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**Report of the fact-finding mission on the situation of migrants and
refugees in Calais and Grande-Synthe, France**

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refugees,**

12-13 and 21-23 September 2016

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I. THE MISSION

On 12 and 13 September 2016 I visited camps in Calais and Grande-Synthe, in the north of France, where a high number of migrants and refugees have accumulated hoping to enter the United Kingdom often using illegal means.[1] On 21-23 September I travelled to Paris and London to discuss my preliminary conclusions with government officials, other competent authorities and IGO and NGO representatives. The purpose of this fact-finding mission was to identify how the Council of Europe can offer assistance to the national authorities of both France and the United Kingdom in order to improve the situation of the growing number of refugees and migrants in camps at the border, and especially the situation of the high number of unaccompanied children living there.[2]

Shortly before my trip to Calais, the French Minister of the Interior announced that “the Jungle” camp in Calais would be closed before the end of the year. In this report, I consider the current arrangements in respect of those in the camps as well as specific issues linked to the planned closure.

II.

INTRODUCTION

1. Meetings

During my visit to the northern France camps, I had meetings with the *Préfète* of the Pas-de-Calais *Département*, the *Sous-Préfets* of Calais and Dunkirk, representatives of Calais and Grande-Synthe municipalities and the police. I also met representatives of a number of IGOs, NGOs and other volunteer associations.[3]

During my visit to Paris, I met with the Director of OFPRA, the Director General for Foreigners in France (Ministry of the Interior) and his staff,

the *Défenseur des Droits* and his staff, and representatives from the office of the Mayor of Paris. I also had discussions with the UNHCR Representative in France and the Executive Director of UNICEF France. During my visit to London, I met with senior Home Office officials, the Director of Child Rights at the Office of the Children's Commissioner and representatives of the Association of Directors of Children's Services and the Local Government Association. My team also held a meeting with a number of IGOs, NGOs and other volunteer associations.[4] I subsequently had a conference call with the Independent Anti-Slavery Commissioner.

2. Visits *in situ*

In Calais, I visited the Jules Ferry day centre and centre for women and children, the *Centre d'accueil provisoire* (CAP), "the Jungle" camp (also known as "*La Lande*"), and the Joint Command and Control Centre at the Port of Calais. In Grande-Synthe, I visited *La Linière* camp.

III. CONDITIONS IN AND AROUND THE CAMPS

1. Material living conditions

a) Calais

The Calais camp, situated in the *Département* of Pas-de-Calais, is composed of an official and an unofficial but "tolerated" camp.[5] The official part consists of the Jules Ferry day centre and centre for women and children and the *Centre d'accueil provisoire* (CAP). It is managed by La Vie Active, a French non-governmental organisation. The unofficial part of the camp is known as "the Jungle".

The day centre is open to anyone between 9 a.m. and 5 p.m. each day. It provides breakfast and 4,500 hot meals a day,[6] sanitary facilities (including showers), facilities for recharging mobile telephones and a small hospital. For the moment, these services appear to be delivered efficiently, although those managing the centre were concerned at their capacity to cope if numbers continue to increase.

The centre for women and children opened in March 2015 and can accommodate up to 400 women with their children; unaccompanied

minors (UAMs) are not permitted to stay in the centre. The average length of stay is around 4-5 months. Since men are not permitted in the shelter, many families choose to separate because of concerns about the safety of the Jungle camp for women and children. Boys can stay with their mothers until the age of 14. The existence of a secure area for mothers and young children is to be welcomed but there is a need for suitable accommodation which enables boys over the age of 14 and fathers to remain with their families.

The CAP, which opened in January 2016, has a capacity of 1,500 and is composed of containers. Elderly and vulnerable migrants have priority for accommodation. Although the facility is not intended for UAMs, around 200 live there for want of any suitable alternative. Entry to the CAP is secured and residents must swipe their palm prints to gain access but their identities are not verified.

When I visited the Calais camp, work had just begun on a much-needed new centre for UAMs. The centre was to offer 72 places to begin with, but could quickly be doubled to accommodate 144. The opening of the centre was scheduled for 4 November 2016. However, it seems that the future of the centre is now in some doubt.[7] In any case, the number of places on offer – even if the initial planned capacity is quickly doubled – is clearly insufficient to accommodate the UAMs in urgent need of suitable accommodation.

The official part of the camp is generally clean and conditions are decent. However, traffickers and smugglers operate in the day centre in particular, charging fees for access to services.

According to the most recent census by UK NGO Help Refugees, at the start of September there were 10,188 people in the Jungle. The most recent official estimate, from a census conducted by the *Préfecture* at the start of August, puts the number at 6,900 people. According to the Help Refugees census, Afghans, Sudanese, Eritreans and Ethiopians make up 90 per cent of the camp's population. 1,179 of the residents are children, 1,022 of whom are unaccompanied. I saw many young men in the Jungle but few women.

The conditions in the Jungle are very poor. Tents and shelters are erected in a disorganised and cluttered shanty town across an area of sand dunes near the ring road. It is now hard for newcomers to find space to pitch their tents. Part of the reason for the overcrowding is that the southern part of the Jungle was dismantled and the land

there entirely cleared in March 2016. The closure of the southern part of the camp also coincided with a rapid increase in the numbers: the camp's population was around 3,500 in April 2016 but about 7,000 people arrived in June and July. The overcrowding has a significant detrimental impact on hygiene in the camp. Several pregnant women are living in the Jungle, although Gynécologie Sans Frontières explained that an arrangement is in place with the local hospital and there are therefore no births in the camp itself. Prostitution is also a problem; France Terre d'Asile, a non-governmental organisation, has been mandated to look into this issue.

I was told by the authorities that there was a reluctance to improve conditions because of concerns that this would act as a pull factor, leading more and more migrants to make their way to Calais.

However, it seems clear to me that the poor conditions have not acted as a deterrent so far. The current conditions raise potential issues under Articles 3 (prohibition of inhuman and degrading treatment) and 8 (right to respect for private and family life) of the European Convention on Human Rights.

b) Grande-Synthe

The Grande-Synthe camp, known as *La Linière*, is situated in the *Département* of Le Nord and run by Grande-Synthe municipality in cooperation with central government and AFEJL,^[8] pursuant to a tripartite agreement. The camp was built by Médecins Sans Frontières according to UNHCR standards and opened in March 2016 to replace the unofficial *Le Basroch* camp in the area, where living conditions were deplorable.

The camp initially housed around 1,500 people in 400 wooden huts. Since then, a number of huts have been removed, leaving 327. There are currently around 725 people in the camp. The reduction in capacity followed a decision to limit the size of the camp and to afford accommodation only to the vulnerable.^[9] There were, at the time of my visit, 15 UAMs in the camp, and around 40 children with their families. For the police, the ideal would be to have a camp of around 2-300 people, which they said would be completely manageable. The majority of those in *La Linière* camp are Kurdish (around 80 per cent).^[10] The authorities acknowledge that the camp has essentially become a base for Kurdish smuggling operations and is, to a significant extent, in the hands of the smugglers.

The camp is open and there is no registration for those wishing to enter. Many of those I spoke to were of the view that it would be better to have a camp with controlled entry and registration of residents. This would assist in particular in trying to tackle smuggling. Half of those in the camp have applied for asylum in France. Those who have not claimed asylum have an interest in remaining in the camp, either because they are smugglers or because they have paid smugglers and are awaiting the opportunity to attempt to enter the United Kingdom.

2. Violence against and by refugees and migrants

It seems that the rising numbers in the Calais camp result in frequent clashes between different ethnic groups. In Grande-Synthe, violence between rival smuggling gangs is a serious problem. There are also allegations of sexual abuse and domestic violence. The police explained that victims are often reluctant to pursue their complaints. Concerns were also expressed about the prevalence of trafficking. However, my visit to the camp followed shortly after an evaluation visit by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), during which trafficking issues were examined in detail. GRETA will publish a report on its findings in due course.

Aside from violence by camp residents, there are also allegations of abusive police behaviour towards migrants and refugees, including the disproportionate use of tear gas. The Legal Centre in the Jungle has collated details of alleged incidents and forwarded them to the *Défenseur des Droits*. It was not clear whether there are any pending criminal cases. In my discussions, I detected a certain reluctance on the part of the police to assume responsibility for launching *ex officio* investigations into the use of force by their own officers and to contribute to the examination of complaints by the *Défenseur des Droits*.

The use of force by the police, as well as the failure to protect residents from violence at the hands of criminal gangs and other individuals, gives rise to concerns under Article 3 of the European Convention of Human Rights in particular. Pursuant to that Article, states have an obligation not only to prevent the unlawful use of force by their own agents but also to take preventive measures to protect individuals in certain circumstances. Police officers in the camps

should be trained in their human rights obligations, should be given clear instructions on the reasonable use of force and should be subject to appropriate supervision. An independent investigation into allegations of police violence and the failure to protect camp residents also appears appropriate.

3. The closure of the Calais camp

As noted above, in early September the Minister of the Interior announced that the remaining part of the Jungle will be dismantled as quickly as possible.^[11] The non-governmental organisations I met agreed that the situation in the Jungle is neither desirable nor sustainable, but insisted on the need for action to safeguard the welfare of residents before the evacuation process begins. I was told by Help Refugees in London that a new census was due to be undertaken by the French authorities, in co-operation with the former's census team, to inform the evacuation exercise. It is not clear whether this census has been carried out. The need for an up-to-date and accurate census is particularly important given the discrepancies between official and unofficial numbers and the absence of a verifiable register of individuals residing in the camp.

At the time of my discussions with the authorities in Calais, the closure was expected to be completed before the end of the year. I was assured that the Jungle will not be demolished until alternative accommodation in *Centres d'accueil et d'orientation* (CAO)^[12] has been found for all of those living there. This was later confirmed during my meetings in Paris. However, the authorities were unable to provide any specific details of what is envisaged or how the dismantling of the camp is to be carried out. They accepted that they have no power to force people to move to CAO and that they will have to work hard to persuade all concerned to leave Calais voluntarily. In the past, this would have been an unenviable challenge since the vast majority of those in the northern France camps wanted to reach the United Kingdom and had little interest in remaining in France.^[13] But greater co-operation between the French and British police has led to a higher rate of interception of clandestine migrants and the cost of passage to the United Kingdom with the help of smugglers has increased. More residents are now expressing the desire to seek asylum in France, either with a view to building a life in France or in order to avail themselves of legal channels for entry into the United Kingdom under

European Union law. As a further enticement, the Government has promised that Dublin returns^[14] will be suspended for those who agree to go to CAO. However, this promise was greeted with some scepticism among migrants and non-governmental organisations, since a similar promise made during the evacuation of the southern part of the camp was not respected in all *préfectures*. It remains unclear what will happen to those who refuse to leave the coast. Some fear that they will simply relocate to other camps in the area or move further along the coastline to Belgium.

Since my visit to Calais, two important developments have occurred. First, the timetable for closure to be completed has been fixed for before the end of October. Second, it became apparent while I was in Paris that the authorities envisaged not only the closure of the remaining part of the Jungle, as had initially been announced, but possibly also the closure of the official part of the camp. The Director General for Foreigners in France told me that no decision had yet been taken as regards the official part of the camp. The fact that work has stopped on the new centre for unaccompanied minors may be taken as confirmation that its future is now in doubt.

While there is a legitimate need to find alternative living arrangements for camp residents before winter sets in – a concern which has been cited by the authorities – there is a risk that such a short timetable will prevent the authorities from taking the measures necessary to ensure that all residents are provided with appropriate accommodation. Some mayors are resisting calls to establish more CAO, and it is not yet clear how many places will be available. There are also doubts as to whether CAO are appropriate: while they provide a reasonable short-term solution, *Centres d'accueil de demandeurs d'asile* (CADA) are better equipped to deal with the needs of asylum-seekers and promote integration, by providing early language training and offering close cooperation with non-governmental organisations.^[15] I also encourage the French authorities to favour accommodation facilities with smaller capacity, to limit the risks of violence and tension.

Over 100 children reportedly disappeared when the southern section of the camp was demolished in March. There are fears that a similar mass disappearance will occur if the northern part of the camp is demolished. Nothing has yet been said about what provision will be made for unaccompanied children in the camp. During my discussions in Paris, I was informed that plans were expected to be announced at

the start of October but to date no such plans have been disclosed. Earmarking specific CAO exclusively for children would not address the lack of appropriate facilities for UAMs in such establishments.[16]

There is obviously a risk – expressed in varying degrees by the people I spoke to – that even if the camp is successfully dismantled, migrants will soon return to Calais. On both sides of the Channel, my interlocutors agreed that there had to be a clear plan to prevent this happening. The authorities saw the tightened security at the border as a strong disincentive for future arrivals. This assumption is, however, largely speculative and not supported by previous trends. I have seen no clear plans for ensuring that the camp is not reconstituted – either on its present site or elsewhere – in the coming months. I fully support the efforts of the French authorities to encourage asylum claims in France and to distribute asylum-seekers more fairly throughout the country, taking into account their wishes. However, I am convinced that there is a need – at least in the short-term – to continue to plan for the arrival of migrants in the Calais area. Further, if the dismantlement of the camp does not stop new arrivals – including unaccompanied minors – coming to Calais, then the need for a centre for unaccompanied children will be as great as ever. It seems that the authorities are reluctant to make any announcement as to what facilities will still be available in Calais, following the closure of the camp, for fear of discouraging departures and encouraging further arrivals to the area. However, given the high risk that some migrants and refugees will remain in Calais or will arrive there after the camp's closure, realistic arrangements must be made to ensure their humane living conditions.

4. The situation of unaccompanied minors in the camps

As already indicated, there are currently over 1,000 UAMs in the camps at Calais and Grande-Synthe. At present, there is no facility offering appropriate accommodation and services for them in either camp. As noted above,[17] the fact that work has stopped on the planned centre in Calais is a matter of some concern.

Off-site, the Saint-Omer Accommodation Centre, run by France Terre d'Asile,[18] acts as a respite centre as well as a stepping stone for minors of 15 and over who wish to claim asylum in France. However, since the Centre is 50 kilometres away from Calais, many refuse to go

there, not wishing to be separated from older friends. The authorities also complained that the minors in question – largely boys of 15-17 years old who see themselves as grown men – do not want to be taken care of. CAO do not offer suitable accommodation for unaccompanied minors, as they cater only for families and single adults. There are, however, worrying reports that some unaccompanied minors manage to slip through the net by passing for adults.

According to civil society representatives, previously around 80 per cent of UAMs wanted to go to the United Kingdom. Now they estimate that the vast majority want to stay in France and are therefore prepared to accept the help on offer. Child protection is a responsibility of the *départements* in France. For many *départements* the prospect of accommodating large numbers of UAMs presents a substantial financial burden. The relevant services are saturated and the Pas-de Calais *Département* is unable to cope. There are reports that the Saint-Omer centre has begun to turn children away because it has reached capacity. According to Médecins Sans Frontières, 88 children asked to be taken into care in Calais but were refused for lack of places.

Although France Terre d'Asile has been charged with identifying vulnerable people, including UAMs, in the camp, it does not appear to have been particularly successful so far. Because of the lack of appropriate accommodation for UAMs and the absence of any kind of registration system, children often go missing. NGOs report alleged cases of the French police refusing to take a missing persons report when they have attempted to report disappearances. The British police now launch investigations when alerted to the disappearance of a child from Calais by carrying out checks in the United Kingdom.[19]

The lack of protection for UAMs in Calais is a serious concern which must be urgently addressed. Improvements are needed to the system for identifying UAMs: there is a guardianship system which applies to all abandoned children under general child protection legislation but this system will not work if UAMs are not identified and registered. There are delays in appointing *ad hoc* legal representatives and age assessment is a problem, with the practice varying from *département* to *département*. There is a need for uniform standards in this respect, based on best practices. Further, urgent provision must be put in place immediately to accommodate the over 1,000 UAMs currently living in unsuitable conditions in the northern France camps. Some of

my interlocutors called for a European network of child protection officers to ensure more efficient cross-border operations and information sharing. Given the significant cross-border element, this proposal merits further attention. It should also be borne in mind that the vast majority of these children have made their way north from Greece or Italy; their identification earlier in their journeys across Europe would clearly be in their best interests.[20]

5. Educational opportunities

I was concerned at the lack of educational opportunities afforded to migrant and refugee children living in the Calais camp. Although there are two classrooms in the Jules Ferry centre, run by teachers provided by the French State, it teaches only French. Around 80 children attended the classes in June but only 40 were attending at the time of our visit.[21] Attendance is, moreover, sporadic: in practice there are only around 10-15 children in each class. There are also educational facilities in the CAP for the UAMs living there but again the focus is on learning French. In the Jungle there are some educational facilities run by volunteers. However, all operate on an *ad hoc* basis and tend to focus on French and English language learning.[22] I inquired at the Mayor's office whether children in the camp are allowed to attend local schools but this does not appear to be seen as a realistic option.

In Grande-Synthe, a new initiative put in place at the start of the new school year enables migrant children to attend local French schools. When the new arrangement began, the prior *ad hoc* facilities in the camp were closed by the authorities. At the time of my visit thirty-seven children were enrolled. Because of frequent nightly attempts to board lorries bound for England, which leave the children tired in the mornings, they attend school only in the afternoons. Transport is provided by the towns of Grande-Synthe (primary schools) and Dunkirk (*collèges*).[23] No more than two migrant children are allocated to each class.

Some of the volunteers active in the camp were critical of the closure of educational facilities in the camp itself. However, it was explained to me by the authorities that if educational facilities remained available in the camp, migrant parents would be unwilling to send their children to local French schools. The decision was taken that the benefit of integration in local schools outweighed the disadvantage of restricting education within the camp itself. Some members of civil

society agreed that the limited nature of the educational provision effectively being delivered in Grande-Synthe – including the absence of specialised courses to provide linguistic support (*Français comme langue étrangère*) – meant that it was largely ineffective from a purely academic point of view. However, they nonetheless supported the initiative as a useful integration tool: the numbers of asylum applications from families with children in school tends to be higher.

It is perhaps too early to judge the success of this initiative from an educational or integration perspective. However, I welcome the goodwill and motivation of those responsible for *La Linière* camp and the towns of Grande-Synthe and Dunkirk in making this arrangement possible. Initial indications as to the improved integration of the families involved are very positive. The next step will be to try and increase the level of the education being provided, through the provision of additional linguistic and other support to the children concerned.

6. Smuggling and security measures around the port of Calais

It was very clear to me that smuggling is a serious problem in the northern France camps.[24] Smugglers offer a range of “packages” from the basic to the very sophisticated, with corresponding prices. Smugglers have a financial incentive to bring people to Calais, and any effective dismantlement of the Calais camp therefore depends on disruption of the smuggling networks operating between France and the United Kingdom. This includes tackling that smugglers’ role further south.

A new joint control and command centre has opened at the port of Calais. The aim of the Command and Control Centre is to exchange operational information in real time. The centre collects and analyses data, seeking to identify patterns that can be shared with other relevant actors. There are plans to develop the centre to ensure an on-site intelligence unit. A UK Crown Prosecution Service liaison officer is based in Lille to assist with smuggling cases. Improved cooperation between the French and UK authorities is having some success: 30 smuggling rings have been dismantled in Calais so far this year and 16 in Grande-Synthe since March.

The authorities of both France and the United Kingdom said that

security checks at the border have tightened considerably. Those who seek to board lorries on the motorway or ring road around Calais are quickly found when the lorries are scanned at customs.[25] The attempts which are successful usually involve boarding lorries far before Calais.[26] The need for rigorous security measures was underlined by both sets of authorities: if security is reduced then Calais will once again become attractive to migrants hoping to make their way across the border. For this reason the Le Touquet accords[27] are viewed by officials in both countries as an important tool in migration management at the border.

Violence by a minority of migrants and refugees in order to board lorries bound for the United Kingdom has increased.[28] Their main tactic is to block the motorway and ring road leading to the port, forcing drivers to slow down so that they can climb aboard. There are reports that migrants have threatened drivers; around 5-6 policemen are injured each day. Those seeking to board lorries also vandalise neighbouring houses and steal property to block the roads. The municipality explained that the activities of this minority have unfortunately led to a worsening of relations with residents of Calais and increased intolerance for the presence of refugees and migrants in the area.

Much of the road to the port is now lined with barbed-wire fencing, to try to prevent the nightly incursions. Shortly before my visit, it was announced that a new concrete wall,[29] financed by the United Kingdom, would be constructed to prevent access to the motorway. Even after the dismantling of the camp, the authorities were of the view that the wall would still be essential to reduce the attractiveness of Calais in the future.[30] While I recognise the need to protect migrants, lorry drivers and people living near the motorway and ring road, I have doubts as to whether the wall will achieve any of these goals. It is easy to envisage migrants attempting to access the motorway further along the road, where the wall is planned to end. However, I recognise that the wall may help the police to carry out more effective patrols, by allowing them to concentrate resources in the area after the wall ends.

Despite the increased security measures, it would seem that the numbers who manage to enter the United Kingdom are not negligible. While the authorities – for understandable reasons – are reluctant to release official figures, it became clear during my visit that the

perception of the number of crossings varies from one side of the Channel to the other. The French said that there were few crossings and seemed to view the problem as resolved, while the British believe that unlawful crossing remains a serious issue.

IV. LEGAL PROCEDURES AND INTEGRATION ISSUES

1. Information on and access to asylum procedures

In the official part of the Calais camp, information on asylum procedures is available via the *Office Français de l'Immigration et de l'Intégration* (OFII). The *Office français de protection des réfugiés et apatrides* (OFPRA) also visits the camp once a week and carries out *maurades* (walk-throughs) in the Jungle. The Legal Centre in the Jungle provides advice on asylum procedures.

In order to lodge an asylum application in Calais, asylum-seekers must first go to the PADA (*Plateforme d'accueil des demandeurs d'asile*) office in the centre of Calais. There, they are informed in detail of the asylum procedure and fill in the preliminary request forms. They are also given an appointment for the *guichet unique*,^[31] which should be within 3-10 days, where fingerprints are taken, the procedure to be applied to the application is determined and accommodation is arranged. Because of the increased interest in seeking asylum in France,^[32] the PADA office in Calais is now overwhelmed and there are significant delays in obtaining an initial appointment and in having an application processed. Volunteers at the Legal Centre in the Jungle told me that applicants now have to wait up to five months for appointments for the *guichet unique*. For those seeking the transfer of their dossiers to the United Kingdom under the family reunification provisions of the Dublin III Regulation,^[33] the wait is even longer. OFPRA told me that once the dossier is transmitted to them, they deal with the application in around 2-3 months.^[34]

In order to alleviate the burden on Calais, OFPRA emphasised the

importance of distributing asylum-seekers across France. Rather than applying for asylum in Calais, camp residents can choose to be transferred to a CAO, where they can lodge an asylum application. However, there is now a serious shortage of places on the buses to the CAO for all those who want to go: people sleep overnight at the embarkation points to be able to board the buses the next day, but only a small number are taken. Some suggested that a transit centre in the south-east of France would be preferable, in order to process claims at the point of arrival of the bulk of migrants entering from Italy.

In Grande-Synthe, Cimade provides legal advice on asylum to camp residents. However, it is unable to operate an office on site because of the threat from smugglers, whose interests are adversely affected when migrants choose to stay in France instead of making their way to the United Kingdom. Cimade therefore has an office in Grande-Synthe itself. OFII and AFEJL carry out *maraudes* in the camp.

Given the absence of any formal reception system, it is not surprising that many migrants and refugees in the northern France camps are not aware of their right to claim asylum in France or of their potential eligibility for family reunification under the Dublin III Regulation. While there is information available, it is not systematically provided and residents have to seek information rather than receiving it as a matter of course. Lack of interpretation into migrant languages makes it harder to get the message across. Volunteers and other organisations offering advice must compete with the advice offered by traffickers and smugglers in the camp, who have an interest in encouraging migrants to attempt the crossing to the United Kingdom.

If camp residents were registered, this would enable comprehensive information to be provided to every person entering the camp. This is all the more important in the lead-up to the evacuation of the Calais camp: accessible and relevant information, provided in a language that they understand, could help encourage the reluctant to avail themselves of opportunities for asylum in France. Since most of those in the camps have mobile telephones and access to the Internet, initiatives using mobile apps could help to ensure that information on asylum procedures in France is efficiently disseminated. Examples of good practice are available from projects rolled out in other Council of Europe States. A permanent legal advice centre, adequately staffed, in each of the two camps would also go some way to addressing the

shortcomings here.

According to OFPRA, of those who have applied for asylum in Calais 60 per cent have been successful. A further 11 per cent win their appeals.^[35] OFPRA also emphasised that more people are granted protection by OFPRA itself now, rather than being awarded protection on appeal as was formerly the case.^[36]

2. Returns

Around 70 per cent of asylum-seekers in France are the object of a EURODAC^[37] hit, which means that they have already been registered in another EU country. These people are, in principle, eligible to be returned to the other states concerned. However, it appears that the number of Dublin returns is particularly low.^[38]

Many of my interlocutors emphasised the need for a well-functioning and clear returns procedure. The failure to put such a procedure in place undermined the credibility of the asylum system as a whole. The French authorities referred to the complexity of the procedure in France and the numerous appeals available. The involvement of various different bodies added to the difficulties encountered when trying to return those without permission to remain in the country.

3. Integration

The high number of migrants in Calais and the behaviour of a small minority of them have created challenging conditions for the municipality. The negative image of Calais portrayed in the media has had an impact on the local economy and on tourism. In Paris, the municipality referred to “competition” between the needs of migrants – for whom resources are now being made available^[39] – and the needs of the city’s many homeless in view of the approaching winter season. More broadly, concerns were expressed about the limited integration assistance provided in CAO: many emphasised the need to begin integration efforts from the moment a person applies for asylum.

Municipalities have a key role to play in promoting integration and facilitating relations between the local and migrant populations. Initiatives should be put in place to facilitate language learning and access to the labour market. I was told that the Mayor’s office in Paris is keen to develop a practice of carrying out a skills assessment in order to ascertain the professional profiles of asylum-seekers and

orient them towards CADA in appropriate areas. This is a promising idea and other municipalities could benefit from the sharing of information on its eventual success. Clear integration policies, which guarantee the rights of asylum-seekers and refugees to be protected from xenophobic behaviour and discrimination, are also needed.

V. UNACCOMPANIED MINORS' RIGHT TO ENTER THE UNITED KINGDOM

1. Dublin "take charge" requests

UAMs may be eligible to enter the United Kingdom lawfully via a "take charge" request pursuant to the Dublin III Regulation.^[40] Under that Regulation, the EU Member State where a family member of the child is legally present is the one deemed to be responsible for examining his or her asylum application, provided that it is in the child's best interests. In early September, Safe Passage, a programme run by Citizens UK,^[41] handed to the Home Office a list of around 180 children in Calais whom, it says, are potentially eligible to be reunited with family members in the United Kingdom. Representatives of Safe Passage are now being contacted by other organisations and lawyers across Europe for advice on implementing the Dublin Regulation, indicating the need for better guidance.

The Home Office said that it is committed to bringing children with family connections in the United Kingdom over from Calais. At the time of my visit to London, the dossiers of 71 children in Calais had been processed and a decision taken to permit them to enter the United Kingdom under the Dublin III Regulation to be reunited with their families.^[42] According to the UK authorities, the main problem has been obtaining the necessary documents and getting people registered in the system. However, once children are in the system, the authorities were of the view that matters proceeded smoothly; they said that transfers themselves are quick once dossiers have been accepted.

The civil society representatives and intergovernmental organisations

I spoke to identified a number of concerns regarding the procedures for Dublin transfers. There were near universal calls for the procedure to be simplified. On the one hand, some suggested that things would proceed more smoothly if more information and document collation was done by the French;^[43] conversely, others emphasised that much of the documentation attesting to family relationships was already with members of the family in the United Kingdom and that more should be done there to obtain it. Lawyers complained that all the work to establish and verify family relationships was carried out by them, with no assistance, financial or otherwise, from the Home Office. The Home Office explained that when examining a “take charge” request it considers the information submitted by the requesting Member State, including any supporting evidence provided by the State or the parties concerned. The decision-making process includes consideration of information from Home Office records.^[44] Some complained that the Home Office is inconsistent in terms of the evidence it required to demonstrate family relationships.^[45] There were also claims of delays in arranging the physical transfers of the children because of a shortage of legal representatives in France and of people to accompany UAMs to the United Kingdom.^[46]

The UK local authorities representatives said that they are responsible for making assessments of family relationships and that rigorous checks are carried out within 48 hours. Once a child has been reunited with family, there is no follow-up: it is expected that the family will make arrangements for health and education. Some members of civil society felt that this approach fails to recognise the difficulty of reuniting a family where its members have been separated sometimes for years and have gone through significant trauma. Others pointed out that where family members are themselves at an early stage in the asylum process, little support is provided. It is clear that suitable support must be provided to such families to help them properly care for the child.

Some non-governmental organisations questioned what would happen to the dossiers lodged in Calais in respect of children who are to be transferred elsewhere in France in view of the imminent closure of the camp. The obvious solution, which should be pursued, is to ensure that the dossiers are concluded well before the camp’s closure and that the children found to be eligible are transferred immediately

to the United Kingdom. However, in the case of new arrivals, the necessary steps should be taken to ensure that the treatment of their dossiers is not delayed or otherwise hindered by any transfer within France. For these children, as for all UAMs in the northern France camps, there is also a need to ensure appropriate accommodation for them pending the completion of Dublin procedures.

2. The Dubs amendment

The second means for UAMs to gain lawful admittance to the United Kingdom is pursuant to the so-called Dubs amendment.^[47] This legislative provision, adopted in May 2016, requires the Secretary of State to make, as soon as possible, arrangements to accept and support a specified number of unaccompanied refugee children from other countries in Europe where it is in their best interests. The relevant arrangements apply to children who were in Greece, Italy and France before 20 March 2016. The number of children to be resettled is to be determined by the Government in consultation with local authorities.^[48]

Safe Passage has notified the Home Office of the names of around 200 children in the Calais camp who may be eligible to enter the United Kingdom pursuant to the provision. No children have yet been transferred under the Dubs amendment. The Home Office has said it is involved in active discussions to speed up mechanisms to identify, assess and transfer children to the United Kingdom. It has asked local authorities for offers of places and expects to be in a position to specify the number of UAMs who will be admitted by late October.

Representatives of the local authorities explained that children to be admitted under the Dubs amendment present an additional challenge because, unlike Dublin children who will live with their families, Dubs children have to be taken into local authority care and this requires adequate placements for them. The Association of Directors of Children's Services emphasised that the issue is not merely to find places for UAMs but also to give them a better life. Foster care is the preferred option for achieving this, as it offers a family framework to provide support and stability, but a serious shortage of foster care places is putting a great strain on the system. Where foster care is unavailable, private landlord arrangements must be made.^[49] This creates substantial funding problems: while the funding available per child is sufficient to pay for a foster care placement, it is not sufficient

for private housing. Local authority representatives also suggested that more information prior to the child's arrival in the United Kingdom would be helpful, in order to ensure a placement that catered for his or her needs and to allow the appropriate educational and health provision to be put in place ahead of arrival.

Non-governmental organisations also expressed concern about how the "best interests" assessment will work in practice. They criticised the fact that no policy has been published and the absence of any guidance whatsoever on what evidence might be required. The Home Office told me that the assessment will be carried out by its officials and the UNHCR working together, but the UNHCR clarified that its involvement in this process was at a very early stage.

An added complication is the continued clandestine arrivals at Dover of UAMs from France. There are around 850 UAMs currently being accommodated in Kent, the local authority where Dover is located, which is as a result close to breaking point. Earlier this year, a plan was made to distribute these children throughout England and other local authorities were asked to provide accommodation. However, few offers have been forthcoming so far.^[50] The Dubs scheme will work in parallel with the domestic redistribution scheme, and the Home Office confirmed that the decision whether to offer local authority places to a "Kent" child or a "Dubs" child was within its discretion. Civil society representatives generally considered that the priority would be finding accommodation for the "Kent" children, who are already in the United Kingdom, although the Home Office did not accept that this would necessarily be the case. In any case,

the low level of offers to date from local authorities for the domestic scheme is not encouraging.

While Home Office officials appear confident that the scheme will function well, it seems to me that the concerns expressed by local authorities should not be overlooked. Since the system depends on offers from these authorities, the absence of adequate funding is likely to be a significant factor in their ability and willingness to make such offers. In any event, the end of October deadline for specifying numbers is clearly too late for the children concerned to be brought to the United Kingdom before the camp closes if the timetable now envisaged is met.

3. Prospects for the UAMs in the northern France

camps

There is a lot of frustration that although many UAMs have the right to be in the United Kingdom, the processes are so slow that they lose faith in the system and attempt to cross the border irregularly, exposing themselves to great danger. There is also need to provide better, child-friendly information: children are also afraid that if their request for entry into the United Kingdom under the Dublin III Regulation or the Dubs amendment is unsuccessful, they will find themselves trapped in the French system. More efforts are needed to explain to children the possibilities for them in France and to remove the negative views that they appear to have of France as a destination country.

Because of the imminent threat of eviction, children are putting their lives at risk every day to enter the United Kingdom clandestinely instead of waiting for lawful entry through official channels. A mass disappearance, like the one that occurred during the eviction of the southern part of the Jungle, is considered highly likely unless the transfer of eligible children to the United Kingdom is secured before the closure of the camp. It has been suggested that efforts should be made to engage countries other than France and the United Kingdom in offering homes to UAMs without family members in Europe. This is an option worth exploring.

VI.

CONCLUSIONS

The present report focuses on the situation in the northern France camps, and in particular the camps of Calais and Grande-Synthe. As I have explained, events have moved on since I first decided to visit and developments are likely to continue to occur. However, I consider it important to propose areas of concrete assistance from the Council of Europe on the basis of matters as they currently stand.

I therefore recommend that the Council of Europe:

- call on the French authorities
 - to publish without delay their plans for the accommodation and care of all migrants in the Calais camp, and in

particular UAMs and families, pending the closure of the camp.

- to confirm that some provision for accommodating migrants will remain in place after the Calais camp is closed to ensure that they are treated in accordance with their human rights under Articles 3 and 8 of the European Convention on Human Rights.
- assist the French authorities in reviewing their application of child protection legislation to ensure that it is swiftly and properly implemented in respect of UAMs.
- seek assurances from the French and United Kingdom authorities that all pending dossiers for Dublin or Dubs transfers from Calais will be processed before the closure of the camp.
- provide the United Kingdom with expertise on how to conduct the “best interests” assessment for the purposes of deciding on Dubs transfers.
- consider including in its Action Plan on refugee and migrant children
 - a proposal to establish of a European network of child protection officers.
 - a call for more offers to accommodate UAMs from other Council of Europe member States
- assist the French authorities in providing training to the police on the investigation of allegations of violence and their obligations under Articles 2 and 3 of the European Convention on Human Rights in this respect.
- liaise with other stakeholders with a view to strengthening civil society so that it can provide refugees and migrants with information on their legal rights.
- call on the French authorities to increase capacity to deal with asylum claims in Calais.
- assist the French authorities in introducing improved case-management so as to ensure that the French administrative-court system can process without delays appeals against decisions rejecting asylum claims or against decisions on the removal from French territory.
- assist the French authorities in the development of integration

policies for asylum-seekers and refugees through the transfer of know-how and the sharing of best practices; some of the Organisation's key monitoring mechanisms, such as the European Commission against Racism and Intolerance, have built extensive relevant expertise, which can be very usefully relied on for these purposes; so has the Intercultural Cities programme.

- call on the competent French authorities to assume their responsibility for ensuring compulsory education for children up to the age of 16.
- provide expertise on how to improve the educational provision being offered to children in the northern France camps, including the provision of additional French-language support to migrant and refugee children.
- facilitate the exchange of know-how on tackling smuggling and encourage further cooperation between the French and United Kingdom authorities in this respect.

APPENDIX 1

Programme

Monday 12 September 2016 (Calais)

- 8.30 Meeting with the *Sous-préfet* of Calais and a representative of the police
- 9.45 Welcome by the adviser on migration affairs of the *Préfecture* of Pas-de-Calais and the Director of the Reception and Assistance Service for migrants in Calais
- Visit to the Jules Ferry day centre and the centre for women and children
- 10.45 Visit to the *Centre d'accueil provisoire (CAP)*
- 11.15 Meeting with NGO representatives.
- 12.30 Working lunch with the *Préfète* of the Pas-de-Calais *Département* and the *sous-préfet* of Calais
- 14.00 Visit to "the Jungle" camp
- 15.30 Visit to the Joint France-United Kingdom Command and Control Centre
- 16.30 Meeting with the First Deputy to the Mayor of Calais

Tuesday 13 September 2016 (Grande-Synthe)

- 8.30 Meeting with the *Sous-préfet* of Dunkirk and representatives of the security forces
- 9.15 Meeting with NGO representatives
- 9.45 Visit to Grande-Synthe camp
- 11.10 Meeting with the Head of Office of the Mayor of Grande-Synthe

Wednesday 21 September 2016 (Paris)

- 15.00 Meeting with the Director of OFPRA

Thursday 22 September 2016 (Paris)

- 8.30 Working breakfast with the UNHCR Representative in France and the Executive Director of UNICEF France
- 10.30 Meeting with the Director General for Foreigners in France,

Ministry of the Interior

12.30 Meeting with an adviser to the Mayor of Paris and the Mayor's deputy delegate general on international relations.

15.00 Meeting with the *Défenseur des Droits* and advisers

Friday 23 September 2016 (London)

10.00 Meeting with the Director of Child Rights at the Office of the Children's Commissioner

12.00 Meeting with the President of the Association of Directors of Children's Services [other] and a senior adviser at the Local Government Association

13.00 Meeting with Home Office officials, including representatives of Border Force

16.30 Meeting with NGO representatives

[1] There are other camps in the *départements* of Pas-de-Calais and Le Nord which have a maximum of a few hundred residents.

[2] On this mission, I was supported by my legal advisers, Mr Stephanos Stavros and Ms Michelle Lafferty, and Mr Mikaël Poutiers from the Children's Rights Division of the Council of Europe.

[3] Acted, Afeji, Care 4 Calais, Cimade, France Terre d'Asile, Gynécologie Sans Frontières, Help Refugees, La Vie Active, the Legal Centre, Médecins du monde, Médecins sans frontières, Refugee Youth Service, Safe Passage, Salam, Save the Children, Secours Catholiques-Caritas, Social Workers Without Borders, UNHCR and Utopia 56.

[4] British Red Cross, Calais Resilience Collective, Care 4 Calais, Ecpat UK, Help Refugees, The Migrants Law Project (Islington Law Centre), Safe Passage, Save the Children, UNHCR and UNICEF UK.

[5] In this report, the term "Calais camp" covers both the official and the unofficial parts of the camp at Calais.

[6] The camp management clarified that everyone who asks for a hot meal receives one.

[7] See part III.3 below on the planned closure of *La Lande* camp.

[8] An organisation that fights against all forms of exclusion.

[9] The authorities pointed out that the criterion of "vulnerability" is not

necessarily easy to apply. It has not been applied to those already in the camp when the decision was taken.

[10] There are also around 90 Iranians and 70 Afghans.

[11] The plans to close the camp were confirmed by President Hollande during his visit to Calais on 26 September 2016.

[12] CAO are under the responsibility of municipalities.

[13] I heard several explanations for this: they speak English, they have family members in the United Kingdom, and they believe that there is a higher chance of being granted asylum and more opportunities for employment there.

[14] Return to the first country of entry into the European Union.

[15] Asylum-seekers can access CADA once their requests for asylum have been lodged.

[16] However, specific CAO for families – and in particular single women with children – would be welcome.

[17] See Part III.1.a).

[18] The Government-mandated organisation for unaccompanied minors in the Calais camp.

[19] On the basis that the child may have successfully crossed the Channel.

[20] Following a recent meeting in Paris, European children's rights defenders adopted a joint declaration (on 28 June 2016) calling on all States and the EU to set up adapted and reliable systems of identification and registration of migrant children upon their arrival in Europe and at each stage of their route, through the harmonised collection of relevant data.

[21] In the morning the classes are reserved for the children in the Jules Ferry centre but the afternoon classes were open to all.

[22] One school also teaches mathematics.

[23] For children aged around 12-15. No migrant children are enrolled in *lycée* (age 16-18).

[24] See also Part III.1 above.

[25] It was suggested to me that these basic smuggling techniques are sometimes used to distract the police and engage their resources, drawing attention away from the more sophisticated methods used

for those who have paid for top-of-the-range smuggling packages.

[26] I heard in the camps that smugglers could guarantee passage to the United Kingdom for those prepared to pay top-end prices.

[27] Putting in place juxtaposed controls whereby immigration checks on some cross-Channel routes take place in the country of departure rather than the country of arrival.

[28] The authorities estimated that around 500-1,000 migrants were involved.

[29] The wall will be 1 kilometre long and 4 metres high, and will be soundproofed.

[30] Although following the announcement that the camp will be closed, the Mayor of Calais is opposed to its construction.

[31] An appointment with OFII and the *préfecture*.

[32] Some 3,000 requests for asylum have been lodged in Calais since the start of 2016.

[33] Regulation 604/2013/EU of 26 June 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.

[34] This period has been reduced from 5-7 months a year and a half ago. OFPRA has doubled the number of staff working on asylum applications from 430 four years ago to 800 today, and has reformed its procedures.

[35] The protection rate in France as a whole is 36 per cent.

[36] Four years ago, 9 per cent of asylum applications were accepted by OFPRA and 22 per cent received international protection only on appeal. Now 28 per cent of claims are accepted by OFPRA and 8 per cent on appeal.

[37] EURODAC is a biometric database aimed at facilitating the application of the Dublin Regulation, which determines which State is responsible for the assessment of an asylum claim presented in the European Union and Norway, Iceland, Switzerland and Liechtenstein.

[38] No-one explained the low numbers, but it seems likely that a large proportion of EURODAC hits concern Greece, in respect of which Dublin returns are, for the time being, suspended following the judgment of the European Court of Human Rights in *M.S.S. and Others v. Belgium and Greece*, no. 30696/09, ECHR 2011.

[39] Migrants are offered places in CAO if they wish to apply for asylum and a new humanitarian centre providing accommodation for migrants in the 18th *arrondissement*, as well as a shelter for families and vulnerable people in Ivry (in cooperation with the Mayor of Ivry), will open shortly.

[40] Take charge requests are not to be confused with take back requests, the procedure by which individuals are returned to the country where they entered the European Union.

[41] A non-governmental organisation.

[42] It was not clear to me how many have actually arrived in the United Kingdom: the numbers given varied. However, it seems that the majority if not all of these children had arrived by the time of my London visit.

[43] They suggested that the participation of United Kingdom officials in the planned census of the Jungle camp could be very useful in this respect.

[44] I.e. records concerning the individuals in the United Kingdom.

[45] The Home Office said that it took a “thorough but not overly stringent” approach.

[46] OFII is carrying out this latter role for now, but apparently does not want to continue.

[47] Section 67 of the Immigration Act 2016. The formal mechanism to be used to permit the transfers is the discretion afforded under the Dublin III Regulation.

[48] Responsibility for UAMs in England lies with local authorities.

[49] This essentially means private flats, and I understood that this option was used only for the over 16s.

[50] While it is open to the Government to activate a mandatory redistribution scheme, there is a reluctance to do so for the time being.

Related documents

No related documents

