarchy, the greater its rank. Hence, decrees occupy a more important position in the legislative edifice, but inferior to laws and ordinances.

Figure 1. Flowchart of the research design



Source: elaborated by the authors.

Documents published between 2001 and 2022 were collected from *Légifrance*⁶, a website maintained by the French public administration for publicizing law. This timespan was chosen to cover the beginning of the 21st century until present day. The texts chosen addressed the topics of citizenship, integration, migration, and the reception and granting of rights to foreigners.

The second step of this research required the creation of categories to classify the pieces of legislation concerning the notion of post-national citizenship and immigrant integration. Legislative texts were examined in full and grouped based on common characteristics. The categories are explained in detail in the next section. To ensure transparency and replicability, textual passages that justify a document’s classification were collated in a table and made available at OSF⁷.

⁵ Vie-publique.fr is a free information website, published by the Department of Legal and Administrative Information, which provides keys to understanding public policies and important debates in society. (“Quelle est la hiérarchie entre les actes administratifs?” 2018).

⁶ Secrétariat Général du Gouvernement. (Ed.). Le service public de la diffusion du droit. Base de données en ligne. Paris, 2022. Accessed January 11, 2022. <https://www.legifrance.gouv.fr/>

⁷ Replication materials available at OSF: <https://osf.io/n468d/>.

The results were analyzed in the last phase of the research, which is discussed in our Results section. The findings allow us to understand whether France proposes, as far as legislation goes, greater inclusion and guarantee of rights to individuals regardless of nationality.

Description of the categories

Table 1 presents the description of the categories used to classify the legislations analyzed in this study. The French regulations were classified into *inclusive* and *non-inclusive*, concerning the policies to integrate immigrants. To identify how the texts treat the citizenship status, the documents were coded as *associated with nationality* or *dissociated from nationality*.

Table 1. Description of the coding applied to the legislative acts.

	Classification	Description
Integration	Inclusive	Policies on access to higher education, right to health, housing and family reunification
	Non-inclusive	Policies to encourage temporary migration and restrictions, rejection, withdrawal and refusal for family reunification.
Post-national citizenship	Associated to nationality	The origin of the individual is considered in the process of conferring rights.
	Dissociated from nationality	Rights and assurances are guaranteed to the migrant regardless of his/her place of origin.

Source: elaborated by the authors.

Regulations classified as *inclusive* seek to integrate immigrants into society through social, economic, and cultural policies (Penninx 2019). They incentivize social, economic, and cultural policies capable of integrating immigrants in civil society. This categorization encompasses legislative acts that have the purpose of facilitating the flow and settlement of individuals on French territory or that contribute to the simplification of their insertion after reception. This category also takes into account the implementation of mechanisms capable of improving the management of external borders.

The so-called *non-inclusive* category, in contrast, contains measures that enhance the barriers for entry. This category includes norms that do not provide security for the integration of immigrants, being supportive instead of preventing and combating illegal flows. The texts coded as such are those that oppose the guarantee of diversity, access to resources, privileges, and power.

The category *associated with nationality* includes laws, ordinances, and decrees with elements that reaffirm the traditional historical link between the concept of citizenship and the idea of national identity. The documents thus coded expose aspects that emphasize the importance of the nationality of individuals over the recognition of inalienable rights. The emphasis lies in

the historical-cultural link that characterizes the nation, which is based on the establishment of legal-political ties with the modern state (Vilela 2010).

Legislative acts classified as *dissociated from nationality* contain aspects that reaffirm citizenship based on human rights regardless of the nationalities of individuals, recognizing the influence of these fundamental guarantees in the relationship based at first on lineage and territory. Stress is placed in elements that confer a more universal scope to citizenship, bestowing benefits to individuals regardless of their place of origin, reinforcing the notion of post-national citizenship (Fonsêca 2014).

After rigorously reviewing the documents and defining the categories, we analyzed the resulting information. At this stage, we composed a table that juxtaposes legislative acts and their classifications (Table 2).

Correspondence analysis

The preceding step, Content Analysis, allowed the definition of categories and the coding of each of the 40 texts. From this, it was possible to gather the codes of the legislative texts in a single matrix, with their respective classifications regarding integration and post-national citizenship. Subsequently, we applied Correspondence Analysis to this matrix via *RStudio* and the *FactomineR* package.

Correspondence Analysis makes it easier to visualize the correlation between categories and documents. The graphical representation obtained through the correspondence analysis makes it possible to visualize the distribution of variables in their relationship with all others (Clausen 1998; Greenacre 1984). That is, arranging the data in a factorial plane allows us to identify common and divergent factors in the legislative texts.

Each point in the factorial plane represents a thematic category, and the distances between points correspond to the relationship between variables. Thus, smaller distances between categories express stronger associations, while larger distances reflect dissociations between them (Malta et al. 2012). The resulting graph will show the classifications of inclusive/non-inclusive, and associated/dissociated from nationality as points on the factorial plane, along with the individually coded texts.

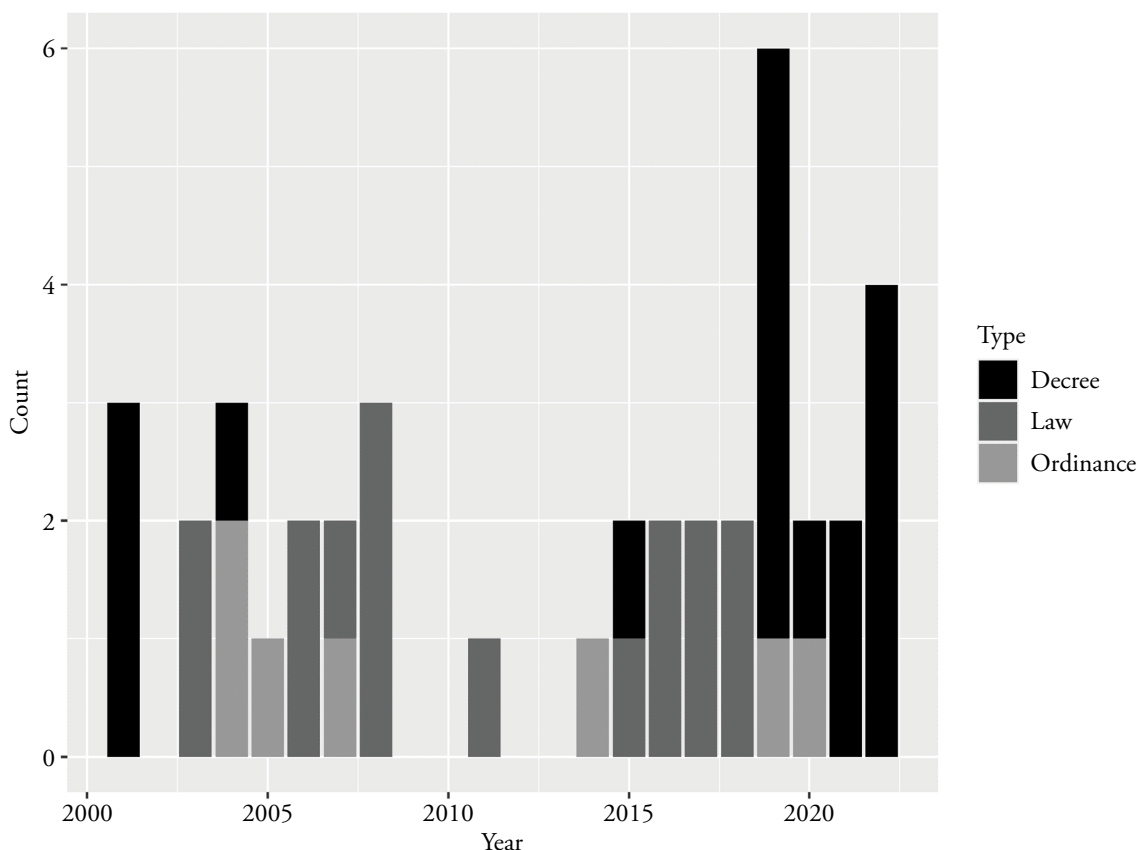
Results and discussion

Classification of French migration law

Our corpus consists of 40 legislative acts published between 2001 and 2022⁸ and that addressed citizenship, nationality, and migration. From the total number of pieces of legislation, we observed that 42.5% are decrees, 40% are laws, and 17.5% are ordinances. The graph in Figure 2 shows a time series with the number of acts referring to the matter of interest published each year.

⁸ This article was written in August 2022, so legislation up until this month was considered.

Figure 2. Number of regulations on citizenship, nationality, and migration published per year (2001-2022)



Source: elaborated by the authors

The documents were arrayed into a comparative table exhibiting the code and classification of each text in the two variables (Table 2).

Table 2. French legislation on citizenship, nationality, and migration (2001-2022)

Integration		Post-national citizenship	
Associated to nationality		Dissociated from nationality	
Inclusive	Law n° 2006-911	Decree n° 2020-1417	Decree n° 2001-1085
	Ordinance n° 2007-98		Decree n° 2019-796
	Law n° 2007-1631		Law n° 2003-1119
	Law n° 2015-925		Decree n° 2019-136
	Law n° 2017-86		Law n° 2003-1176
	Law n° 2018-187		Decree n° 2019-141
	Decree n° 2019-38		Decree n° 2004-1021
	Ordinance n° 2019-76		Ordinance n° 2020-1733
	Decree n° 2019-151		Ordinance n° 2004-1248
			Decree n° 2021-1241
		Law n° 2008-352	
		Decree n° 2022-963	
		Law n° 2016-274	
		Decree n° 2022-726	
		Law n° 2016-444	
		Decree n° 2022-468	
		Law n° 2018-778	
		Decree n° 2022-962	

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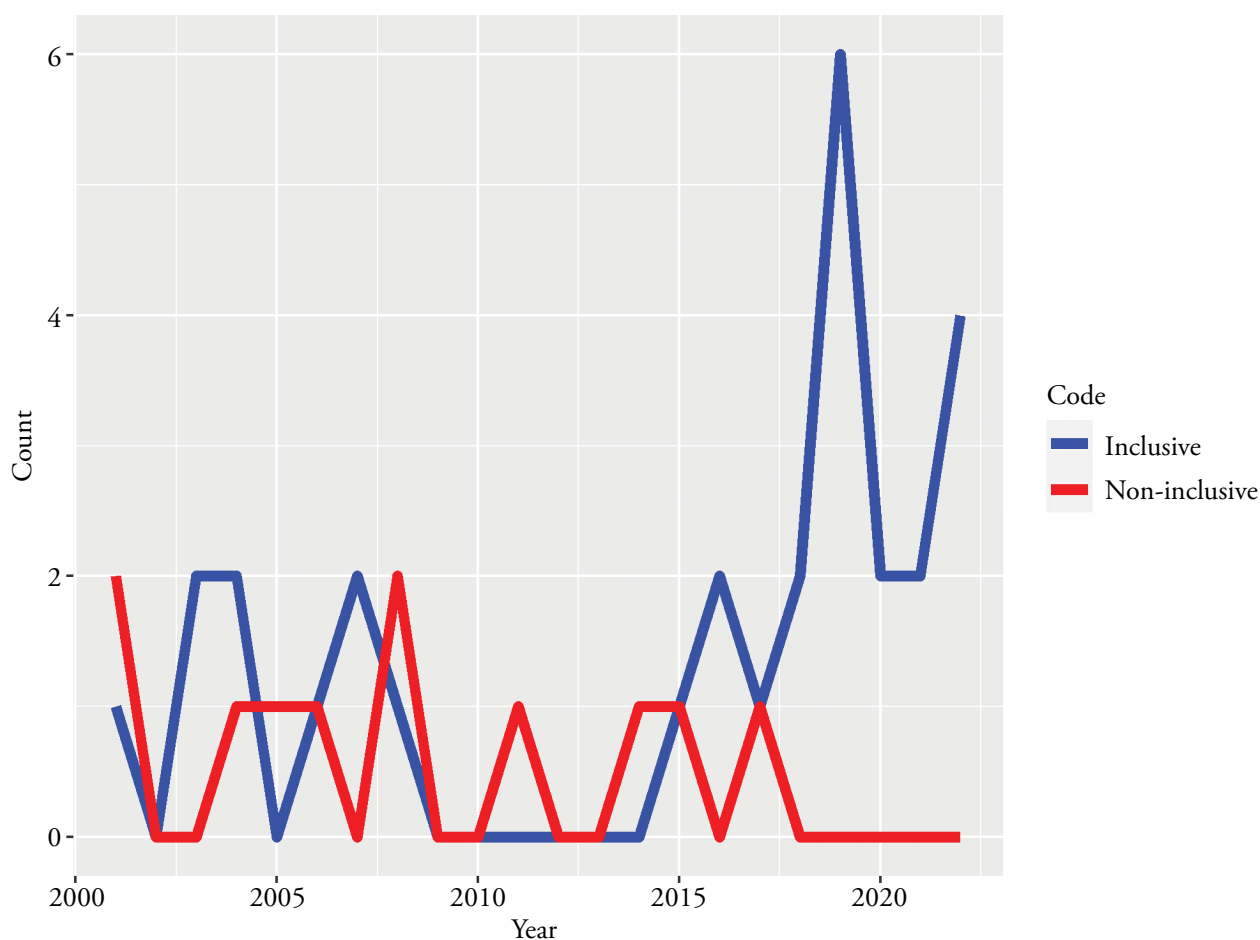
Continuation

	Decree nº 2001-634	Law nº 2006-64	Ordinance nº 2014-464
Non-inclusive	Decree nº 2001-635	Law nº 2008-1245	Decree nº 2015-1239
	Ordinance nº 2004-1253	Law nº 2011-672	Law nº 2008-1249
	Ordinance nº 2005-704	Law nº 2017-1510	Decree nº 2021-1790

Source: elaborated by the authors

In order to analyze the stance of French legislation regarding integration, the rulings were coded as either *inclusive* or *non-inclusive*. This categorization considered issues that underscored the ability to integrate immigrants in society through social, economic, and cultural policies. From the 40 rulings, 28 (70%) were coded as inclusive, given their emphasis on measures to welcome non-nationals. In turn, 12 (30%) highlighted obstacles to the flow and insertion of foreigners in France. Figure 3 shows the amount inclusive vs. non-inclusive documents. We can see that, from 2018 on, the amount of legislation coded as *inclusive* increased.

Figure 3. Time series of norms in each Integration category



Source: elaborated by the authors.

The laws, decrees, and ordinances in the *inclusive* category foster, to some extent, mechanisms to facilitate the settlement of immigrants, either by optimizing the refugee reception system, or by strengthening basic guarantees for these groups. One example of this is Law No. 2018-778, for controlled immigration, effective asylum rights, and successful integration. This law pursues three goals: to reduce the processing time for asylum applications, to intensify the fight against irregular immigration, and to improve the reception of foreigners admitted for residence and their integration.

Another piece of legislation worth mentioning in this category is Ordinance No. 2020-1733, concerning the legislative part of the code for the entrance and permanence of foreigners and the right to asylum. Article L121-1 highlights the importance of the *Office français de l'immigration et de l'intégration* (OFII) in welcoming foreigners and for creating, for the first time, a title authorizing them to reside permanently in France.

Learning the language of the host country is a fundamental requirement in the integration process, given that it facilitates the foreigner's insertion in the labor market, the school system, or general participation in the host society (Monteiro 2021). This aspect was taken into consideration to classify the norms that aim to facilitate the study of the French language or position the command of the language as a determining condition to acquire the residence permit. One such example is Decree No. 2022-726, which introduces the possibility of a language training implemented by the OFII for beneficiaries of temporary protection.

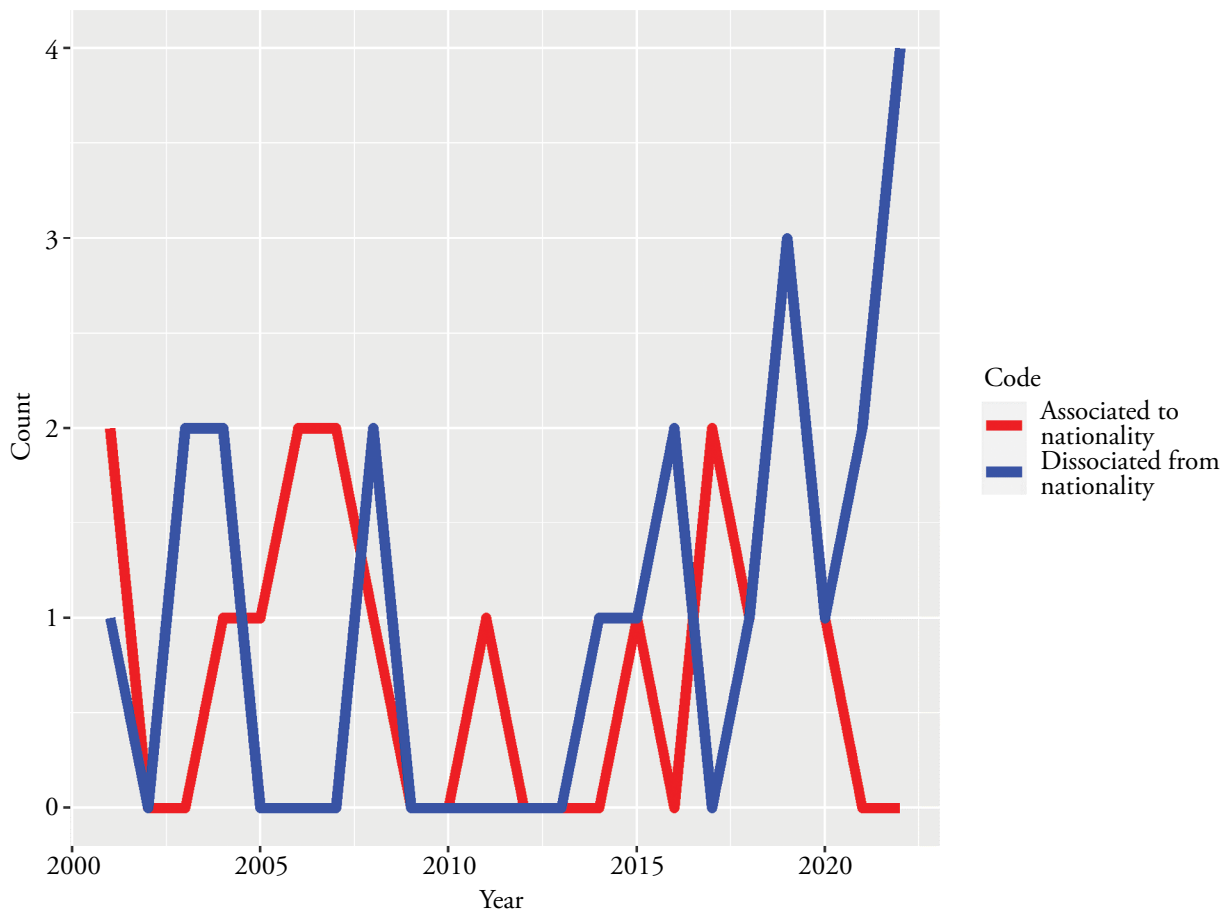
The *non-inclusive* category, in turn, gathers texts that enhance barriers to the settlement of foreigners or do not include reception measures. Some of the legislative acts classified in this way establish stricter provisions regarding security and border controls. Examples can be found in Laws No. 2006-64 and No. 2008-1245, which strengthen national security and the fight against terrorism.

It is also worth mentioning Ordinance No. 2004-1253, which establishes the conditions of entry and residence of foreigners in overseas communities, in New Caledonia and in the French Southern and Antarctic Lands. This legislative act reinforces the legal means of combating irregular immigration and reforms the rules regarding administrative detention and enforcement of removal orders.

The analysis took into consideration the absence of mechanisms capable of facilitating the reception of non-nationals into French society, as well as the imposition of stricter measures for their permanence in the territory. One example is Law No. 2011-672, on immigration, integration, and nationality, placed in the *non-inclusive* category for detailing, for the most part, the cases in which a foreigner may be subject to the obligation to leave French territory.

Concerning the relevance of the origin of non-nationals, two classifications arise: *associated with nationality* and *dissociated from nationality*. Figure 4 shows the volume of laws, decrees, and ordinances published per year in each category. The figure shows a growth trend, starting in 2019, of laws that recognize rights regardless of the immigrants' origin.

Figure 4. Time series of norms in each Post-National Citizenship category



Source: elaborated by the authors.

The 18 (45%) regulations in the first category reiterate the importance of the origin of the individual in his/her recognition as a citizen. Thus, this category includes documents that highlight the territorial aspect of citizenship and the imposition of stricter measures regarding the granting of rights to foreign communities in French society. A large part of the norms analyzed are related to the defense of republican values and national security, which can be observed in the strictness of the entry and stay of individuals in France. We reproduce below some examples from the corpus that capture the *associated with nationality* rationale.

The content of Law No. 2017-1510 strengthens internal security and the fight against terrorism. The document stresses the importance of the origin of individuals, as well as personal data that may reveal their ethnic or racial affiliation. In a similar vein, it also stresses the need to collect data on the religious or philosophical convictions, political opinions, labor union membership, or information regarding the health or sex life of the person in question. In this sense, factors like gender, religion, race and nationality become variables that may affect the immigrant’s acquisition of rights similar to those enjoyed by nationals.

As a last example, we bring forth Law No. 2007-1631, concerning immigration control, integration, and asylum. This bill completes the reforms initiated by Laws No. 2003-1119 and

2006-911, regarding immigration and integration, and allows for better supervision of family reunification. However, elements that reiterate the link of citizenship to the origin and culture of individuals are highlighted throughout the text.

In contrast, the 22 (55%) documents classified as *dissociated from nationality* reinforce respect for the fundamental rights of individuals, regardless of their country of origin. Thus, the texts in this category emphasize the basic guarantees inherent to the human person over the territorial boundaries established by the states. Many of the legislative acts analyzed propose to assist the social integration of refugees, of individuals enjoying subsidiary protection, of stateless persons and foreigners, ensuring equivalent rights to these groups.

As an example, Law No. 2016-274 encourages the integration of non-nationals in France. It allows foreigners who were admitted for the first time or who entered regularly in France between the ages of 16 and 18 and who wish to remain in the territory for a long period to take a personalized republican integration course aimed at promoting their autonomy and insertion into French society.

Many of the acts classified as *dissociated from nationality* highlight the need to prioritize the rights and duties of individuals above the limits of territory or state interests. Decree No. 2004-1021, for example, reaffirms the republican values of tolerance and respect for the dignity of the human person and makes the individual aware of his or her criminal and civil responsibility, as well as the duties inherent to life in society. Thus, the republican approach toward the recognition of fundamental rights over the origin of individuals is reinforced.

In-depth analysis of the documents allowed us to identify in most texts aspects that lean towards greater receptiveness, for instance by trying to speed up the asylum procedure and to improve admission conditions. A significant effort was also noted with regards to extending long-stay visas and granting authorization to foreigners and asylum seekers to stay and work in France.

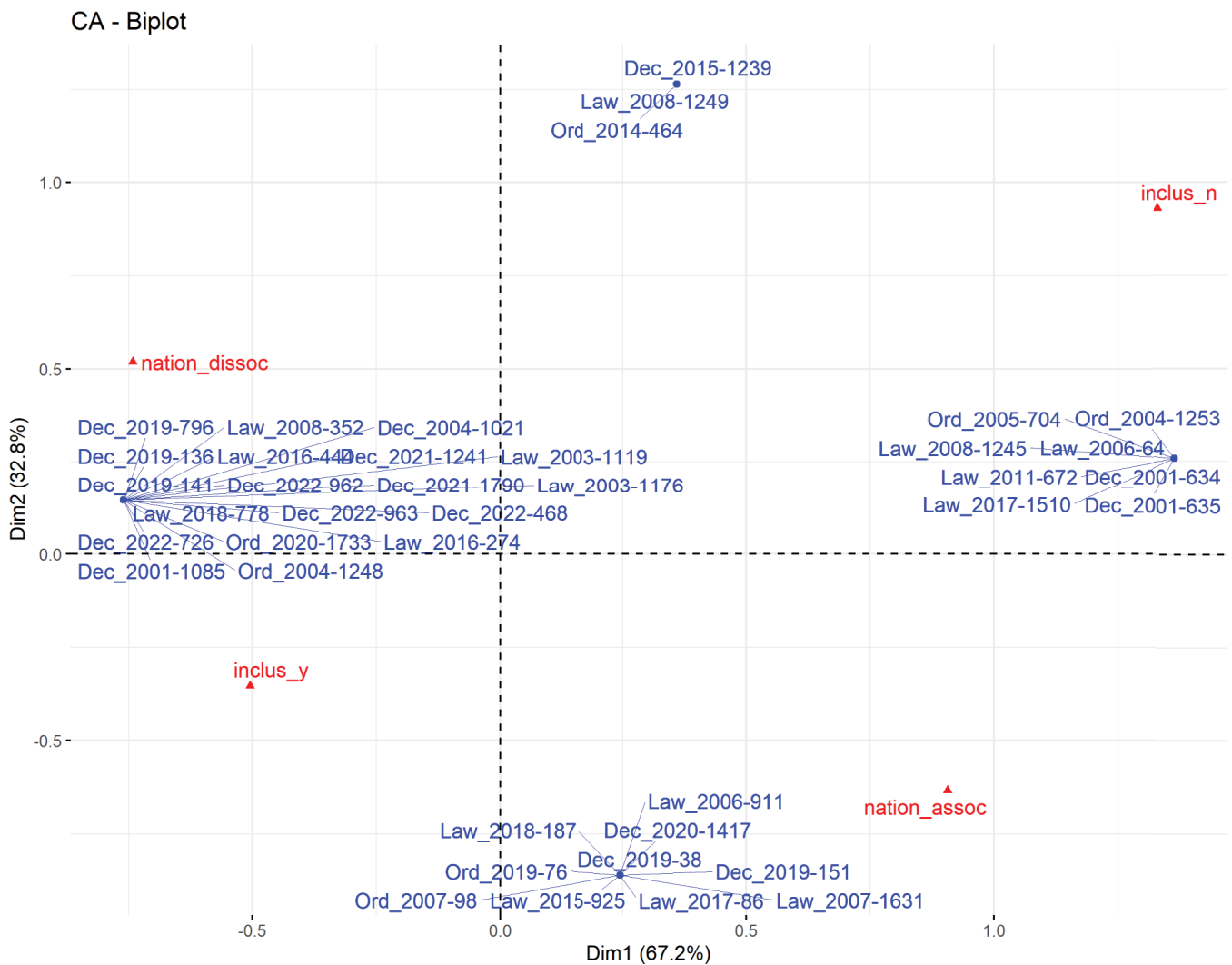
Despite this, the majority of immigrants still fill low-paying positions in France. Furthermore, the unemployment rate among foreigners is higher than among natives, which points to ethnic segregation (Benchimol 2018). This demonstrates that the public administration still fails to operationalize and implement the policies established by law to economically integrate immigrants.

Besides considering the content of the documents in isolation, it is possible to probe for associations between the categories of the legislative acts. The next section explores this association in more detail via Correspondence Analysis of the proposed codes.

Correspondence map

Figure 5 presents the correspondence map, a graphic representation obtained through the correspondence analysis, carried out in *RStudio* and the *FactomineR* package. The plane in the figure comprises two representations: the categories proposed to analyze integration and post-national citizenship, shown in red, and the analyzed pieces of legislation, represented in blue.

Figure 5. Correspondence map



Source: elaborated by the authors.

The categories of the “integration” variable – *inclusive* and *non-inclusive* –, which seek to analyze the treatment of immigrant inclusion policies in French society, are represented on the map by the terms “inclus_y” and “inclus_n”, respectively. The coding for the variable “post-national citizenship” – *associated with nationality* and *dissociated from nationality* –, referring to the guarantee of rights regardless of origin, are portrayed on the plane as “nation_assoc” and “nation_dissoc”, in that order.

The map of the Correspondence Analysis shows proximity between the categories *dissociated from nationality* and *inclusive*, located in the left-hand quadrants. Since shorter distances represent greater similarities, these categories can be considered strongly associated. In other words, the rulings that mention elements guaranteeing the rights of immigrants regardless of their country of origin are more closely aligned with documents that encourage policies of inclusion.

This association can be identified in most of the analyzed documents. Among the 40 legislative acts collected, 18 were classified as *inclusive* and *dissociated from nationality* (45%), which signals

a coherence between norms that foster integration and the guarantee of rights regardless of nationality. As examples, we can mention Law No. 2016-274, Decree No. 2022-963, and Ordinance No. 2004-1248.

On the far right side of the plot, we find the categories *non-inclusive* and *associated with nationality*. Only eight legislative acts (20%), considering laws, decrees, and ordinances, were simultaneously allocated to these two categories. As illustrated in Figure 5, the two categories are closer and, consequently, share a stronger association. Thus, there is an alignment between the rulings that consider the origin of individuals for the concession of basic rights and those that impose obstacles to the integration of immigrants in the territory. Laws No. 2006-64 and No. 2008-1245 are examples of this, as they present provisions related to security, border control, the fight against terrorism, and illegal immigration.

In contrast to these groups, some documents revealed a more heterogeneous combination of elements. A portion of the legislative acts was classified as *associated to nationality*, concerning the guarantee of rights to the universal person, but *inclusive* due to their incentive to the reception and insertion of foreigners. Although the two categories appear in opposite quadrants in the figure, which indicates a weak association, 10 out of 40 norms were coded in this manner.

This is the case, for instance, of Ordinance No. 2007-98, concerning immigration and integration in Mayotte, Wallis and Futuna Islands, French Polynesia, and New Caledonia. Although the text subjects issuance of the first residence permit to the integration of the foreigner into French society, the ordinance signals differentiated options for nationals of countries belonging to the zone of priority solidarity. One can see, therefore, the relevance of the individuals' nationality.

The opposite is identified in Law No. 2008-1249, Ordinance No. 2014-464, and Decree No. 2015-1239, which appear at the top of the plot. These documents fall into the category *dissociated from nationality*, as they ensure rights beyond the state, but lack elements that encourage the integration of the foreign population, so that they are coded in the *non-inclusive* category.

The position of the categories in opposite quadrants also reaffirms dissimilarities. Therefore, the correspondence map in Figure 5 illustrates the alignment of the vast majority of legislation in the sense of prioritizing the insertion of immigrants regardless of their nationality. The application of Correspondence Analysis adds to the utility of these findings, since it allows visualizing possible incongruities within the normative landscape in this matter.

Conclusion

This study examined whether French migration legislation published between 2001 and 2022 fostered the notion of post-national citizenship and the integration of immigrants. To do so, we used the combination of two techniques: Content Analysis of 40 regulations and Correspondence Analysis of the coded results.

The results show a pattern whereby French legislation has broadened the concept of citizenship in a more universal direction, especially from 2019 on, recognizing the rights of individuals regardless of their nationality (Fonsêca 2014). We highlight Law No. 2016-274 and Decree No. 2004-1021 in Table 2. The results also revealed a propensity for the reception and inclusion of immigrants in French society in the vast majority of the legislative corpus.

In addition, Correspondence Analysis (Figure 5) revealed strong association between regulations classified as *inclusive* and those understood as *dissociated from nationality*. This indicates that most of the legislative texts that recognize rights regardless of nationality also provide the necessary instruments for the full inclusion of these foreigners.

Contrary to much of the literature on integration in France, which highlights the exhaustion of the republican model, the data on French integration policy published in the most recent MIPEx (Solano and Huddleston 2020) and INSEE report (2022) signal a gradual advance towards conferring the necessary tools for an effective reception process, by means of social, economic, and political inclusion regulations.

Other aspects need to be taken into account in this analysis, such as immigration flows to the European border, European policies and border control, and visa regulation. The ties between the country and the European Union (EU) condition French decision-making. In this aspect, many European decisions and rulings (e.g., Schengen Space, Treaty of Maastricht, Dublin III) can alter the understanding of citizenship grounded on the territorial aspect. However, the EU tends to prioritize national autonomy in these decisions and France, as a sovereign state with regard to its territory and borders, acts accordingly with full or limited autonomy in elaborating policies about nationality and immigration.

Taking these aspects into consideration, and based on the analysis of the legislation regarding immigration, nationality, and citizenship, it can be concluded that France is establishing policies that are increasingly geared towards respecting and guaranteeing human rights of non-nationals. As proposed by Schnapper et al. (2016), the republican approach reinforces the guarantee of fundamental rights regardless of the origin of individuals. This does not represent the total abdication of state sovereignty, but symbolizes the gradual deconstruction of citizenship as an identity association with the nation-state, strengthening its universal and abstract character.

However, integration in France is still placed in the “temporary” category (Solano and Huddleston 2020), as it does not have sufficient support for long-term settlement. Although the gradual opening of French nationality legislation and the acquisition of citizenship encourage the internalization of French norms and values (Schnapper et al. 2016), this process involves many nuances. Laws are a pathway for the insertion of these individuals, but they need to be perfected and enforced to validate the integration of non-nationals. Furthermore, the level of reception of these individuals still depends on the good practice of established policies, through inspection. This is seen when France delays the labor market mobility of non-EU immigrants more than most Western European/OECD countries, for example.

As to the limitations of this study, we can underscore the classification of the regulations, which might imprint some subjectivity to the results. However, to mitigate this shortcoming, the excerpts that have motivated the classification of the documents are made openly available. In addition, the scripts used in *RStudio* for the Correspondence Analysis are also made public.⁹ In this manner, we provide for the transparency of our research and encourage the replication of our results. Another limitation are the regulations that are left out of the corpus due to the timespan. This study focuses on documents issued from the beginning of the 21st century. Therefore, important laws on integration and post-national citizenship published before this are not covered in this analysis. It is also possible to point out as a limitation of this study a deeper assessment of the practical action of the French state to apply established regulations, which is a determining factor for effective integration.

New avenues of research can be developed from this work to gain a deeper understanding of the obstacles to full integration of foreigners in France. First, a broader corpus can be amassed, so as to test whether our results are contingent on sample size or if, indeed, the trend towards greater inclusivity and universality is confirmed in other legislative and judicial pieces produced by the French state. Second, our study was focused on a single case due to its representativeness and weight. Nonetheless, the literature also stands to gain from a comparative design with more host countries. By applying the same categories of inclusion and importance of nationality to other states, it would be possible to place France amidst a broader frame of reference regarding the progress of inclusion and post-national citizenship worldwide. Third, our results are descriptive and classificatory, which naturally beg the question of causation. Future inquiries might use our findings as a dependent variable and test possible political, societal, and international drivers that covaried with French legislative output. The study offers a rich theoretical contribution regarding French legislation on immigration, integration and citizenship. New techniques, such as correspondence analysis, help to clarify the position of laws and show us the legal effort mobilized by the country, thus contributing to the literature on migration flows and the guarantee of Human Rights and dignity in French society.

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⁹ Along with the scripts and the excerpts from the legislation, all 40 norms were made available at OSF: <https://osf.io/n468d/>

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