



# LEFT OUT IN THE COLD

THE VULNERABLE CHILDREN ON BRITAIN'S DOORSTEP AND THE URGENCY OF POST-BREXIT FAMILY REUNION RULES





# INTRODUCTION

**FOR MANY YEARS, A BOTTLENECK SCENARIO HAS BEEN UNFOLDING IN NORTHERN FRANCE, CHARACTERISED BY PRECARIETY, ROUGH-SLEEPING, DANGEROUS AND UNAUTHORISED BORDER-CROSSINGS, AND WIDESPREAD REPORTS OF POLICE VIOLENCE.<sup>1</sup>**

The use of tear gas and intimidation tactics, as well as what amounts to sleep deprivation, are continuously reported by aid groups operating in northern France.

The UK's so-called 'juxtaposed border arrangements' with France and Belgium leave most prospective asylum seekers without a mechanism to file their asylum claim in the UK.<sup>2</sup> Legal

means are only accessible to a very small minority who fit specific criteria. For minors there have been two legal routes made available to-date: through family reunification, or until its recent de facto closure, via Section 67 of the Immigration Act 2016, the so-called 'Dubs amendment'.

**THE MOST RECENT DATA FROM THE GROUND IN NORTHERN FRANCE INDICATE THAT THERE ARE MANY VULNERABLE CHILDREN TRAPPED IN A LEGAL LIMBO AND WITHIN CRITICAL LIVING CONDITIONS.**

The most recent data from the ground in northern France indicate that there are many vulnerable children trapped in a legal limbo and within critical living conditions, some of whom are waiting to be reunited with family in Britain. The potential of the UK's family reunion provisions being lowered following Brexit raises severe concerns about the safety of these children trapped at Britain's doorstep, in particular given the sub-standard conditions and lack of safeguarding structures which leave children at particularly high risk of trafficking and other forms of abuse.

**THE POTENTIAL OF THE UK'S FAMILY REUNION PROVISIONS BEING LOWERED FOLLOWING BREXIT RAISES SEVERE CONCERNS.**

The UK has previously made wide-ranging policy and financial commitments to tackling trafficking abroad. The Government has now arrived at a cross-road where it can choose to take much-needed action to prevent children from being trafficked across its border, by ensuring that national provisions for family reunion post-Brexit meet or exceed the current standards found in the Dublin Regulation. This will help to ensure that fewer children become entangled in trafficking networks due to the absence of safe and legal passage through family reunion routes.

The following report provides an on-the-ground update of the ongoing situation for children in northern France, who keep finding themselves trapped between the securitised British border and the heavy-handed approach of the French authorities, with very few prospects for status resolution and passage to safety.



Photo credit: Adrian Abbott

<sup>1</sup> Human Rights Watch ( 26 July 2017) 'Like Living in Hell' Police Abuses against Child and Adult Migrants in Calais.

<sup>2</sup> Crawley, H. (2010) Chance or choice? Understanding why asylum seekers come to the UK. Refugee Council

# METHODS AND LIMITATIONS



Photo credit: Andreas Beissel

## THE PURPOSE OF REFUGEE RIGHTS EUROPE'S RESEARCH REPORTS IS TO PROVIDE POLICYMAKERS, ADVOCACY GROUPS AND THE WIDER PUBLIC WITH A CLEAR INSIGHT INTO THE HUMAN RIGHTS SITUATION FACING REFUGEES AND DISPLACED PEOPLE IN DIFFERENT CONTEXTS IN EUROPE.

In contrast to the United Nations Refugee Agency (UNHCR) and the International Organization for Migration (IOM), who conduct large-scale demographic data collection in many of the state-run camps across Europe, our data and research are gathered independently and at a smaller scale, with the aim of enabling

constructive policy development rooted in a unequivocal respect for the Universal Declaration of Human Rights.

### THE RESEARCH PRESENTED IN THIS REPORT IS CENTERED AROUND DATA OBTAINED FROM TWO KEY ORGANISATIONS OPERATING ON THE GROUND IN NORTHERN FRANCE.

The research presented in this report is centered around data obtained from two key organisations operating on the ground in northern France, Refugee Youth Service (RYS) and Refugee Women's Centre (RWC). These two organisations work with unaccompanied minors in Calais and Dunkirk on a daily basis, and in the absence of official data regarding the displaced individuals in the region, Refugee Rights Europe (RRE) deemed these two organisations to be amongst the best-equipped actors to provide information on the status quo of minors there. The first-hand data made available by these two organisations have been complemented by desk research findings and field observations by the RRE team, as well as qualitative interviews

conducted by field researcher Grainne Farrell, previously published by RRE in August 2019.<sup>3</sup>

In accordance with the definition of the United Nations, this report defines Trafficking in Persons as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."

The aim of this report is to provide an overview of the situation of unaccompanied minors in northern France as of autumn 2019. Due to the limited availability of reliable data, it should be acknowledged that there are several gaps in terms of demographics and information relating to the status of children's asylum processes, family ties and similar aspects. A census or detailed survey would be required in order to obtain such data, which was outside the scope of this endeavour.

<sup>3</sup> Refugee Rights Europe (2019)



# ABOUT THE CHILDREN IN NORTHERN FRANCE

## NUMBER OF CHILDREN

Data shared with Refugee Rights Europe by service delivery organisations on the ground in Calais and Dunkirk in northern France indicate that there were approximately 300 unaccompanied children currently in the area in autumn 2019. According to its September 2019 records, Refugee Youth Service (RYS) estimated that there were 100 minors in Calais and 200 in Dunkirk at the time. The vast majority of them were boys, with only a couple of girls present.

### 300 UNACCOMPANIED CHILDREN ARE CURRENTLY IN THE AREA.

Looking at data held by RWC, regarding unaccompanied girls specifically, there appear to have been approximately 30

### 30 UNACCOMPANIED UNDERAGE GIRLS HAVE COME AND GONE BETWEEN CALAIS AND BRUSSELS OVER THE PAST YEAR.

unaccompanied underage girls coming and going between Calais and Brussels over the past year. Meanwhile, RWC's data indicates that there was only one unaccompanied girl passing through Dunkirk over the past year; a 15-year-old Iranian girl. However, due to the presence of traffickers and smuggling networks, and the often exploitative situations women and girls experience in displaced settings, it is likely that this number is higher.

## AGE GROUPS

As regards the age groups of the unaccompanied children in the area, RYS reports the presence of exceptionally young children at present; aged 7, 9, and 12. Meanwhile, their data show that the majority of children fall in the age-range 15-17. According to the RWC data, approximately 10 of the underage girls whom the organisation encountered over the past year were as young as 15 years of age, or below.

### RYS REPORTS THE PRESENCE OF EXCEPTIONALLY YOUNG CHILDREN AT PRESENT; AGED 7, 9, AND 12.

## COUNTRIES OF ORIGIN

### CHILDREN CURRENTLY IN THE AREA HAVE COME FROM A RANGE OF DIFFERENT COUNTRIES PLAGUED BY WAR AND CONFLICT, POLITICAL PERSECUTION AND PROTRACTED CRISES.

According to RYS data, the children currently in the area have come from a range of different countries plagued by war and conflict, political persecution and protracted crises, including Afghanistan, Ethiopia, Eritrea, Iran, Iraq and Sudan.

The 30 unaccompanied underage girls whom RWC worked with over the past year came from Ethiopia, Eritrea and Iran.

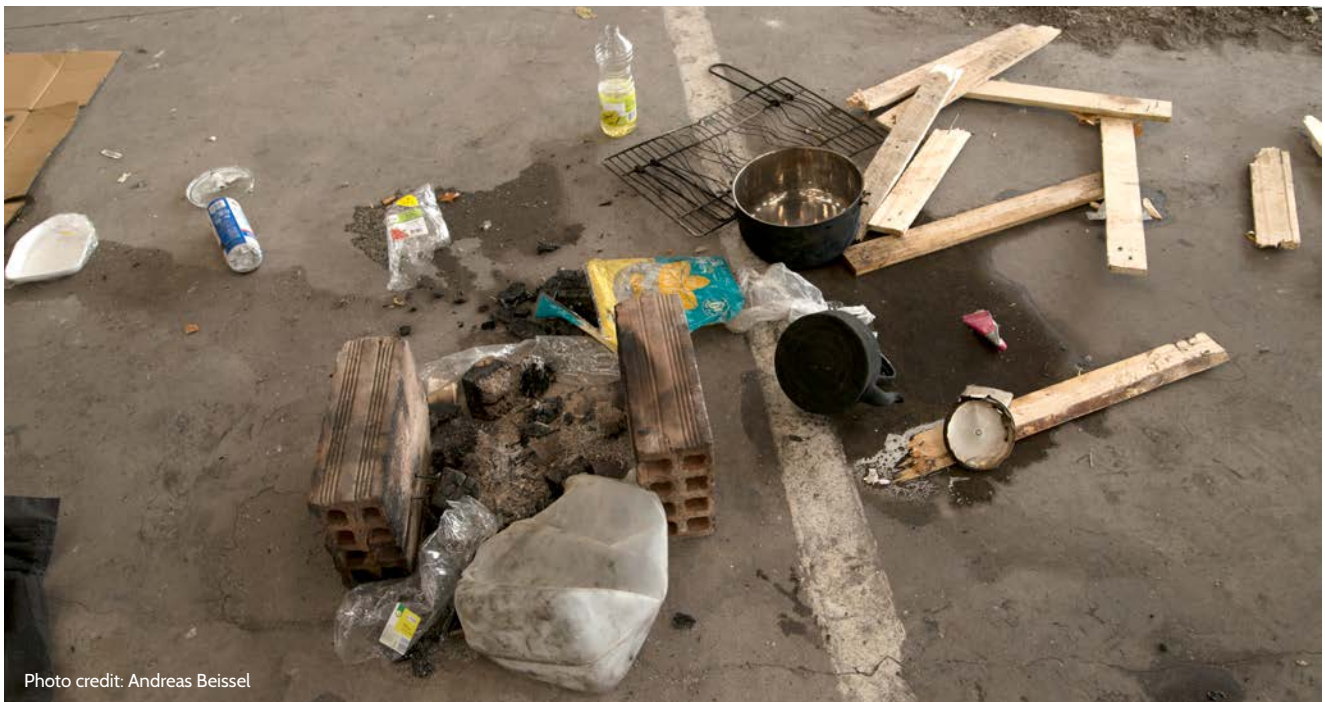


Photo credit: Andreas Beissel

## FAMILY TIES IN THE UK

### SEVERAL OF THE CHILDREN IN THE AREA HAVE FAMILY IN THE UK.

The data held by RYS and RWC indicate that several of the children in the area have family in the UK, including siblings, aunts and uncles. Of the minors whom RYS interacted with in September 2019, approximately 50 children in Calais and 9 in Dunkirk said they had family in the UK. While most minors appeared to be referring to extended family, including cousins, around 40 minors in Calais said they have a brother, sister or uncle in the UK, whom they are hoping to join.

### 40 MINORS IN CALAIS SAID THEY HAVE A BROTHER, SISTER OR UNCLE IN THE UK, WHOM THEY ARE HOPING TO JOIN.

RWC reports that in October 2019, there were at least two women with their respective children in Calais who were looking to be reunited with their husbands in the UK. The aforementioned Iranian 15-year-old girl in 2018 was trying to join her parents in the UK.



## ELIGIBILITY FOR TRANSFERS UNDER THE 'DUBS AMENDMENT'

The data held by RYS suggest that 26 newly arrived minors in Calais and 104 newly arrived minors in Dunkirk in September 2019 would be eligible for safe transfers to the UK under the 'Dubs amendment'.

## LENGTH OF TIME SPENT IN THE AREA

The length of time that children spend in the area varies greatly between individuals and situations, and largely depends on whether they pay a smuggler to reach the UK. A few minors encountered in Calais in September 2019 had been there for more than a year. According to RYS, minors tend to spend anywhere between two weeks to nine months in Dunkirk.

### A FEW MINORS ENCOUNTERED IN CALAIS IN SEPTEMBER 2019 HAD BEEN THERE FOR MORE THAN A YEAR.

According to information shared by RWC, unaccompanied girls can spend anywhere between a few months to over a year, in some cases

### UNACCOMPANIED GIRLS CAN SPEND ANYWHERE BETWEEN A FEW MONTHS TO OVER A YEAR IN THE AREA.

as long as two years. However, some girls arrive in northern France but only spend a few nights there before going to Belgium instead, where they reportedly have access to slightly more adequate medical support, legal advice, accommodation with citizen hosts, and a certain amount of food. Oftentimes, girls try to cross the border, get stopped and then return to Brussels and start over again.



# CHILDREN'S ACCESS TO OFFICIAL PROCEDURES

## SERIOUS CONCERNS REGARDING CHILDREN'S ACCESS TO SUPPORT AND SAFEGUARDING FRAMEWORKS, LET ALONE THE ASYLUM PROCEDURE AND FAMILY REUNION ROUTES, HAVE BEEN REPORTED BY PARTNERS ON THE GROUND.

RWC reports an apparent widespread lack of trust in the system, with many children expressing fears that they might have their asylum and family reunion claims refused, leading to removals or mistreatment. Many of the children in the area, including those with family ties in the UK, actively steer clear of official procedures as they have witnessed their peers having to wait for very extensive periods of time, waiting for transfer to the UK following acceptance of the take charge request from the British government. RWC moreover reports that many children appear to assume that they will reach the UK quicker if they take matters into their own hands and cross the Channel irregularly using smugglers.

**RWC REPORTS AN APPARENT WIDESPREAD LACK OF TRUST IN THE SYSTEM, WITH MANY CHILDREN EXPRESSING FEARS THAT THEY MIGHT HAVE THEIR ASYLUM AND FAMILY REUNION CLAIMS REFUSED.**

Experts at RYS report that it often takes 5-9 months before minors who enter the official system arrive in the UK. Hence, minors appear to be reluctant overall to commence the family reunification process primarily because it takes a long time, and also because of their perception that there might be a lack of adequate care in the centre for

unaccompanied minors in St Omer near Calais where claims are processed.<sup>4</sup>

**MANY CHILDREN IN THE AREA, INCLUDING THOSE WITH FAMILY TIES IN THE UK, ACTIVELY STEER CLEAR OF OFFICIAL PROCEDURES.**

One of the main obstacles for children to access the family reunification process remains the uncertainty regarding the length of the process. Without clarity on how long the children will have to wait until the day they can finally join their family members, field workers who meet children on the move are unable to gain their trust and convince them to choose a safe and legal route. Safe Passage has identified several causes for the delays suffered by the children who engage in the family reunification. First, children face a longer waiting time than adult to register as asylum seekers and start the process, as they first need to have a guardian appointed. The lack of capacity of the guardianship system creates additional delays, with children waiting several months before being able to register as asylum seekers.

Safe Passages' partners' lawyers took the British government to court three times this year for children in France and in Greece who had been waiting for a very long time to receive an answer on their application to join relatives in the UK. The court proceedings highlighted a failure of the British authorities to investigate promptly the relatives in the UK and the unlawfulness of the delay.

**HELP REFUGEES REPORTED THAT ONE CHILD HAD DECIDED THAT HE HAD A BETTER CHANCE OF GETTING TO THE UK BY LORRY.**

The wait, but most of all the uncertainty affect the well-being of children, who lose their trust in the people helping them. The children we assisted reported feeling anxious and sad, many considered running away from their shelter to try and reach the UK by their own means. Help Refugees reported that one child, who having seen friends wait over seven months within the child protection system, had decided that he had a better chance of getting to the UK by lorry. Therefore, at the age of 12, he was living amongst adults in a makeshift tent and extremely vulnerable to exploitation.<sup>5</sup>

**"THEY DIDN'T DO ANYTHING FOR US, THEY DIDN'T TELL US ANYTHING. I SPENT FOUR MONTHS (IN THE ACCOMMODATION CENTRE) AND I DIDN'T SEE ANY HOPE."**

– ANONYMOUS MINOR



Photo credit: Andreas Beissel

<sup>4</sup> Grainne Farrell's interview with Elizabeth Panetta on 14/05/2019, see Refugee Rights Europe (2019).

<sup>5</sup> Home Affairs Committee (2019) 'Oral Evidence: English Channel migrant crossings HC 1900: 22nd January (online)

# A HEIGHTENED RISK OF TRAFFICKING



Photo credit: Adrian Abbott

## THE ABOVEMENTIONED LACK OF EFFECTIVE ACCESS TO THE FRENCH ASYLUM SYSTEM AND FAMILY REUNION PROVISIONS AND EXCESSIVE WAITING TIMES FOR UK TRANSFERS, COUPLED WITH DEPLORABLE CONDITIONS EXPERIENCED BY CHILDREN IN THE AREA, HAVE LEFT LARGE NUMBERS OF CHILDREN AT CRITICAL RISK OF TRAFFICKING AND ABUSE.

An inquiry conducted by the Human Trafficking Foundation in 2017, found evidence that children in northern France were “vulnerable to being groomed into exploitation, including sexual exploitation, labour exploitation or exploitation for criminal purposes and radicalisation”<sup>6</sup>. A number of reports<sup>7</sup> have been published which document that high numbers of children have gone missing in recent years, having

been trafficked to the UK from France. In May, 2018, Child Trafficking Advice Centre reported that more than 120 unaccompanied children had gone missing in the UK after being trafficked from France.<sup>8</sup>

**A SOCIAL WORKER IN DUNKIRK ADDED THAT NEWLY ARRIVED, AND OFTEN YOUNGER AND ‘INNOCENT-LOOKING’ MINORS APPEAR TO BE AT PARTICULAR RISK.**

RYS reports that every child in northern France faces a heightened risk of trafficking and abuse, including verbal, physical and sexual forms of violence. Minors are particularly vulnerable because they are without the usual protection of family or friends, living outdoors in dangerous conditions, and are often unaware of their rights as minors. RYS’ social worker in Calais pointed out that trafficking appears to be particularly common among the Afghan and Kurdish minors. Their social worker in Dunkirk added that newly arrived, and often younger and ‘innocent-looking’ minors appear to be at particular risk.

RWC similarly highlights that girls travelling alone are at heightened risk of sexual violence, and various forms of exploitation. In Calais, the perpetrators of sexual violence have been reported as being members of the community, particularly people in the camps under the influence of alcohol

and/or drugs. In Dunkirk, women and girls have described perpetrators of sexual violence to be influential members of the community belonging to criminal networks.

**THERE HAVE BEEN NUMEROUS REPORTS OF WOMEN AND GIRLS BEING FORCED TO PERFORM SEXUAL ACTS IN EXCHANGE FOR PASSAGE TO THE UK.**

In Calais, some females have an arrangement with a ‘brother’ who, often in exchange for sex, promises to protect them. There have been four known cases, which is likely to be much higher, where a female in this arrangement has fallen pregnant and either had to undergo a termination or had the baby and been left as a single parent. There have been numerous reports of women and girls being forced to perform sexual acts in exchange for passage to the UK.

In Dunkirk, it is common practice for traffickers to split up families to try to reach the UK separately. This can result in a single parent and children remaining in the camp and being at larger risk of exploitation. RWC report that there have been several instances of children being trafficked without parents to the UK. This can result in traumatic outcomes for both parent and child, to the extent where the parent and child are yet to be reunited.

<sup>6</sup> Human Trafficking Foundation (2017). ‘An independent inquiry into the situation of separated and unaccompanied minors in parts of Europe.’ (online).

<sup>7</sup> See Catherine Baker & Jane Hunter, Still in Harm’s Way: An update report on trafficked and unaccompanied children going missing from care in the UK, ECPAT UK and Missing People, December 2018, Charlotte Jamieson, Uprooted and unprotected, NSPCC, 2018 and Unicef, Neither Safe nor sound, June 2016

<sup>8</sup> The Independent (2019). ‘More than 120 child refugees missing in UK after being trafficked from France, report finds.’ 28 May 2018 (online).



# CONCLUSIONS AND RECOMMENDATIONS

**IN LIGHT OF THE CONTINUED EXISTENCE OF CHILDREN WAITING TO BE REUNITED WITH FAMILY AT BRITAIN'S DOORSTEP, IT WOULD BE DETRIMENTAL IF THE UK'S PROVISIONS FOR FAMILY REUNIFICATION WERE LOWERED POST-BREXIT.**

Future standards must attain or exceed the current provisions under the Dublin Regulation, if Britain is to successfully contribute to the tackling of existing trafficking business models at its borders. As has been recommended by leading organisations such as the British Red Cross<sup>9</sup>, the Home Office ought to amend the UK's domestic immigration rules to ensure that these reflect and attain the family reunion provisions of the Dublin Regulation. The Home Office should moreover collaborate with other states to ensure that pending family reunion transfers are submitted to the UK before Brexit takes place.

**THE HOME OFFICE OUGHT TO AMEND THE UK'S DOMESTIC IMMIGRATION RULES TO ENSURE THAT THESE REFLECT AND ATTAIN THE FAMILY REUNION PROVISIONS OF THE DUBLIN REGULATION.**



Photo credit: Refugee Women's Centre



Photo credit: Andreas Beissel

<sup>9</sup> British Red Cross (2019). 'British Red Cross briefing on refugee family reunion and Brexit'. (online)



Indeed, it would appear as though the UK's previous, significant policy and financial commitments to dismantle human trafficking networks abroad would be undermined should it fail to keep open a key existing legal route for children and vulnerable individuals to reach safety. The 2018 commitment under the Sandhurst Treaty, which contributed a further €3.6 million for security measures, partly aimed at tackling trafficking businesses, would be in direct contrast with a potential post-Brexit outcome where family reunion standards are lowered. By the same token, the commitments made under the Modern Slavery Act, a flagship development under Theresa May's Government, will be more difficult to achieve should one of the UK's few safe and legal routes be narrowed in scope following Brexit.

**THE UK GOVERNMENT IS FACED WITH AN OPPORTUNITY TO ACT DECISIVELY SO THAT THE RIGHTS AND SAFETY OF CHILDREN ARE UPHELD.**

The UK Government is faced with an opportunity to act decisively so that the rights and safety of children are upheld in Britain's post-Brexit immigration legal and policy framework, by ensuring that the UK immigration rules mirror the family reunion elements of the Dublin Regulation. A different situation for unaccompanied minors trapped in harmful situations across Europe can and must be possible.



Photo credit: Refugee Women's Centre



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- Aire d'Accueil des Gens du Voyage ↑
- ← Station d'Épuration
- ← Refuge Fourrière Animaux Soins Faune Sauvage
- ← SEVADEC - Centre de Tri Biométhanisation
- ← Déchèterie
- ← Complexe Sportif Courgain Est



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