



## **Submission to the Home Affairs Select Committee**

### **Channel crossings September 2020**

Amnesty International UK is a national section of a global movement. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

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## **Introduction:**

1. In this submission, Amnesty International UK (AIUK) addresses various of the issues itemised within the terms of reference. We do so under discrete subheadings. Firstly, however, we wish to clarify some matters in the background information that accompanies those terms of reference in the Committee's call for evidence. The reason for doing so is because that background information presents an incorrect understanding of the Dublin Regulations and similar errors are widely prevalent and harmful in political and public discussion of Channel crossings and of people seeking asylum in the UK more generally.

## **Call for Evidence & Dublin Regulations:**

2. The Dublin Regulations<sup>1</sup> are a set of rules determining responsibility of individual Member States for asylum claims made within the territory of the European Union.<sup>2</sup> The regulations both determine responsibility and make arrangements for giving effect to that determination where necessary by transferring people from one State to another. The regulations set out a hierarchical set of criteria for determining responsibility, including identifying circumstances in which a State will be responsible by reason of there being one or more family members of the person making the asylum claim in its territory. It is for the relevant States to identify which of them is responsible and initiate formal procedures for giving effect to that.
3. The regulations do not impose obligations on people claiming asylum. They do not provide for people to make family reunion applications. Rather, they impose on people ways by which States may treat them; and impose obligations upon States to give effect to the determination of responsibility for a person's asylum claim.
4. Critical considerations concerning this include:
  - a. Repetition by Ministers and others that people are required by these regulations (or other law) to do something that is not required of them (i.e. claim asylum somewhere else) is both wrong and harmful. The false impression that people have failed to do something they are required to do, excites hostility and undermines empathy – whether on the part of officials, the general public or others.<sup>3</sup>
  - b. Mischaracterising provisions that determine responsibility between States and permit States to enforce that determination between themselves as providing for people to be able to do something that is not permitted to them (i.e. to make family reunion applications) is similarly wrong and harmful. It promotes a false notion that people seeking asylum in the UK by reason of their having

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

<sup>2</sup> The jurisdiction of this agreement extends to the territories of Iceland, Liechtenstein, Norway and Switzerland.

<sup>3</sup> We note also that Article 31 of the 1951 UN Convention relating to the Status of Refugees expressly prohibits the imposition of penalties upon refugees who have crossed borders without permission in order to seek asylum; and that provision applies to refugees who first have crossed the territories of one or several States to do so.

family here could and should have done something rather than journey to the UK. That too may excite hostility and undermine empathy.

- c. The rhetorical impact of these errors has further harmful impact. It sustains a political climate in which policy is made that does people harm, is inconsistent with the UK's international obligations and is more widely damaging for licensing or encouraging others not to meet theirs.
5. While not suggested in the Committee's call for evidence, the suggestion that is made by some that people seeking asylum in the UK are jumping some sort of queue is closely related to the concerns we have set out above. In relation to that suggestion, it is necessary to emphasise that the UK does not make any general provision for people to either apply for asylum here, or apply to come here to seek asylum, from outside this country.<sup>4</sup> The latest asylum statistics once again confirm that even with the UK's resettlement programmes – which over recent years has been significantly larger than European neighbours (albeit the greater element of these programmes has been largely restricted to Syrian refugees) – the great majority of people receiving asylum in this country must get here first.<sup>5</sup> They are not provided with alternatives to the journeys they make, including journeys with smugglers. Nonetheless, the overall number of people seeking asylum or being provided with asylum in the UK is substantially smaller than many countries, including comparable EU Member States (such as France, Italy and Germany)<sup>6</sup> and even more so by comparison to many far poorer and less stable countries neighbouring conflict and repressive regimes.<sup>7</sup> These

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<sup>4</sup> The position of unaccompanied children eligible for transfer under the Dublin Regulations and transferred to the UK under section 67 of the Immigration Act 2016 were exceptions to this. These arrangements are either ended or imminently ending. Limited provision was, for example, made in the immigration rules for Afghan nationals employed by the MoD, FCO or DfID since 2001 – in particular paragraph 276BB1(v) of the rules concerning the 'published intimidatory policy' – but note the Defence Committee's Fifth Report of Session 2017-19, *Lost in Translation? Afghan Interpreters and Other Locally Employed Civilians*, HC 572, May 2018, which recorded at that time nobody having been relocated to the UK under the specific provision concerning threats to people's safety.

<sup>5</sup> The most recent Home Office quarterly immigration statistics release confirms that over the 12 months to June 2020, 11,116 people were granted asylum in the UK and 1,387 people were granted humanitarian protection (that is 12,503 people given protection having reached the UK and made an asylum claim. A further 889 people who made asylum claims in the UK were granted some form of permission to remain. Over the same period, 3,560 people were resettled to the UK under its resettlement schemes (the great majority of whom were Syrian nationals).

<sup>6</sup> The most recent UNHCR Global Trends report (providing data for 2019) shows the UK to be host to 195,223 refugees and people seeking asylum compared to Germany (1,470,894), France (511,601), Italy (270,487), Spain (195,037) and Greece (190,900). The EU's Eurostat database shows the number of asylum claims made in the UK in the first six months of 2020 to have been 15,010 compared to Germany (53,805), France (41,735), Italy (11,695), Spain (44,550) and Greece (24,945).

<sup>7</sup> The most recent UNHCR Global Trends report (providing data for 2019) shows Turkey (3.6 million), Colombia (1.8 million), Pakistan (1.4 million) and Uganda (1.4 million) to be the countries hosting the four highest populations of refugees in the world (that is people forced to flee conflict and persecution in other countries). However, these figures do not include Palestinian refugees, whose inclusion would elevate Jordan above Colombia, Pakistan and Uganda and Lebanon above Pakistan and Uganda. Other countries that host far larger refugee populations than the UK include South Sudan, Sudan and Yemen.

same figures continue to show that the majority of people who do make asylum claims in this country are found to be refugees.<sup>8</sup>

### **Reasons for increase in Channel crossings:**

6. We are not in a position to assess whether the number of people making the journey from northern France to the UK is increasing or whether the proportion of people doing so by sea is increasing. Whichever is the case, it is clear that the number of people making this journey remains relatively low; and provides no justification for the alarmist suggestions of a state of emergency or crisis facing the UK and/or France as distinct from the obvious and ongoing crisis in the lives of each of the people compelled to make such journeys.<sup>9</sup>
7. The underlying reasons why people make such journeys have not fundamentally changed. There remain several sources of conflict and persecution from which people are compelled to flee; and provision of asylum elsewhere is inadequate to provide safety to all such people. That inadequacy arises broadly from two factors. Firstly, there are people with particular connection to the UK, including having family here, who wish to seek asylum here because this is where they will most likely be and feel safe and supported. Secondly, there are people who do not find the safety and support to which they are in need and entitled and are therefore compelled to seek that in the UK. Related to this, there are several reasons why some people simply have no trust and confidence that relevant authorities will, whether in any reasonable timescale or at all, identify and act on their needs and rights, whether to be reunited with family or receive asylum.<sup>10</sup> We nonetheless recognise that not everyone making these journeys may be a refugee.<sup>11</sup>

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<sup>8</sup> The most recent Home Office quarterly immigration statistics release shows that over the 12 months to end June 2020, 53% of decisions on asylum claims were to grant asylum, humanitarian protection or some other form of permission to remain. Including appeals and considering the years, 2016-2018 (inclusive), 54% of all asylum applications resulted in some form of permission to remain. The estimated final grant rates for claims made in each of the years from 2012 to 2019 (inclusive) is given as 50%, 52%, 61%, 59%, 52%, 51%, 61% and 64%. These figures do not include claims whose final outcome remains unknown (which inevitably accounts for a large number of claims made in 2019).

<sup>9</sup> The creation and appointment of a Clandestine Channel Threat Commander continues a persistent vein of intensifying – by practice, policy and rhetoric – a sense of threat to the UK, which is entirely unjustified, as against addressing the urgent human rights and humanitarian needs of people making these journeys. We entirely agree with the following joint assessment of the UN High Commissioner for Refugees (UNHCR) and International Organization for Migration (IOM) in August 2020 that: *“Although increasing numbers of people have been crossing the Channel by boat this summer, the numbers remain low and manageable.”* See: <https://www.unhcr.org/uk/news/press/2020/8/5f3567a84/unhcr-iom-interception-sea-solution-channel-crossings.html>

<sup>10</sup> Further explanation of this is provided in this submission and by the reports to which we refer in it.

<sup>11</sup> That someone makes an asylum claim, which is shown not to be well-founded after a full and fair consideration of that claim, is no indication in itself that the person’s pursuit of that claim was illegitimate or unreasonable. Nonetheless, what is reported of the nationality of women, men and children making this journey, for example, provides strong indication that a high proportion of these people not only have good reason for seeking asylum but are entitled to that.

8. In addition to conflict and persecution, deprivation and inequality are important underlying causes – sometimes in conjunction with the former and sometimes in and of themselves. We focus on asylum because the evidence indicates that most people making this crossing intend to seek asylum and that most of them are entitled to it.<sup>12</sup>
9. Neither the people, who wish to claim asylum in the UK due to their family or other connection here, nor the people, who are compelled to seek asylum here because they have met hostility, exclusion and violence elsewhere, are permitted to claim asylum in the UK unless and until they get here. No safe and regular (i.e. officially sanctioned) means of doing so are provided to them. Reliance on smugglers and unsafe journeys are, therefore, all that is left to people.
10. Whereas we are not in a position to closely evaluate all the possible reasons for the increase in Channel crossings by sea, we draw the Committee’s attention to our public statement of 18 December 2019 on the situation in northern France (the reference to the border being that between France and the UK):<sup>13</sup>

*“...a situation that continues to be dire, unsustainable and inhuman. Ongoing police abuse and excessive use of force as well as an escalation in the routine forcible evictions of people on the move, without credible solutions to the hundreds of people who are stuck along the border, remain of grave concern.”*

11. This has continued during the coronavirus pandemic. In June 2020, we published *Europe: Policing the Pandemic: human rights violations in the enforcement of COVID-19 measures in Europe* where we reported that:<sup>14</sup>

*“...people on the move living in temporary makeshift tents in Calais and Grand-Synthe continued to be subjected to the human rights violations documented prior to the health crisis, namely evictions, harassment and arbitrary or excessive use of force by law enforcement officials. The authorities continue to implement a policy of preventing so-called “attachment points” to deter people on the move from coming to and staying in the area. In practice this involves the authorities routinely demolishing new camps, removing tents and leaving those living in the them without adequate emergency shelter or essential services such as water and sanitation.”*

12. This has exacerbated the vulnerability of people who have gathered in northern France, depriving people of safe and secure access to food, water and shelter and leaving people more vulnerable to exclusion, intimidation and violence (including

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<sup>12</sup> While we are not in a position to confirm the nationality of people crossing the Channel over recent months. In August 2020, the BBC (*English Channel migrants: Where they’re from and what they’re escaping*) identified the following nationalities in connection with these crossings. Yemeni, Eritrean, Chadian, Egyptian, Sudanese, Iraqi and Syrian. The most recent Home Office quarterly immigration statistics release, identifies Iranians as a significant proportion of the people making these crossings. Of these nationalities, the following are among the highest ten nationalities recorded as making asylum claims in the UK in the 12 months to end June 2020: Iranians, Iraqis, Eritreans, Afghans, Sudanese and Syrians. In those twelve months, the grant rate at initial decision for each nationality was 66%, 31%, 86%, 58%, 86% and 85% respectively.

<sup>13</sup> <https://www.amnesty.org/download/Documents/EUR2115852019ENGLISH.PDF>

<sup>14</sup> <https://www.amnesty.org/en/documents/eur01/2511/2020/en/>

from the authorities). At a minimum, the combined policies pursued by the French and UK governments have led directly to the dire and unsafe conditions faced by people in northern France. People have effectively been abandoned in northern France by these combined policies. The UK has spent millions of pounds to increase security at Calais and other ports while maintaining its general refusal to make available safe and regular routes or to share greater responsibility with France for providing host to refugees and people seeking asylum (even in respect of people with family and other connections in the UK).<sup>15</sup>

13. The underlying context is that the French asylum system is not adequately organised or accessible for many people, particularly in northern France. The process for making a claim is often slow and does not ensure access to housing. In Calais and Grande-Synthe, this situation is exacerbated because there is no local asylum office at which to make a claim. To do so, a person will need to travel to Lille or Paris. The experience of one Afghan man interviewed by Amnesty in July 2018 at Calais is poignant:<sup>16</sup>

*“I have applied for asylum in France even though I would like to go to the UK because my brother lives there. I have to travel to Paris to follow up on my application because there is no asylum office here. I have been waiting for months. I have not been given a place in a shelter and cannot work. I am tired and depressed. I feel I have no future in France, I still want to get to the UK at some point.”*

14. The circumstances of people will differ. However, Amnesty has consistently found that many people in northern France have family in the UK; and even without such a connection, someone whose prolonged experience is that they cannot access a safe asylum process is liable to consider attempting a journey to somewhere they may hope or be told things will be different.
15. There are several further matters with possible impact, including the weather, increased security over recent years around access to the seaport and Channel Tunnel, any impact of the coronavirus pandemic and UK’s withdrawal from the EU, the Government’s withdrawal of arrangements for relocation of unaccompanied children and the imminent ending of transfer arrangements under the Dublin Regulations. In addition to these, it is necessary to consider the wider impact of having abandoned people in northern France to smugglers for so long. As in other places, including the Mediterranean, governments that have steadfastly pursued obstruction and prevention of journeys as their sole or near-sole response to people seeking asylum have effectively empowered smugglers as the only possible sources – however unreliable, dangerous or abusive – of solutions for desperate people in urgent need. Significantly reducing smuggling requires reducing their capacity. This in turn requires removing

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<sup>15</sup> On 15 February 2016, Amnesty issued a public statement concerning the need for the UK and French governments to cooperate “to ensure swift transfer of refugees and migrants with family links to UK”, EUR 21/3431/2016, which remains available here:

<https://www.amnesty.org/en/documents/EUR21/3431/2016/en/>

<sup>16</sup> See: Amnesty’s report *France: Targeting Solidarity: criminalization and harassment of people defending refugee and migrant rights in northern France*, June 2019 at

<https://www.amnesty.org/en/documents/EUR21/0356/2019/en/>

the need for people to turn to them by ensuring that more people have access to safe and regular alternatives (e.g. visas and transfer arrangements). Moreover, abandoning people to smugglers also leaves people exposed to the risk of being trafficked by people presenting themselves as smugglers but whose intention is rather to lure or coerce people into forced labour, sex work or other forms of exploitation.

### **Reducing risk to life:**

16. There are three primary varieties of risk to people's lives and welfare that must be considered. There is the dangerous nature of the journeys across the Channel. There are the risks of abuse and exploitation inherent in having to approach and rely upon smugglers, including of being trafficked (which is importantly distinct from being smuggled).<sup>17</sup> Finally, there are the risks from psychological trauma that surround the conditions of the journey but also the conditions prior to and following it.
17. All of these risks can and should be reduced by providing safe and regular alternatives by which people can reach safety in the UK. These would reduce the power of smugglers and traffickers and the incidence of people attempting a dangerous journey. These would also enable improved management of people's arrival and entry into the UK's asylum system; and this sharing of responsibility would more generally provide encouragement for France (and others) to take responsibility – all of which would reduce the surrounding risks.
18. However, the opposite is the case. These risks are being aggravated by the combined efforts of the authorities on each side of the Channel to impede, intimidate and deter people, who are not safe where they are and are thereby encouraged to rely upon smugglers and make dangerous journeys as the only possible means left to them to reach a place that is or they hope will be safe for them.

### **Ensuring safety at sea:**

19. In section 3 of our September 2014 report, *Lives Adrift: Refugees and Migrants in Peril in the Central Mediterranean*,<sup>18</sup> we reviewed the law concerning States' and others' legal obligations to protect and save lives at sea and guarantee human dignity. While there are several points of distinction between the Central Mediterranean and the Channel, which affect how those obligations are to be met, the underlying legal framework remains the same.
20. Nonetheless, the primary responsibility of governments in relation to irregular and unsafe sea crossings by people seeking safety ought to be to remove the conditions that compel people to make these journeys. This is discussed more fully under the following two subheadings. Here, we merely note that governments have consistently sought to prevent people making journeys rather than addressing the conditions that compel them to do so. People, who are thereby left unsafe, often separated from family and other supportive and familiar connections, in situations where they are vulnerable to abuse and exploitation and, crucially, without realistic hope that their

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<sup>17</sup> See further in this submission under the subheading 'Actions taken by the French and UK governments concerning smuggling and trafficking'

<sup>18</sup> <https://www.amnesty.org/en/documents/EUR05/006/2014/en/>

condition will otherwise be resolved, will continue to try to find whatever means are left to them to do so. As has consistently been shown to be the case over several years (if not longer), if that means attempting more dangerous journeys or relying more heavily on potentially dangerous people, that is what many women, men and children will do. Accordingly, governments whose sole or near-sole focus is prevention and prosecution (whether of people making journeys, people assisting them or people exploiting them) are a significant cause of the loss of life, human suffering, violations of human rights and wider disruption and antipathy that ensues.

**Actions taken by the French and UK governments concerning smuggling and trafficking:**

21. We must urge the Committee to distinguish between smuggling and trafficking. Smuggling is an activity, which involves assisting someone to move across a border.<sup>19</sup> Trafficking involves moving someone, including across borders, for the purpose of that person's exploitation (often by forced labour or sex work).<sup>20</sup> Trafficking is, therefore, always abusive and is done by people invested in ensuring that the person reaches the trafficker's intended destination (for the purpose of exploitation). Smuggling can be exploitative but is not always. Smugglers may have little invested in ensuring a person reaches that person's intended destination save for any risk that failure to ensure that may deter others from engaging them.
22. The frequent reference to trafficking in connection with circumstances more clearly related to smuggling appears intended to provoke a heightened concern for law enforcement. In any event, since human trafficking is a distinct form of abuse – likely to be generally unconnected to the recent Channel crossings – it is necessary to correctly distinguish the two activities in the interests of effective responses to Channel crossings, smuggling (whether across the Channel or other routes) and to human trafficking.
23. As regards the response of the two Governments to smuggling, that response is flawed for the same reasons that responses of Governments to smuggling to, across and from the Mediterranean is flawed. As was expressly recognised in the May 2015 EU Action Plan against migrant smuggling (2015-2020):<sup>21</sup>

*“Smuggling networks can be weakened if fewer people seek their services. Therefore, it is important to open **more safe, legal ways** into the EU.”*  
(emphasis as in the original)

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<sup>19</sup> It is also necessary to distinguish smuggling as defined in Article 3(a) of the 2000 UN Protocol against the Smuggling of Migrants by Land, Sea and Air from assistance that is provided to a person to cross a border without any financial or other benefit to the person providing that assistance.

<sup>20</sup> Article 3(a) of the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, for example, makes clear that exploitation is both necessary and integral to human trafficking.

<sup>21</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_action_plan_against_migrant_smuggling_en.pdf)



24. That Action Plan was the subject of an inquiry of the EU Select Committee (Home Affairs) in 2015-2016.<sup>22</sup> Evidence as to the complexity of the issues was given by Rob Wainwright, then director of Europol. His evidence included that to significantly reduce smuggling would require commitment to the plan over the course of its five years. This ought to emphasise, in the context of smuggling across the Channel, the need for a long-term commitment to an holistic approach which includes removing opportunity and revenue for smugglers (particularly organised smuggling operations) by provision of safe and regular routes.

**Safe routes for family reunion and seeking asylum:**

25. In our submission to this Committee's 2015-16 inquiry, *Migration Crisis*, we explained the urgent need that governments and policy-makers understand that there is no current choice between migration of people who are forcibly displaced and no such migration. Rather there is a choice between migration that is disorganised, disruptive and dangerous (for the people compelled to undertake it) and migration that is organised, facilitated and safe. An effective response, therefore, would be one that is coordinated, collective and meets the needs of, and respects shared international law obligations to, people seeking asylum.<sup>23</sup>
26. Our point of focus in that submission was migration to and within the borders of the European Union. The circumstances of people at, crossing and attempting to cross the UK-France border remain, in European terms (and even more so in global terms), a very modest and readily manageable one for the two governments (albeit a crisis for each of the relatively small number of these people). However, the general analysis we gave in that earlier submission applies equally to this and other specific instances.
27. As we also explained in that earlier submission:<sup>24</sup>

*“The UK offers no legally-sanctioned route whereby someone can come to the UK to claim asylum... Thus, refugees wishing to claim asylum in the UK must make their way here by unsanctioned and often dangerous means, often with the assistance of people smugglers. The UK is no different to other EU countries in this respect. It is different inasmuch as it is not receiving refugees (or asylum claims) at the level or rate of increase as other EU countries.”*

28. That continues to be the case. As explained above, not only does the UK host far fewer refugees than comparable EU countries, including France, it also receives far fewer asylum claims. Moreover, even with the significantly enlarged resettlement programme the UK has operated over the last few years (albeit largely restricted to people from Syria), the great majority of people who have received asylum in the UK have had to make their own journey and claim asylum here first. It also continues to be the case, that the great majority of people recognised as refugees and provided

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<sup>22</sup> <https://old.parliament.uk/business/committees/committees-a-z/lords-select/eu-home-affairs-subcommittee/inquiries/parliament-2015/eu-action-plan-against-migrant-smuggling/>

<sup>23</sup> <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/migration-crisis/written/23587.pdf>

<sup>24</sup> *ibid*

asylum in the UK are people who must and do make their own journey and claim asylum here.

29. As regards the safe and regular routes that are required, it is necessary for these to be tailored to the circumstances of the people who require them. Accessible arrangements for family reunion will be key for many people. However, we call for more than this. Both more safe and regular routes and more diverse such routes are needed. There should be two key aims. Firstly, ensuring that people with particular reason for needing or wishing to seek safety in the UK (e.g. because of having family here) are able to do so. Secondly, ensuring the UK shares responsibility with others – including its nearest neighbour – so as to encourage and sustain the will and capacity of other countries to meet their responsibilities.
30. We make one further observation in relation to this matter. We recognise that many countries – in Europe and elsewhere – provide safety to many people who have been forcibly displaced by conflict and persecution. Nonetheless, as the situation in northern France provides clear example, the provision of safety to many people is not the same as a place being safe for all. The primary reasons why people make dangerous journeys is because they are not safe. It is plain that hundreds of people in northern France are not safe there. While the UK refuses to share responsibility with its nearest neighbour, there continues to be every reason to think that this absence of safety, which has persisted for many years, will continue. If so, it will continue to compel people to rely on dangerous journeys and people smugglers in their hope of reaching a place of safety.

**Conditions in France and elsewhere:**

31. We have relatively recently published reports concerning conditions including in France, Greece and Italy. As regards France, we must emphasise that the conditions in northern France appear to have deteriorated significantly since we reported on these in 2019. Evictions, dispersal, intimidation and violence by the French authorities that have left many people without access to shelter, water or sustenance (or more generally, support and hope) have continued or increased in recent months.
32. Amnesty has reported upon the conditions and treatment of people seeking asylum in various parts of the EU over the last several years. Our research and reports consistently show that for many women, men and children, conditions in other countries are not safe. As we explain in this submission, that does not mean that conditions in these countries are not safe for anyone – even in some countries for relatively large numbers of people. However, it highlights that widespread failure to share responsibility encourages and licenses hostility, racism and failure to respect human dignity (including people’s right to seek and enjoy asylum). Many people have suffered violence, including from State authorities, and experienced prolonged and debilitating uncertainty in and outside of official reception facilities and procedures. This causes people to experience fear, hopelessness, physical and mental distress and lack of trust and it is exacerbated by the experience and condition of other people similarly affected. Just as none of this constitutes safety, so none of it is conducive to people choosing to stop moving.

33. We draw the Committee's attention, for example, to the following of our reports over the last 12 months: *Malta: Waves of Impunity*, September 2020;<sup>25</sup> *Europe: Policing the Pandemic: human rights violations in the enforcement of COVID-19 measures in Europe*, June 2020;<sup>26</sup> *Greece: Worrying legal developments for asylum-seekers and NGOs*, May 2020;<sup>27</sup> *Caught in a Political Game*, April 2020;<sup>28</sup> *Italy: Violations of Roma, refugee and migrants' rights continue*, March 2020;<sup>29</sup> *Act now to stop human suffering of people on the move at Eastern borders*, December 2019;<sup>30</sup> *France: Abuses and impunity continue along the French-British border despite mounting evidence*, December 2019.<sup>31</sup>
34. The dangerous and degrading conditions in which many people seeking asylum are compelled to endure in several places in Europe has most recently been emphasised by a fire at Moria camp on Lesbos that overnight has left thousands of people without shelter. Long before this fire, conditions in this camp have been inadequate, unsanitary and degrading with it hosting four times the number of people for whom it was designed. This situation has gone on for years.<sup>32</sup> Women, men and children have been suffering prolonged and distressing inhumanity at Moria throughout this time; and while it is a stark example of people's abandonment, it remains but one example of many that have arisen from a collective failure across Europe to share responsibility for people forced to flee from conflict and persecution.<sup>33</sup>

#### **Unaccompanied children seeking asylum in the UK:**

35. We make three observations:
- a. We are deeply concerned at the failure of the government to make arrangements with the EU and Member States to continue the transfer of unaccompanied children seeking asylum to the UK. These arrangements – under section 67 of the Immigration Act 2016 and the Dublin Regulations – have been the means whereby the UK has shared any responsibility with its European neighbours for providing asylum to people forcibly displaced to Europe over recent years. For the individual children affected, this has been a vital means to their securing safety and, for many, achieving reunion with some family without their continued reliance on dangerous journeys and people smugglers. In terms of general sharing of responsibility, these

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<sup>25</sup> <https://www.amnesty.org/en/documents/eur33/2967/2020/en/>

<sup>26</sup> *Op cit*

<sup>27</sup> <https://www.amnesty.org/download/Documents/EUR2522592020ENGLISH.pdf>

<sup>28</sup> <https://www.amnesty.org/en/documents/eur01/2077/2020/en/>

<sup>29</sup> <https://www.amnesty.org/en/documents/eur30/1964/2020/en/>

<sup>30</sup> <https://www.amnesty.org/en/documents/eur25/1599/2019/en/>

<sup>31</sup> <https://www.amnesty.org/en/documents/EUR21/1585/2019/en/>

<sup>32</sup> The suffering of people on several Greek islands, including Lesbos, has been of particular concern to Amnesty ever since the implementation of what is generally known as the 2016 EU-Turkey Deal. See, e.g. Amnesty's report *A Blueprint for Despair*, February 2017: <https://www.amnesty.eu/news/a-blueprint-for-despair-the-eu-turkey-deal/>

<sup>33</sup> Amnesty's immediate response to the fire is available here: <https://www.amnesty.org/en/latest/news/2020/09/greece-eu-fire-destroys-moria-leaving-12500-people-without-shelter/>

arrangements have been very limited. It is very concerning that even these arrangements have ended or are imminently ending.

- b. The longstanding policy whereby unaccompanied children recognised as refugees in the UK are excluded from the immigration rules permitting refugee family reunion should be ended. Its sole impact has been to extend the harm and isolation of children who have received asylum in this country by denying many of them, who can identify and locate their family, from the support and comfort of being reunited with their family. The UK remains an outlier among European countries.<sup>34</sup>
- c. Recent reports that Kent social services are concerned as to their capacity to provide support to unaccompanied children arriving in the UK emphasises the general problem of failure to share responsibility. Just as it is unnecessary and unhelpful that Kent should become so disproportionately responsible for providing support if other local authorities fail to share responsibility with Kent, so it is unnecessary and unhelpful that the UK generally fails to share responsibility with other countries (including its closest neighbours) for providing asylum where those countries are taking disproportionate responsibility for that. Will and capacity is in each circumstance put at risk if there is reason for a local authority (e.g. Kent) or a country (e.g. France; or Lebanon or Uganda) to consider it is being asked or left to take a disproportionate or unfair degree of responsibility compared to others.

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<sup>34</sup> The impact of the UK's policy is considered in *Without My Family: the impact of family separation on child refugees in the UK*, December 2019 available here: [https://www.amnesty.org.uk/files/FAMILY%20REUNION/Without%20my%20family%20report/Without\\_my\\_family\\_report.pdf](https://www.amnesty.org.uk/files/FAMILY%20REUNION/Without%20my%20family%20report/Without_my_family_report.pdf)