

## Evidence submission: Channel crossings, migration and asylum-seeking routes through the EU

**Refugee Rights Europe (RRE)** is a human rights organisation and registered UK charity (1185102) founded in 2016 in response to the humanitarian crisis experienced by refugees and displaced people across Europe. Refugee Rights Europe has two representatives based in northern France, working on documentation and advocacy projects to help ensure respect of human rights and refugee law for the displaced populations in the area. RRE has been conducting field research in northern France since February 2016, having interviewed and surveyed more than 2,800 displaced individuals in Calais, Grande-Synthe and the surrounding area to-date, resulting in 11 research reports.

### **1 Why people arrive in northern France to attempt to reach the UK**

- 1.1 In seeking to understand why some prospective asylum seekers attempt to reach the UK rather than remaining in another European country, one must place the situation within the wider context of the realities of European asylum and migration policy implementation.
- 1.2 In fact, many individuals who arrive in northern France to attempt to reach the UK are doing so as a last resort, in their aim of finding safety and stability. Having fled protracted insecurity, political repression, conflict and gender-based violence in their home countries, most have arrived at Europe's border states such as Greece, Italy and Bulgaria, seeking asylum.
- 1.3 Due to the provisions of the Dublin III Regulation,<sup>1</sup> which stipulates that the EU member state where an asylum seeker first entered is responsible for handling their asylum claim, the aforementioned countries are often overburdened and at times unable to meet the living standards set out in the EU Reception Directive.<sup>2</sup> Due to the resulting severe shortcomings in the asylum, housing and social support systems in these countries,<sup>3</sup> many of the people who first arrive in Europe are unable to access basic rights, or have their asylum claims refused<sup>4</sup> and are left with few viable options but to leave.
- 1.4 Individuals then find themselves deterred from registering an asylum claim in another European country such as France, due to fear of removal to the EU country of first arrival, but also unable to return to their home country due to continued fear of persecution, conflict or protracted crisis. This leads to people becoming stuck in a distressing legal limbo, heightened desperation and an inclination to increased risk-taking.
- 1.5 Whilst the vast majority of asylum seekers arriving in France do in fact claim asylum in the country,<sup>5</sup> a comparatively very small number instead make their way to northern France in order to try and reach the UK.
- 1.6 Of these people, many have reported to Refugee Rights Europe and partner organisations on the ground that they are dissuaded from applying for asylum in France due to heavy-handed

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<sup>1</sup> Dublin III Regulation <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013R0604&from=EN>.

<sup>2</sup> Reception Conditions Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>

<sup>3</sup> AIDA, 'The reception of asylum seekers and refugees in Europe' (2019) [https://www.asylumineurope.org/sites/default/files/shadow-reports/aida\\_housing\\_out\\_of\\_reach.pdf](https://www.asylumineurope.org/sites/default/files/shadow-reports/aida_housing_out_of_reach.pdf)

<sup>4</sup> Eurostat [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Distribution\\_of\\_first\\_instance\\_decisions\\_on\\_asylum\\_applications\\_\(from\\_non-EU-27\\_citizens\)\\_by\\_outcome,\\_2019\\_\(%25\)\\_1.png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Distribution_of_first_instance_decisions_on_asylum_applications_(from_non-EU-27_citizens)_by_outcome,_2019_(%25)_1.png)

<sup>5</sup> In 2019 there were just under 130,000 asylum claims in France, while the number of people crossing to the UK via boat for the same year was a mere 2,000:

<https://www.asylumineurope.org/reports/country/france/statistics>,  
<https://www.nytimes.com/2020/01/03/world/europe/migrant-boats-uk.html>.

- treatment by the authorities, the precarious living conditions, and the seemingly poor prospect of safety and stability.
- 1.7 Violence and harassment from authorities still remain prevalent issues, with a cycle of living site evictions and police brutality<sup>6</sup> continuing to be a contributing factor which makes France unappealing as a country in which to seek protection. In research interviews conducted in Calais and the surrounding area by Refugee Rights Europe in 2018, 91.8% of the respondents reported having experienced police violence whilst in France.<sup>7</sup>
  - 1.8 Indeed, the living conditions in the informal settlements on the north coast have been ruled multiple times by courts to constitute ‘inhuman and degrading treatment’,<sup>8</sup> whilst the European Court of Human Rights this year found the conditions for people claiming asylum in France to constitute ‘degrading treatment’ in the case of three young men.<sup>9</sup>
  - 1.9 The approximately 2,000 people living in informal camps in the area (as of August 2020)<sup>10</sup> for the most part live without access to shelter, clean water and sanitation, let alone legal information or protection from violence and exploitation. Following the global Covid-19 outbreak, the situation is worse than ever,<sup>11</sup> heightening people’s desperation to leave the area by any means possible, in order to seek safety.
  - 1.10 When interviewed by a research associate from one of RRE’s partner organisations, a Kurdish Iraqi man who arrived in the UK in Summer 2020 by boat stated that, “[In summer 2020] everything got worse. The situation in the camp was never good, especially with Coronavirus, but when the lockdown eased in France the police began to evict us again. Every week, at least once or twice, the police came and violently slashed our tents with knives and threw all our belongings away. They forced us onto buses if we didn’t run away quickly enough and put us into accommodation. But this accommodation kicked us out after only two days, so I went back to Dunkerque. I never wanted to cross by boat; if I die, I know my mother in Kurdistan would soon die from grief as well. But I had been in the camp for over one year trying by lorry, and you know the controls have been tightened. Almost nobody can cross by lorry now. The situation with the French police was becoming impossible.”
  - 1.11 When the aforementioned man was asked if he ever considered claiming asylum in France, he replied, “Of course I did. But it’s unviable. The French police showed me that they hate refugees there. There is no future for refugees there. If they treat homeless refugees with that much hatred, I don’t want to be part of their society.”
  - 1.12 Another man who arrived in the UK at a similar time said in an interview with a research associate from one of RRE’s partners that “even in France I was scared that they’d send me back if I came by boat, but what other choice did I have? I would never claim asylum in France, they say that they created the concept of human rights, but I’ve seen first-hand that they only allocate human rights to their own people. Refugees don’t have access to rights there.”

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<sup>6</sup> Amnesty France (2020) <https://www.amnesty.fr/refugies-et-migrants/actualites/calaise-expulsions-violentes-refugies-migrants>

<sup>7</sup> Refugee Rights Europe, ‘Twelve Months On’ (2018) [https://refugee-rights.eu/wp-content/uploads/2018/08/RRE\\_TwelveMonthsOn.pdf](https://refugee-rights.eu/wp-content/uploads/2018/08/RRE_TwelveMonthsOn.pdf)

<sup>8</sup> Tribunal administratif de Lille (2015) <https://www.asylumlawdatabase.eu/en/case-law/france-administrative-tribunal-lille-2-november-2015-association-medecins-du-monde-et-al-no>; Conseil d’Etat, 31 July 2017 : <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-31-juillet-2017-commune-de-calais-ministre-d-etat-ministre-de-l-interieuresearch>

<sup>9</sup> Deutsche Welle (2020) <https://www.dw.com/en/european-human-rights-court-condemns-france-for-treatment-of-asylum-seekers/a-54026049>

<sup>10</sup> France Culture (2020) <https://www.franceculture.fr/societe/migrants-dans-la-manche-vivre-dans-la-jungle>

<sup>11</sup> Refugee Rights Europe, ‘Facing Multiple Crises’ (2020) <https://refugee-rights.eu/wp-content/uploads/2020/08/facing-multiple-crises-report.pdf>

- 1.13 Many of the individuals who seek to reach the UK via northern France are allegedly doing so due to strong language and cultural links (oftentimes linked to the era of British colonisation), or in order to join family members or pre-existing social networks in the UK.

## **2 Increased border securitisation and an externalised 'hostile environment'**

- 2.1 The phenomenon of people crossing the Channel by dangerous and irregular means is nothing new. For over thirty years, people have been arriving on the French coastline to try and seek asylum in the UK, and faced with a lack of safe legal routes have found themselves attempting to cross by irregular means.
- 2.2 However, rather than resolving the situation, the juxtaposed border arrangements gave way to a shift towards more dangerous routes including people walking the rail lines<sup>12</sup> or more commonly hiding on the backs of lorries.<sup>13</sup> These dangerous crossing routes have resulted in a tragic number of deaths, involving roadside accidents, drownings, suffocation, and being crushed to death inside lorries. At least 197 fatalities took place during the period 1999-2017,<sup>14</sup> acknowledging that these numbers were likely much higher, given that deaths of undocumented individuals tend to go under-reported. In 2019, six deaths were reported around Calais alone.<sup>15</sup> Most recently, the death of a young Sudanese man whose body washed up on the French shores in August 2020 was another starkly tragic testament to the lethal effects of the juxtaposed controls.<sup>16</sup>
- 2.3 There is no evidence to suggest that there has been an increase in people arriving irregularly in the UK from northern France. Rather, many people are now trying by small boat rather than freight vehicle, which renders the phenomenon more visible to the media and has allowed for statistics to be gathered and published on the number of irregular arrivals, which was never previously the case.
- 2.4 The increased number of sea as opposed to freight vehicle crossings is, to a significant degree, a symptom of the pervasive desperation and untenable conditions for displaced people in France, supported through vast amounts of UK statutory funding which have not brought about any viable solution to the situation at the border. Indeed, this has only served to strengthen over time the control of smuggling and trafficking groups who currently provide the only exit route from these untenable conditions, in the absence of safe legal routes provided by the government.
- 2.5 Between 2010 and 2016 alone, £315.9 million was spent by UK Border Force ('UKBF') on 'deterring irregular migration' in and around Calais.<sup>17</sup> In 2018 a further £44.5 million was committed as part of the Sandhurst Agreement,<sup>18</sup> followed by another £3.2 million a year later.<sup>19</sup> The spending figure is rapidly increasing, as new walls and barbed wire fences are

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<sup>12</sup> New York Times (2016) <https://www.nytimes.com/2016/01/05/world/europe/migrant-who-walked-channel-tunnel-is-granted-asylum-in-britain.html>

<sup>13</sup> Oxford Migration Observatory (2014) <https://migrationobservatory.ox.ac.uk/resources/commentaries/calais-and-clandestine-migration-into-the-uk-concerns-and-context/>

<sup>14</sup> Agier et al (2019), *The Jungle. Calais's camps and migrants*. Cambridge: Polity Books. p. 139.

<sup>15</sup> Calais Migrant Solidarity, 'Deaths at the Calais Border' (2020) <https://calaismigrantsolidarity.wordpress.com/deaths-at-the-calais-border/>

<sup>16</sup> ODI (2020) <https://www.odi.org/blogs/17273-why-are-so-many-sudanese-prepared-risk-their-lives-reach-uk>

<sup>17</sup> Home Office (2017) [https://fullfact.org/media/uploads/foi\\_response\\_41250\\_-\\_r.pdf](https://fullfact.org/media/uploads/foi_response_41250_-_r.pdf)

<sup>18</sup> UK Government, 'Joint UK-France centre opens in Calais to tackle criminality at border' (2018) <https://www.gov.uk/government/news/joint-uk-france-centre-opens-in-calais-to-tackle-criminality-at-border>.

<sup>19</sup> Home Office, 'Fact Sheet: Small Boats' (2019) <https://homeofficemedia.blog.gov.uk/2019/08/09/fact-sheet-small-boats/>

- erected every month. A proposal to spend a reported further £30 million on border security only continues this trend.<sup>20</sup>
- 2.6 Despite this considerable financial outlay and stated policies to the contrary, irregular crossings have continued. 2019 saw an increase in boat crossings, with a further increase in the spring and summer of 2020, suggesting that the hike in security spending only serves to increase the desperation felt by displaced people in the area, pushing them into ever more lethal routes.<sup>21</sup>
- 2.7 The Home Office itself has identified increased border security as a reason behind the rise in people taking risky boat crossings,<sup>22</sup> and yet they continue to strengthen securitisation measures.
- 2.8 The financial and political pressure seemingly placed on the French authorities to step up prevention and interception attempts appear to be resulting in aggressive and often violent measures towards those found attempting small boat crossings. French police patrols, some of whom funded by the UK government,<sup>23</sup> regularly take people in for interrogation after being rescued at sea, confiscate belongings including phones, money and clothing, and have on critical occasions been slow to call emergency services in cases of medical emergency, according to reports from RRE's partner organisations in northern France. It appears that when rescued from boats, people are not referred to accommodation, no safeguarding assessment is done, and minors are rarely referred to child protection systems. This typically results in a further fear of French authorities.<sup>24</sup>
- 2.9 Other aspects of increased border security include the use of UK extraterritorial detention. UK Short-Term Holding Facilities (STHF) in Calais and Dunkirk in France, where people who have been refused entry to the UK are held for up to 24 hours, have consistently been found to have substandard conditions, poor safeguarding procedures and little or no access to legal information.<sup>25</sup> This was continued throughout the Covid-19 period, despite UN committees and civil society experts advising the release of people from detention during this time.<sup>26</sup>
- 2.10 People detained in these STHFs are regularly transferred to French *centres de rétention administratifs* (CRA)<sup>27</sup> where they risk deportation, adding increased incentive to avoid these security measures at all costs.
- 2.11 Further to this, the reintroduction of biometric finger-printing at the juxtaposed controls in France on 15 May 2020,<sup>28</sup> despite the risks for UKBF staff associated with this,<sup>29</sup> has led to

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<sup>20</sup> Financial Times (2020) <https://www.ft.com/content/a294a05c-b4d5-45a4-8d55-835d9ba27c53>

<sup>21</sup> Foreign Affairs Committee, *Responding to irregular migration: A diplomatic route* (2019), p. 9  
<https://publications.parliament.uk/pa/cm201919/cmselect/cmfaff/107/107.pdf>

<sup>22</sup> UK Home Office (2018) <https://homeofficemedia.blog.gov.uk/2018/12/31/home-secretary-sets-out-action-on-migrant-crossings/>

<sup>23</sup> House of Lords, Commons Urgent Question (2020) <https://www.theyworkforyou.com/lords/?id=2020-09-03b.515.2&s=calais#g515.3>

<sup>24</sup> France Culture (2020) <https://www.franceculture.fr/societe/migrants-dans-la-manche-la-violence-au-quotidien>

<sup>25</sup> HMIP inspection of juxtaposed controls (2020) <https://www.justiceinspectores.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/03/France-web-2019.pdf>

<sup>26</sup> UN Subcommittee on the Prevention of Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (2020)  
<https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf>

<sup>27</sup> An association working in the French detention centre (CRA) in Calais provided information that in April 2020, 32 out of 388 detainees in the French CRA were transferred directly by UK Border Force.

<sup>28</sup> <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-06-23/63333/>

<sup>29</sup> BBC Sounds (2020) <https://www.bbc.co.uk/sounds/play/m000jvz8>

further fear that being discovered in a vehicle at the port or Eurotunnel will have negative consequences, and dissuades people from taking this route, contributing to a shift in routes rather than a decrease in attempted border crossings.

- 2.12 Hence, in attempts to avoid the aforementioned security measures, people have resorted to riskier, less visible ways to cross the Channel, including via small boats. As the UK pushes for stronger surveillance on the French coast as a means to prevent boat crossings, however, people are simply attempting to depart further and further from built-up areas, rather than refraining from trying. This means the crossings will take place further from the reach of rescue operators, putting people's lives at greater risk in case of boat failures or accidents.

### 3 Lack of safe and legal routes

- 3.1 The UK's juxtaposed border control arrangements with France, whereby the UK has externalised its border controls onto French territory and thus prevents prospective asylum seekers from entering its territory and being able to present an asylum claim, constitute a *non-entrée* policy.<sup>30</sup> Such a policy risks breaching the UK's international legal obligations by circumventing the right to asylum and as a result also the protection against non-refoulement.<sup>31</sup>
- 3.2 The vast majority of individuals who arrive in the UK via northern France will go on to place asylum claims,<sup>32</sup> many of which are likely to be judged legitimate by the Home Office or UK courts, according to legal experts.<sup>33</sup>
- 3.3 Given that the juxtaposed agreements create UK 'Control Zones' in northern France and as far as Paris and Brussels, where hundreds of UK Border Force guards operate,<sup>34</sup> UK detention facilities (STHFs) are based, and UK criminal law powers apply, the UK ought to also acknowledge its human rights responsibilities here. Despite this, the UK is failing to uphold individuals' right to present an asylum claim or access legal advice.<sup>35</sup>
- 3.4 Meanwhile, there are perennial issues of obstruction to French asylum procedures, including overcrowded initial accommodation centres meaning many asylum seekers remain homeless, poor access to legal information, and long distances between Calais and Dunkirk and the office where asylum claims can be registered.<sup>36</sup>
- 3.5 During the Covid-19 period the safe legal routes for people in northern France to seek safety in either country were almost entirely shut down. Between 31 March and 11 May 2020 it was

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<sup>30</sup> J.C. Hathaway, T. Gammeltoft-Hansen, 'Non-Refoulement in a World of Cooperative Deterrence' (2014) [https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1216&context=law\\_econ\\_current](https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1216&context=law_econ_current)

<sup>31</sup> Amnesty International, 'The Human Rights Risks of External Migration Policies' (2017) <https://www.amnesty.org/download/Documents/POL3062002017ENGLISH.PDF>

<sup>32</sup> HASC, Oral evidence: Channel crossings (2020) <https://committees.parliament.uk/oralevidence/793/default/>

<sup>33</sup> Colin Yeo, 'Are refugees obliged to claim asylum in the first safe country they reach?' (2020) <https://www.freemovement.org.uk/are-refugees-obliged-to-claim-asylum-in-the-first-safe-country-they-reach/>

<sup>34</sup> Care4Calais (2019) <http://www.stopwapenhandel.org/sites/stopwapenhandel.org/files/hunted-detained-deported.pdf>

<sup>35</sup> HMIP Calais inspection (2016) <https://www.justiceinspectores.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/12/Coquelles-Calais-Web-2016-2.pdf>

<sup>36</sup> See: AIDA, 'Country report: France' (2020) [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_fr\\_2019update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_fr_2019update.pdf); *Défenseur des droits*, 'Exilés et droits fondamentaux, trois ans après le rapport Calais' (2018) pg 49 [https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport\\_calais-num-14.12.18.pdf](https://www.defenseurdesdroits.fr/sites/default/files/atoms/files/rapport_calais-num-14.12.18.pdf)

- not possible for people in Calais and Dunkirk to place an asylum claim in France due to the closure of the relevant *Préfecture* office where asylum claims are registered.<sup>37</sup>
- 3.6 Strict requirements and long waiting times for family reunion procedures mean they are difficult, or indeed impossible, for many to access. This is set to become worse following Brexit, if no deal is made with the EU to protect current family reunification rights.<sup>38</sup>
- 3.7 The link between restrictive family reunion rules and the use of dangerous irregular migration pathways is illustrated by the tragic situation of Z, a 22-year-old man from Iraqi Kurdistan, interviewed by a research associate from one of RRE's partner organisations in summer 2020. Z left Kurdistan with his disabled mother and sister, who is now 16, in 2017. After arriving in Europe, they became inadvertently separated when they boarded two separate lorries. Z's mother and sister's lorry arrived in the UK, while Z was discovered at the Eurotunnel border control and was detained. His mother and sister claimed asylum in the UK and have since received refugee status. Z had no other family in Europe, and was determined to reach the UK in order to care for his disabled mother, as his teenaged sister attends school full-time. All legal advice groups he spoke to in France advised him that he was not eligible for a legal family reunification transfer to the UK because he was not under 18 years old. He therefore unsuccessfully attempted to cross the border by lorry on over 35 occasions over the course of seven months. During this time, boat crossings were much more successful than lorry crossings, however Z was fearful of crossing in this manner because he did not know how to swim. In autumn 2019, his mother in the UK fell ill. Z became increasingly desperate and attempted to cross to the UK by boat for the first time. The boat capsized 500 metres from the French coast, and Z drowned.
- 3.8 For those who have been able to make it to the UK via small boat recently, an aggressive campaign to remove them has resulted in a further undermining of safe routes to asylum. The Home Office's use of detention and deportation targeting specifically those arriving by small boat has been well documented.<sup>39</sup> It has led to homelessness, destitution and further obstruction to asylum procedures following removal to another European third country.<sup>40</sup>
- 3.9 In autumn 2019, one man was removed from the UK to France despite having never registered an asylum claim in France nor given Eurodac fingerprints. He said to an independent researcher at the time, "They flew me to Toulouse. As soon as I arrived, they told me I am free and that is it. I got frustrated and asked what they mean to just go. I showed them the letter [provided by UK authorities authorising removal] and they said they never asked for me back. They searched their system but couldn't find me in there. They also didn't understand the reason why I was sent back. They said, it could be that you told them you were here before and that gave them a reason to send you back to France. From Toulouse, I went back to Calais and went to the [French authorities] to see if they have my name on their system. I also showed them the letter they gave me. They thoroughly searched their system but couldn't find me in there. They even called another place to make an enquiry but couldn't find

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<sup>37</sup> AIDA, 'Country report; France' (2020) [https://www.asylumineurope.org/sites/default/files/report-download/aida\\_fr\\_2019update.pdf](https://www.asylumineurope.org/sites/default/files/report-download/aida_fr_2019update.pdf); La Cimade (2020) <https://www.lacimade.org/conseils-pratiques-et-demarches-administratives-possibles-par-temps-de-confinement/>

<sup>38</sup> Safe Passage, 'Factcheck' (2020) <https://www.safepassage.org.uk/news/2020/7/1/factcheck-governments-family-reunion-arguments>:

<sup>39</sup> Corporate Watch, 'Cast away' (2020) <https://calaismigrantsolidarity.wordpress.com/2020/08/31/cast-away-the-uks-rushed-charter-flights-to-deport-channel-crossers/>

<sup>40</sup> The Guardian (2020) <https://www.theguardian.com/uk-news/2020/sep/03/we-dont-know-what-to-do-asylum-seekers-flown-to-spain-by-home-office>

anything. So one more time I tried to get on a boat with a group of other refugees. I have not claimed asylum anywhere else [than the UK] in Europe yet.”

#### **4 Concluding remarks**

- 4.1 Evidence shows that increased security measures and hostile treatment of vulnerable people do not work and only push people to take more dangerous routes.<sup>41</sup>
- 4.2 Therefore, if the UK Government is to effectively achieve its stated goal of dismantling trafficking and smuggling networks<sup>42</sup> and reducing reliance on irregular migration pathways,<sup>43</sup> whilst still upholding international<sup>44</sup> and European law<sup>45</sup> and its moral responsibility vis-à-vis prospective asylum seekers, it must make available safe and legal routes.
- 4.3 The worsening situation for displaced people in northern France, coupled with the UK Government’s faltering handling of desperate individuals seeking to reach the UK via Channel crossings on small boats, are undeniably a source of political embarrassment. As the UK works out its new relationship with the European Union and its member states, it has an opportunity to resolve a situation that has degraded rapidly over recent years by providing access to safe and legal routes to asylum and protection.
- 4.4 Any other approach, including the Government’s most recent intentions to forcibly return people to France, directly hinders an effective resolution to a detrimental and decades-long situation.

#### **5 Recommendations**

- 5.1 The UK Government should treat all asylum claims equally, regardless of the means of arrival in the country, in order to respect the principle of non-criminalisation of irregular entry, as laid out in the 1951 Refugee Convention and 1967 Protocol.
- 5.2 All proposals to begin interceptions of boats at sea, whether carried out by French or British authorities, should be dropped in order to prevent further risks to vulnerable individuals’ lives.
- 5.3 The UK Government ought to work closely with its French counterparts to push for safe access to both UK and French asylum procedures, including a commitment on both sides to employ the principles contained in Article 17 of the Dublin Regulation when it is unsafe for, or not in the best interests of, the individual to be returned to a third country.
- 5.4 The UK Government should expand safe and legal routes to allow people to reach the country without a risk to life, including humanitarian visas, expanded family reunification procedures and enhancement of already successful refugee resettlement programmes such as the Global Resettlement Programme.

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<sup>41</sup> House of Commons Foreign Affairs Committee, ‘Responding to irregular migration: A diplomatic route’ (2019) p. 8 <https://publications.parliament.uk/pa/cm201919/cmselect/cmfaaff/107/107.pdf>

<sup>42</sup> Home Office, ‘How the Government is tackling modern slavery’ (2019) <https://homeofficemedia.blog.gov.uk/2019/05/22/how-the-government-is-tackling-modern-slavery/>

<sup>43</sup> The Sandhurst Treaty (2018) [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/674885/Treaty\\_Concerning\\_the\\_Reinforcement\\_Of\\_Cooperation\\_For\\_The\\_Coordinated\\_Management\\_Of\\_Their\\_Shared\\_Border.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674885/Treaty_Concerning_the_Reinforcement_Of_Cooperation_For_The_Coordinated_Management_Of_Their_Shared_Border.pdf)

<sup>44</sup> UNHCR, Convention Relating to the Status of Refugees (1951) <https://www.unhcr.org/3b66c2aa10>

<sup>45</sup> European Union, Charter of Fundamental Rights of the European Union (26 October 2012) Art. 18; Council of the European Union Regulation No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (29 June 2013).

- 5.5 Funding of futile security infrastructure, military equipment and French police forces should be ceased, and allocated instead towards improving reception conditions and access to reliable legal information for people in France.
- 5.6 The UK Government ought to also allocate funding to the deployment of specialist Home Office caseworkers to northern France, hosted under the auspices of the Office for Immigration and Integration (OFII) but based in Calais and Dunkirk, where they hold regular meetings with frontline organisations to ensure the identification of and speedy transfer of displaced children and other vulnerable individuals.
- 5.7 Specifically, prior to concluding new agreements, the UK ought to consider carrying out human rights impact assessments against the Art. 44; 45 of the Proposed Asylum Procedures Regulation and have them vetted by an independent human rights body such as the Council of Europe.
- 5.8 To safeguard its international standing as a strong liberal democracy with a proud human rights record, the UK ought to carry out human rights impact assessments before entering into cooperation agreements with third party states and include conditions in all cooperation agreements concerning asylum and migration management to ensure human rights protection for all individuals. Such conditions include, but are not limited to, the obligation of *non-refoulement*, access to a fair asylum procedure and right to effective remedy, access to information and legal assistance, safe and adequate reception conditions, access to family reunification procedures, and no risk of arbitrary detention.