

COMMISSION

PARIS - LONDRES

Responsable : ALAIN-CHRISTIAN MONKAM



Lundi 27 mai 2013

Monday 27 May 2013 from 10 am to noon

Droit Comparé de l'Immigration entre l'Angleterre et la France UK / French Comparative Approach on Immigration Rules

Intervenants / Speakers:



Marianne Lagrue

Avocat au barreau de Paris

Président de la section SAF de Paris

Avocat at the Paris Bar

Chair of the Paris section of SAF

Richard Timmis

Solicitor spécialiste du droit de l'immigration

Solicitor specialising in immigration law

PARIS-LONDON COMMISSION

The Impact of the ECHR
on the national rules
(UK/FRANCE)

INTRODUCTION

- ◉ **Chair:** Mr Alain-Christian Monkam, UK
solicitor and French avocat
- ◉ **Speakers:**
- ◉ Mr Richard Timmis, Solicitor specialising in immigration law
- ◉ Mrs Marianne Lagrue, Avocat at the Bar of Paris, President of the Paris section of SAF

I- INTRODUCTION

In the UK

- ◉ The present immigration scene
- ◉ The need for the European Legislation
- ◉ The application of the ECHR

I- INTRODUCTION

In the France

- Criteria defined by the ECHR as to the respect for the private and family right - article 8 of the ECHR: *“Everyone has the right to respect for his private and family life, his home and his correspondence.”*

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”

II- CHARACTERISTICS OF THE APPROACH

In the UK

- ◉ Principle of Proportionality
- ◉ Attempt of codification

II- CHARACTERISTICS OF THE APPROACH

In France

- ◉ Codification
- ◉ Code de l'entrée et du séjour des étrangers et du droit d'asile (CESEDA) + *ECHR*

III- ELEMENTS OF THE APPROACH

In the UK: approach of the Immigration Tribunal

- ◉ Length of time
- ◉ Immigration conduct

III- ELEMENTS OF THE APPROACH

In the UK: approach of the Immigration Tribunal

- ◎ Criminal convictions
- ◎ Family Life

III- ELEMENTS OF THE APPROACH

In France: right to residency “Droit au séjour”

- Minors and young adults “*mineurs étrangers et jeunes majeurs*”
(Article L.313-11 of CESEDA)
- Adults and other categories
(Article L. 313-11 7° of CESEDA)

III- ELEMENTS OF THE APPROACH

In the France: protection against deportation *“éloignement”*

- Minors and young adults *“mineurs étrangers et jeunes majeurs”*
(Article L.511-4 of CESEDA)
- Other categories
(Article L511-1 to L511-4 ;
Article L521-1 to L521-5 of CESEDA
modified by loi n°2011-672 of 16 June
2011)

III- ELEMENTS OF THE APPROACH

In the UK

- Article 3 of ECHR: *“No one shall be subjected to torture or to inhuman or degrading treatment or punishment”*

III- ELEMENTS OF THE APPROACH

In France: subsidiary protection “*protection subsidiaire*”

- Deportation and detention
- Article L. 712 of CESEDA
- Article L. 513-2 of CESEDA

CONCLUSIONS

◎ Questions of the audience ?
