PART I --THE PROBLEM

Assume that it is now the month of May in the year 2017. Assume further that the country of Guadeloupe which had first become a possession of France in 1635, was until recently a Department of France (State). Guadeloupe declared its independence and seceded from France in a bloodless coup led by Anon Zenon, leader of the Christian Movement for the Liberation of Guadeloupe on January 1, 2013.

As you may be aware, Guadeloupe is an archipelago of nine inhabited islands in the eastern Caribbean Sea just south of St. Barts and just north of Martinique (See Map). The capital is Basse-Terre. The land mass is ten times the size of Washington, D.C. Guadeloupe is inhabited by 500,000 people who were citizens of France until secession. The four ethnic groups who make up the population of the country are: black or mulatto 90 %, white European 5 %, East Indian 3 %, Lebanese 1 %, and Chinese 1 %. Of the represented religions of inhabitants, 88% are Roman Catholic, 6% are Hindu, 3% are Protestants, 1% are Muslims, another 1% are Buddhists and 1% are of various traditional African religions.

Guadeloupians are very religious people and their main reason for seceding from France was the belief that France had lost its Catholic roots and was drifting toward becoming a secular society. At the same time realizing that one third of the present day population of France consists of Muslims whose worship is Islam.

The charismatic Anon Zenon had for many years led the Christian
Movement for the Liberation of Guadeloupe. At independence, Zenon was made President of the new democracy of Guadeloupe and a Senate was convened after free elections. The Senate is comprised of 200 seats. All ethnic groups and members of all the religions are represented in the Senate; in numbers roughly akin to their percentage of the population. President Zenon and his followers, although tolerant of other religions in Guadeloupe, believe that the Roman Catholic faith must be the state religion and that the dogmas of the church must be adhered to. Guadeloupe encourages Catholics from all over the world to come to worship at Guadeloupe’s holiest Shrine – the Holy Church of Soufriere. The church sits at the base of the Soufriere volcano. When the volcano last erupted in 1737, the image of the Blessed Virgin Mary appeared in clouds of smoke and ash spewing from the volcano lasting in the sky for six weeks. Pilgrims now come to worship there.

Until its independence in 2013, Guadeloupe was a relatively poor country that depended on foreign aid from France. The country had derived 68 % of its Gross Domestic Product (GDP) from tourism -- mainly religious pilgrims from France and the U.S.; 17 % GDP from light industry; and 15 % GDP from agriculture. Tourists and pilgrims from the U.S. and Europe were never required to obtain visas to travel to Guadeloupe, if they planned to stay six months or less. Inhabitants from other Caribbean islands came and went from Guadeloupe without visas. Although the country is mountainous and beautiful, it is sparsely populated. Generally those not born in Guadeloupe had no desire to stay there for a long time. The country has the lowest rate of tourist visitors of all the Caribbean islands. Unemployment is high – 27 %.

In January 2014, geologists from China made a wonderful discovery while doing research in Guadeloupe. They discovered that agemenonite, a mineral found only in the volcanic rock caves on all the islands of Guadeloupe, was an excellent substitute for sand in the production of silicon computer chips. Silicon chips made with
agemenonite powered computers ten times faster than chips made with sand. This discovery led computers to become faster, smaller, cheaper, and easier to produce.

Each day since the January 2014 discovery of the new use for agemenonite, planes have landed at the International Airport in the capital city carrying hundreds of hackers, slackers, and pistol packers; all bent on making their fortune by the mining or exploiting agemenonite or by exporting cheap computers made in Guadeloupe with agemenonite chips.

Guadeloupians fear mining of agemenonite and it has become difficult for companies to hire Guadeloupe citizens. However, the people from Martinique, an island 65 miles north of Guadeloupe and still a Department of France, love mining work; but, are really poor at doing it. On the other hand, a number of mining companies doing work in Guadeloupe have discovered that people from the east African country of Eritrea are among the best miners in the world. These companies have already begun hiring Eritrean miners to come to Guadeloupe to help mine agemenonite. The Guadeloupe Senate is not certain how to handle this situation. Almost ninety percent of the people of Martinique are Roman Catholic, but they are poor miners. Whereas, seventy percent of Eritreans are Muslim, but they are the world’s best miners.

As a result of the agemenonite discovery, the Guadeloupean government has become overwhelmed with what to do with all of the people who now wish to live and work in the country. Some of the newcomers wish to make their new permanent homes in the country in an effort to make their fortunes. Others wish to be able to travel to the country six months at a time and oversee businesses that they start there. Most of the newcomers are not Roman Catholic. Many of the newcomers are Protestants from the United States, Buddhists from China and Japan, and Muslims from Eritrea and the Middle East. President Zenon and his followers fear Catholicism will be relegated
to obscurity by the influx of wealthy newcomers and the business interests who now wish to come to invest in Guadeloupe.

A major problem for the government of Guadeloupe is the fact that since its independence, Guadeloupe has never developed a comprehensive system of Immigration laws. The country is now overrun with many different people, who wish to set up businesses in the country, people who wish to work for mining companies, and still others who wish to manufacture and sell computers.

President Zenon has decided that the country must formulate a comprehensive immigration system.

The new Guadeloupe Constitution clearly provides “that any person born on Guadeloupe soil of at least one native born Guadeloupian parent has a right to Guadeloupian citizenship.” However, the laws of the country contain no concept of what we call “legal permanent residency.” They also have no concept of the “Immediate Relative.” President Zenon and his experts believe that Guadeloupe could well absorb, as citizens or permanent residents, an additional population of 5 million people over the next ten years.

Part II – Your Task

As a result of your outstanding expertise in Comparative Immigration Law, Ban Ki-Moon, the Secretary General of the U.N., has just handed you your travel orders to Basse-Terre as the head of a U.N. team of experts that will develop an immigration system; formulating a set of immigration and nationality laws for Guadeloupe. The new law must be ratified by a majority of the Guadeloupe Senate.

You will leave next Friday at 11:00 a.m., to fly to Paris where you will board a special Guadeloupe government jet, which will fly you on to Basse-Terre.

However, the Secretary General has asked that you provide him with
an initial blueprint of your immigration scheme for the country of Guadeloupe before you leave!

Your blueprint must be written or typed and on his desk no later than 1:00 p.m., Thursday afternoon. The Secretary General expects your blueprint to include the following specific topics and country considerations:

1. Most Guadeloupians believe that the only people who should be allowed to work in their country should be either citizens or permanent residents. Do you agree or disagree?

2. The blueprint must take into consideration that the Senate of Guadeloupe is adamant about limiting the number of non-Catholics who can become Guadeloupian citizens. Many of those in the Senate believe that Catholic citizens must outnumber by at least 50%, members of any other religion in the country.

As a result of the number of foreigners who have already traveled to the country, Secretary Moon suggests that you think in terms of an immigrant visa system for the future that would allow immigration on a quota system based on religion and/or an auction system based on the expertise or capital that putative immigrants might bring to the country.

Choose one or the other, or a combination of both, and describe what criteria you suggest for preference in either the quota or auction system. Include information on which branch or branches of the Guadeloupian government would oversee your immigration scheme.

3. What qualitative or numerical limitations should be placed on the number of people -- Catholic and non-Catholic -- who can immigrate to Guadeloupe each year? Secretary General Moon has
told you privately that he doubts more than 100 thousand people each year would really want to immigrate to Guadeloupe. Also, be apprized that outside of Basse-Terre, Soufriere, Les Abymes, and Pointe-a-Pitre, the infrastructure of the country is frail (i.e. poor highways, bandits, poor towns, poor electricity and little telephone service, etc.).

4. Also, the Secretary General suggests that you set up a nonimmigrant visa (NIV) system, with no more than five NIV categories, for those who might want to visit Guadeloupe for business or pleasure. What categories will you choose and why? Will your system allow any nonimmigrants to work in the mining industry?

5. If you set up a system of legal permanent residency, will these permanent residents be allowed to become citizens of Guadeloupe? What policy considerations will determine your course? What will be the new requirements for citizenship at birth or for naturalization? Will a religious quota be involved?

6. What will be the underlying rationale of this immigration law, (e.g. “Family Reunion,” “Long and Healthy Life,” “Cheap Labor,” “Exploitation of Agemenonite,” etc.”)? Also, what will you name the law? Why? Give policy reasons for the name.