

France & EU: What are we talking about?

La Cimade issued a press statement on 20 April 2016 in which it announced a suspension of its activities in Rennes detention centre from 18 to 20 April as a result of witnessing a system to deal with the refugee crisis in northern France involving sequences of unlawful practices. Eventually, their unlawfulness is predictably certified by courts or the prefectures which enacted them, but they nonetheless fulfil their purpose, described as removing people from the Calais region and port areas and attempting to dissuade them from returning there. In the meantime, the number unlawful detentions, denials of access to asylum procedures and violations of the rights of minors are rising, and migrants and refugees who are released subsequently return to a state of vagrancy as they await their opportunity to attempt the crossing.

In such a context, it is worth dwelling on the issue of official authorities acting on the basis of long-term contingent necessity as they blatantly contravene the laws they are meant to uphold, sometimes in a very calculated fashion, in the name of migration policy. Associations working on the ground have documented this throughout the affected areas, from Sicily in southern Italy to Ventimiglia at the Italian-French border (for example, see "The readmission of foreign nationals in Ventimiglia. Unlawful aspects", June 2015, ASGI, <http://www.statewatch.org/news/2015/sep/italy-asgi-Ventimiglia.pdf>), from conditions on the Greek islands to the Greek-Macedonian border in Idomeni where practices are clearly devised to impede access to asylum procedures to people ("Migrants in Greece are denied the rights to international protection and family unity. The visit to the camps in Idomeni and government-run camps, and a legal analysis of the situation we observed", April 2016, ASGI, <http://www.statewatch.org/analyses/no-293-asgi-greece.pdf>). The situation in Calais, after spreading around the northern French coast, is reproduced throughout the French territory through practices including detention which leads detainees to desperate measures including setting fires which endanger them ("Fires in detention: the violence of detention must cease", March 2016, La Cimade, <http://statewatch.org/news/2016/mar/france-detention-fires-cimade-pr.html>) and/or arbitrary administrative hurdles imposed by prefectures when migrants who are legally in France seek to renew their residence permits ("With closed counters: foreigners kept at a distance by prefectures", March 2016, Cimade, <http://statewatch.org/news/2016/mar/fr-cimade-pr-with-closed-counters.pdf>) in the guise of administrative shortcomings which even undermine acquired rights.

Such problems are heightened by the Commission taking on the role of a taskmaster, commandeering areas of countries which are re-defined as "hotspots" and demanding the establishment of sites in which the implementation of practices which are often irrational as well as unlawful is promoted. In the latest rounds of the Commission state of play documents concerning the refugee crisis, alongside the very low relocation figures, their demands for measures to be introduced in the form of ultimata non-compliance with which is treated as governance (or government) failure that may give rise to infringement procedures and sanctions, marks a qualitative change. This is all the more so in view of the demands imposed, while the disappearance of nuance and goals that are not absolute is noteworthy. These include the "use of force" to achieve a "100%" fingerprinting rate to feed the EURODAC database which services the dysfunctional Dublin system, legislative reforms which are unconstitutional to provide normative cover for returns from Greece to Turkey, an increase in detention facilities with longer detention periods in Italy after it had only recently implemented improvements mandated by the Returns Directive to shorten them on human rights grounds, in order to "improve" deportation rates.

We are witnessing a process whereby migration policy is becoming a threat for the European Union and its member states alike, more so than migration *per se* could ever have been. By envisaging objectives which can only be achieved through sweeping systemic changes involving the erosion of limits to executive power and frontal attacks on human rights, the rule of law and various segments of the population in given territories, and tying these into "governance" mechanisms which escape jurisdictional control Europe is being degraded.

La Cimade press statement

Press statement - 20 April 2016

After Calais, the North coast: detain and threaten to expel, instead of protecting

After the destruction of a part of the Calais jungle, some migrants who attempt to reach the United Kingdom have gathered around other crossing points, in Belgium and throughout the northern French coast. In the vicinity of the ports of Ouistreham (Caen) and Cherbourg, first of all, but also near those of Roscoff, Saint Malo, Le Havre, Dieppe and even some small ports in the west of the Cotentin peninsula.

They were already present in some of these places, but their numbers are multiplying and show that the closure of the French-British border remains the main problem. Dismantling Calais has only moved the problem elsewhere, in a more widespread manner.

On the ground, among the institutional responses, the will of the prefects has been expressed emphatically: dissuading people to avoid a repetition of Calais. This dissuasion takes shape, in particular, through the eviction of squats and camps as well as stops and checks which have been multiplying in these ports and the surrounding areas. It also involves an illegal administrative practice: holding these people in detention centres using the pretext of wanting to expel them, when the only real goal is to disperse them and dissuade them from heading back to these ports.

The Pas-de-Calais prefecture had already used this method on a large scale at the end of 2015, detaining 1,200 people from countries at war towards which the administrative authorities knew that expulsion was impossible.

At present, the prefectures of the Manche [Channel] area and Calvados are at work, detaining Iranians, Afghans and Iraqis, particularly in the Rennes detention centre. Many of them are people who have fled countries at war, or who were targets of persecution in their home countries due to their political opinion, sexual orientation or religion.

La Cimade is present in the Rennes detention centre and is a witness of these abuses. Since January, around 140 refugees have thus been detained instead of being protected. Some of them had just managed to reach the United Kingdom, which sent them back to France, without taking their wish to submit an asylum application into account.

Others who are stopped in the ports are first denied their freedom in detention facilities, especially in Cherbourg where there are not any lawyers and associations, and they are then taken to Rennes, which severely limits their possibility of invoking the justice system. Some are separated from their family, others are minors, isolated or detained for a fourth time behind the bars of detention. They are thus denied their freedom, in contempt of their most fundamental rights.

Eventually, they are all freed, whether by the prefecture or by judges who recognise the multiple rights violations which are inherent in these practices. These people return to the instability of vagrancy and of the places they can find to live while they await to attempt the crossing. A disused building in Roscoff, a former chapel in Cherbourg, emergency accommodation.

If the French authorities are working to improve access to the right to asylum, they cannot support such practices which scorn these people's most basic human rights and dignity. Cimade demands that the illegal holding of these people in detention must cease immediately.

Since the summer of 2015, the multiplication of these people seeking protection who are placed in detention has given rise to a very serious degradation in Cimade's possibility of intervening. This unmanageable situation no longer enables it to adequately undertake its mission to assist the effective exercise of rights, hence the association has withdrawn from the Rennes detention centre from 18 to 20 April.

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