

The overrepresentation of foreign nationals in delinquency in France: an assessment for the year 2023

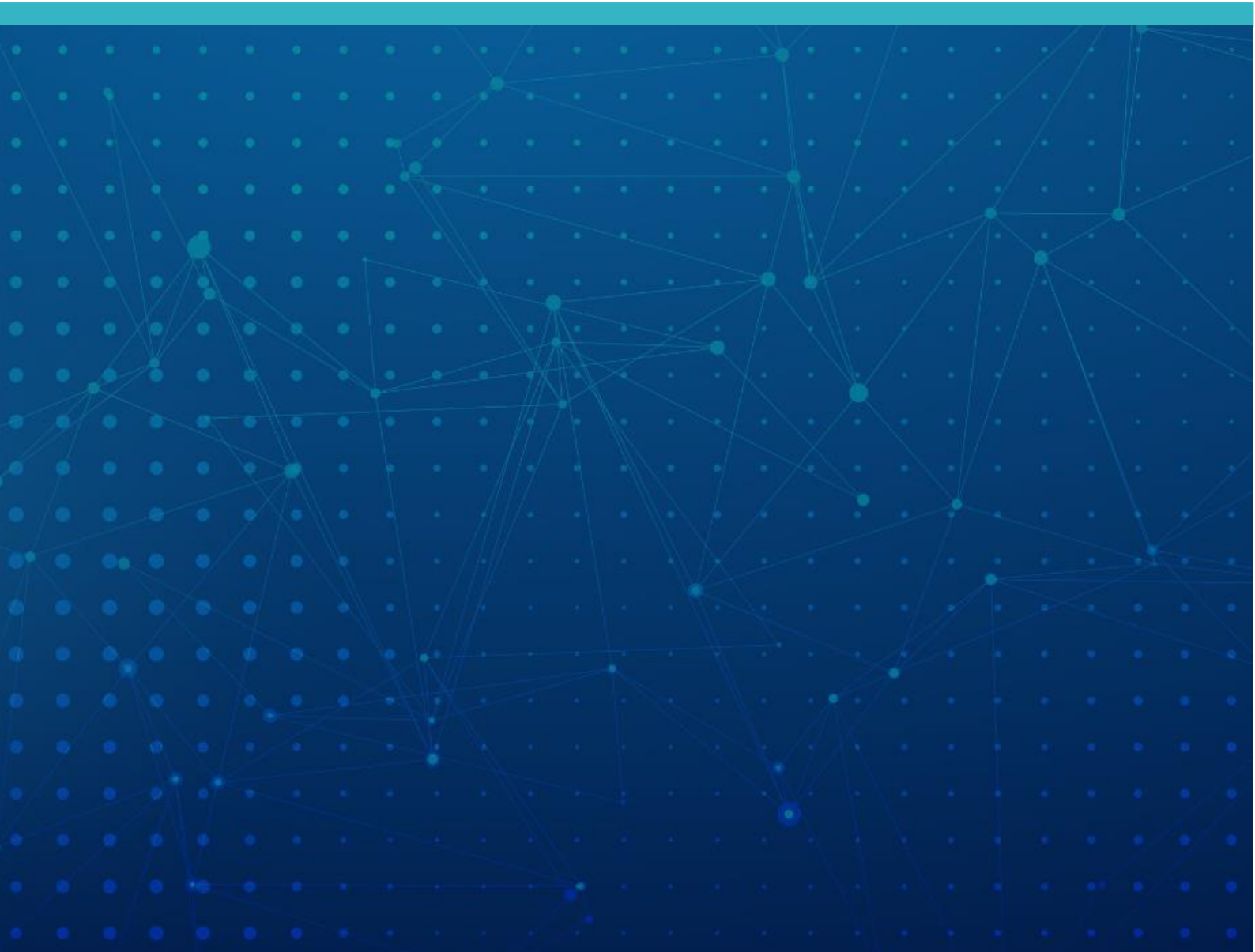
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Of all the immigration-related subjects that can be considered “sensitive” in French public debate, the interaction between migratory flows and delinquency undoubtedly plays a leading role. To avoid having to deal with it, many politicians and media players prefer to take refuge behind the supposed absence of reliable figures on which to base their assertions of any kind of correlation.

Solid data do exist, however, covering the entire country and a period as recent as last year. On January 31, the data department of France’s Ministry of the Interior published a document entitled “Insecurity and delinquency in 2023: a first snapshot”.ⁱ Based on delinquency incidents recorded by the national police and gendarmerie forces, this study was designed to provide an overview of major trends at stake. Some of its conclusions have already attracted public attention: “most delinquency indicators are on the rise in 2023”, particularly those relating to crimes against the person.

Nevertheless, few commentaries have examined the available facts on the profiles of the implicated – i.e. individuals who were questioned by law enforcement agencies and against whom serious evidence was gathered and submitted to the public prosecutor’s office to prove that they committed or attempted to commit one or more misdemeanors or felonies. These enlightening figures are available in the database put online by the Ministry, and their analysis enables us to take the measure of the over-representation of certain foreign populations in delinquency in France.

The ministry’s statistical service emphasizes in its summary that the suspects are “younger on average than the French population, and more often of foreign nationality”. In fact, for all offenses combined, 17% are foreign nationals - excluding those with dual nationality - a proportion more than twice as high as their share of the general population as measured by Insee (7.8%).ⁱⁱ This over-representation can be as much as four to five times higher for certain categories of offence, with strong growth in recent years: foreigners account for 40% of suspects for theft from motor vehicles (up 22 points on 2016), 38% for burglary (up 12 points), 31% for unarmed robbery (up 10 points).

Even more enlightening, the database available for offences committed on public transport enables us to distinguish between foreign defendants according to the nationality group to which they belong. A striking observation is the over-prevalence of suspect profiles originating from the African continent.

Foreign nationals from African countries – including the Maghreb and excluding those with dual nationality – represent 3.5% of France’s population, according to Insee. In 2023, they accounted for 39% of suspects in transport offences (13 points more than in 2016), i.e. eleven times more than their “normal” demographic weight. This overrepresentation varies according to the type of offence, but it is still striking: African foreigners are seventeen times more likely to be suspects of non-violent theft in transport as compared to their share in the general population (60% of all profiles, 19 points more than in 2016), fourteen times more likely to be suspects of violent theft (50% of all profiles, 27 points more than in 2016), and eight times more likely to be suspects of sexual violence, as well as offences of contempt and violence against public officials.

These striking numbers come on top of other, pre-existing data, and together point to the same notorious dynamics. We know, for example, that foreigners accounted for 25% of inmates in French prisons in 2022 - a representation 3 times greater than their demographic weight, and a 4-point increase in six years. But here again, no clear-sighted approach can do without taking a nuanced look at each nationality. For example: not only were Algerians the most represented

foreign nationality among those imprisoned in France, they were also more numerous than foreign nationals from all EU countries combined.

With the most recent Immigration Act, in its finally promulgated version, the French government has sought to facilitate the deportation of foreigners representing a serious threat to public order, notably by removing the protection against deportation that some enjoyed in the event of conviction for crimes or offenses punishable by at least three years' imprisonment. While this is a welcome measure, one must be under no illusions as to the scale of the expected results. Criminal convictions alone will not constitute grounds for deportation; the authorities will still have to prove that the foreign national continues to represent a serious threat to public order. What is more, when an expulsion decision is referred to the administrative judge, he or she will assess its necessity and “proportionality”, in particular in the light of Article 8 of the ECHR, which protects the right to “respect for private and family life” - a principle whose shadow we know hangs over the entire French migration policy.

Without a revision of international treaties or a break with the jurisprudence derived from them, it is to be feared that the State will remain mired in a situation that many of French citizens equate with impotence. The path to this major modulation of our law is admittedly narrow, but it is the only way to restore civic confidence and guarantee public safety.

ⁱ Service statistique ministériel de la sécurité intérieure, “Insécurité et délinquance en 2023: Une première photographie”, 31/01/2024. <https://www.interieur.gouv.fr/actualites/communiqués-de-presse/insecurite-et-delinquance-en-2023-premiere-photographie>.

ⁱⁱ Insee, “L’essentiel sur... les immigrés et les étrangers”, 04/04/2024. <https://www.insee.fr/fr/statistiques/3633212>

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