

French Border Police and the Creation of the Schengen Area

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ABSTRACT

The French border police was created in 1952 within the Renseignements généraux (intelligence department of the Ministry of Interior). Redirected in the 1970s toward the control of immigration, the activities of this police service were restructured with the creation of the Schengen Area. The Schengen Convention signed in 1990 brought an end to systematic controls at the internal borders of the Schengen Area, which is to say between two member states. These agreements in principle called into question the daily work and establishment of Police aux frontières (PAF, French Border Police) agents. However, the PAF preserved its staff through a transformation of its mission and the sites where it operated. The PAF henceforth intervened on national territory and at the EU's external borders, and conserved its activities at the internal borders of the Schengen Area.



“Map showing the elimination and creation of PAF units between 1995 and 2004”. Map by Sara Casella Colombeau.



The Schengenization of the European space, Map by Olivier Pissoat in Migreurop, *Atlas des migrants en Europe, approches critiques des politiques migratoires*, Paris, Armand Colin/Migreurop 2017.

The Police aux frontières transformed from a border police under the Renseignements généraux in the 1950s to a police service tasked with migratory control beginning in the 1970s, and underwent a restructuring of its activities with the creation of the Schengen Area for the free movement of persons in the 1990s.

The Police de l'air, des frontières et des chemins de fer (Aviation, Border, and Railroad Police) was created in 1952 within the Renseignements généraux (RG). It changed names on a number of occasions, and will hereafter be referred to by its current name, Police aux frontières (PAF). Like the other departments of the RG, the PAF was first and foremost an administrative and intelligence police service. Its efforts concentrated on gathering intelligence regarding the political activities of passengers, as well as social mobilization in international ports, airports, and train stations. The PAF did not enjoy strong internal coherence, as it resulted from the merger of various services (the border branch of the RG and the Air Police). Its specific identity gradually emerged during the 1950s and 1960s through its establishment at the edges of the national territory. Border post controls gave agents privileged access to travelers' personal data, as travelers were required to present their identification papers to cross the border. Agents' tasks primarily involved mobilizing and supplying information for the central files of the police, especially with regard to wanted persons and "recidivists."

While foreigners were implicitly associated with criminal targets and political dissidents, limiting the number of immigrants on the national territory was not the PAF's objective. It was only in the mid-1970s that its work was clearly used in the service of a restrictive immigration policy. As in other European states, this period was marked by a turning point in immigration policies; in 1972 and again in 1974, the government sharply restricted the possibilities for legal immigration.

It was at this time that the objectives and duties of the PAF were directed toward controlling immigration at the border, thanks to an enhancement of its staff, material resources, and a transformation of its prerogatives. The PAF's professional identity was transformed as a result. Most of the newly hired agents were officers "in uniform," which is to say enforcement agents who patrolled between border posts.

In addition to checking identification papers, officers were responsible for identifying foreigners who presented themselves as tourists, but actually wanted to immigrate to France, in order to settle there and work. In 1974, the PAF became a *direction centrale* (central directorate) independent of the Renseignements généraux. This transformation of the national police's organizational chart reflected its strengthened institutional basis. The PAF directorate enjoyed steady growth in both its responsibilities and staff.

During the 1980s, PAF agents were given the new task of overseeing detention centers for foreigners awaiting deportation. Initially informal, these sites were made official in 1981 with the creation of administrative detention centers. In the 1990s, other detention centers were created at the borders, especially at airports. The creation of these sites diversified the PAF's tasks, even though other security services also maintained detention centers.

Policing Borders in a Free Movement Area

The Schengen Agreement (1985), and especially the Schengen Convention (1990) between France, Germany, Belgium, Luxembourg, and the Netherlands, eliminated systematic controls at the internal borders of the Schengen Area, which is to say between member states. These agreements in principle called into question the daily work and establishment of PAF agents. However, the PAF preserved its staff thanks to a transformation of its mission and its operating sites.

Didier Bigo's research has shown that the involvement of civil servants from both the Ministry of the Interior and the Ministry of Justice during the Schengen Convention negotiations partially explain why security and immigration matters are closely tied on the European level. The PAF hierarchy played a role, and helped define the conditions in which controls at the internal borders of the European territory would be lifted. However, it also undertook a major reorganization of the PAF. Three primary aspects can be identified.

First, the PAF maintained the controls at internal borders despite the closing of many border posts. In order to ensure the legality of controls, the code of criminal procedure was modified in 1993 (even before the Schengen Convention took effect). The applicable rules for identification controls on national territory in the "Schengen Area"—marked out by a line drawn 20kms from the physical border—were altered to allow officers to conduct controls without having to justify their reasons. Moreover, bilateral agreements were signed between bordering states that were members of Schengen. These agreements included readmission clauses. Within this framework, PAF officers could deport individuals whose control resulted in irregularities back to the neighboring countries. These legislative and organizational changes allowed for continuity in border controls within a context of the free movement of persons.

Second, the PAF redirected its activities toward the interior of the national territory. Symbolically, the PAF changed name between 1994 and 1999 and became the Direction centrale du contrôle de l'immigration et de la lutte contre l'emploi de clandestins (DICCILEC, Central Directorate for Immigration Control and the Fight Against Illegal Employment). The

term “border” disappeared, and the service was exclusively dedicated to combatting illegal immigration. New services were created within the territory, in departments with a large foreign population. Their agents conducted judicial type investigations, and concentrated their efforts towards the fight against criminal organizations that facilitated immigration: smugglers, producers of fake passports (and other identification documents), and employers of undocumented workers. The term “*filière*” (network, channel) helped to maintain the notion of a continuity between criminal activities on a local scale, and more structured transnational criminal networks.

Third, the PAF reinforced controls at the external borders of the European Union, both on its own territory (primarily in airports) and at the borders of the Schengen Area in other member states. It contributed to the structuring and day-to-day activities of European cooperation in this matter. During the 1990s, the European Commission financed a series of task forces that brought together the border police and border guards of member states. In keeping with this effort, Frontex (European Border and Coast Guard Agency) was created in 2004. This agency sent national border police agents (including agents from the PAF)—who had been preselected and assigned for short periods—to “at risk” European external borders. This cooperation involved neighboring states (Morocco, Mauritania, etc.). At the same time, a series of instruments was developed, that reflected a conception of border control focused on preventing and managing the risk of migration, especially through the development of new technologies of identification (biometrics) and the widespread use of data files. Border control was also delegated to private actors, and transportation companies in particular, through the creation of penalties they must pay if they transport undocumented individuals. Since the 1990s, the PAF has undergone transformations similar to those undergone by other European border police services.

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