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UK AND FRANCE MUST COOPERATE TO ENSURE SWIFT TRANSFER OF REFUGEES AND MIGRANTS WITH FAMILY LINKS TO UK

We saw our father seven years ago. We talk to him every day. He is trying to bring us to the UK. A lawyer told our father that he can bring his wife and minor children, but no one else. But even that will apparently take long time.

A pregnant Iraqi woman living in the Grande-Synthe camp in Dunkirk with her siblings, husband and mother

I don't know if this [making an asylum application in France] is possible for me. But even if it's possible to stay in France, I wouldn't want it, I want to be with my family.

A 15-year-old Afghan boy living in the camp in Calais waiting to be reunited with his grandmother and uncle in the UK

Thousands of refugees and migrants are still enduring squalid living conditions in Calais and Dunkirk in Northern France, many of them in the hope of reuniting with their family in the UK. To break out of this impasse, the UK and French governments must urgently implement measures to facilitate that those in the camps with family links to the UK are swiftly identified and transferred to the UK.

Estimates by government authorities, non-governmental organizations and residents of the camps suggest that a total of approximately 6,500 refugees and migrants are living in the squalor of the makeshift camps in Calais and Dunkirk. While French authorities have taken some measures to provide more appropriate accommodation to the most vulnerable in the camps, these only address the needs of a minority of the population.

Among the residents of both camps, there are people with family in the UK, as well as British citizens who stay in the camp in order to be with their family members. Some of these individuals told Amnesty International during a visit in early February 2016 that the desire to be reunited with their families was the driving factor behind their journeys from their country of origin.

Interviews by Amnesty International suggest that at least some of these individuals, including accompanied and unaccompanied children, single women at risk of violence, exploitation and trafficking, as well as trauma victims, have solid legal claims to be reunited with their families in the UK – whether under the family reunion provisions of the Dublin III Regulation¹ or under UK immigration rules on family migration. However, they have no access to these possibilities of legally traveling to the UK, because they are unaware of their rights and options, and also due to cumbersome procedures and evidentiary requirements. As a result, they find no choice other than paying smugglers and risking their lives by traveling irregularly across the channel.

Information services and legal aid are almost non-existent in the Grande-Synthe camp in Dunkirk and are inadequate in Calais. As a consequence, the vast majority of residents of the camps are

¹ It is under the Dublin III Regulation that the EU member state responsible for the assessment of an asylum claim is determined. The Regulation is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF>

not aware of their rights in France or the choices available to them. The little information that is available to some residents about legal ways to reunite with their families is received by residents with justifiable skepticism given the rare examples of successful applications; according to evidence referred to in a recent UK court judgment, France asked the UK to take a total of four asylum-seekers with family links in 2015, with only one person ultimately accepted and transferred.²

Amnesty International urges the UK and French governments to protect the principle of family unity for those in Calais and Dunkirk by urgently implementing measures whereby those with family links in the UK are swiftly identified and transferred to the UK. Both governments should allow the introduction of a family unity claim through family members in the UK as well as those in France.

To this end, the UK and France should swiftly agree **on the criteria to be used to assess claims for extended family unification**. In determining and agreeing on the grounds for a transfer to the UK based on the principle of family unity, Amnesty International urges both governments to be mindful of the need to share responsibility for the global refugee crisis – not only with EU member states but with developing countries, by using an expanded definition of family, beyond the limits of the Dublin III Regulation.

Moreover, **quality information** on the asylum system in France and opportunities for family reunion in the UK should be made available to those in the camps in Calais and Dunkirk, and in the centres to which some are transferred to across the country,³ as well as to family members in the UK. Relevant authorities from both countries must jointly prepare information leaflets and guidelines on the procedures, including timeframes and the relevant criteria, as well as the evidentiary requirements. Such information should be made available in the languages of the residents of the camps.

The UK and French governments need to work together to ensure procedures are effective and efficient, which also requires comprehensive **legal assistance**. Both governments should facilitate independent legal advice and representation to family members in the UK and France, respectively, including by the provision of legal aid, so that people with relevant family connections can be identified and their right to family life realized.

Evidentiary requirements to prove family links should be commensurate with the circumstances in which refugees and migrants find themselves, and **unnecessary administrative burdens** for family reunification applications should be limited. Establishing family links should not rely on DNA testing, so as to accommodate non-biological family links. If such tests are requested, the UK and French Governments should make funds available to cover their cost.

Family reunification claims submitted by **children** should be assessed in light of the Convention on the Rights of the Child with the best interests of the child as the primary consideration throughout the process. Children should receive information that is age appropriate. Applications by children, and other particularly vulnerable applicants such as elderly, persons with disabilities or serious illnesses, sexual violence victims, pregnant women or torture-survivors should be processed in an expedited manner.

Finally, Amnesty International urges the French and UK governments to take seriously the moral and political – if not legal – imperative to share responsibility for the global refugee crisis. While the measures listed above to ensure family reunification for those living in the sub-standard conditions of the camps in Calais and Dunkirk should immediately be taken, these types of measures should extend beyond the locations in proximity to UK borders. Family reunification

² The judgment allowed the transfer of four Syrian refugees to the UK to reunite with their family. The Judgment is available at: <http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/jr-15401-15405-2015-zat-others-final%20%282%29.pdf>

³ Reception and Orientation Centres (*Centres d'Accueil et d'Orientation*).

is one of the ways in which the UK can share responsibility with other EU member states over asylum-seekers and refugees.

Reuniting refugees with family members in the UK – whether under the Dublin III Regulations or otherwise – would be a significant though still relatively small step forward by the UK in sharing responsibility for refugees at a time of global refugee crisis, and a way for both the UK and French governments to ensure people are not forced to risk their lives or give away their savings to smugglers in order to reunite with their families.

Background Information

In early February 2016, Amnesty International carried out a three-day visit to camps in Calais and Dunkirk and interviewed refugees, migrants, volunteers and non-governmental organizations as well as the Calais sub-prefecture (*Sous-prefecture*) which is currently in charge of registering asylum applications in Calais.⁴

Although precise numbers are not available, estimates suggest that there are around 4,000 refugees and migrants living in the camps in Calais and some 2,500 living in the Grande-Synthe camp in Dunkirk. These refugees and migrants endure squalid living conditions in both camps despite certain measures taken by the French Government following an order to improve conditions by the *Tribunal Administratif de Lille* on 2 November 2015.⁵

There is very limited government presence in both camps, while provision of basics such as food, water, clothing, medical assistance and shelter is largely carried out by non-governmental organizations and loosely coordinated volunteers.

The largest area in the camp in Calais is what is colloquially known as the “jungle” and comprises tents and wooden sheds set up by migrants and refugees with the help of non-governmental organizations and volunteers. The French Government recently evacuated an area in the centre of the “jungle” and set up a camp composed of shipping containers which can house 12 individuals each. This area, called CAP (*Centre d’Accueil Provisoire*, Centre for Temporary Reception) and managed by the non-governmental organization *La Vie Active*, currently has a capacity of 750 and houses around 700 refugees and migrants, including approximately 100 children. There are ongoing works to expand the capacity to 1,500 by mid-February. This site has no cooking facilities or showers. On the far end of the “jungle” is the Jules Ferry day centre including a shelter for woman and accompanied children, again managed by *La Vie Active*. The day centre has hot showers and a recreation and eating area, which is available to all residents of the camp including those outside the CAP and women’s shelter. The recreation area includes electricity sockets for camp residents to charge their mobile phones. Around 1,200 breakfasts and 2,500 hot meals are served every day.

The women’s shelter, with a capacity for 400 women and children (200 in buildings and 200 in tents), has kitchen, shower and toilet areas. While the CAP and the women’s centre within the Jules Ferry day centre are gated and fenced off, and provide security to residents, the rest of the camp’s residents –estimated to be around 3,000 as of early February – sleep in tents or wooden sheds without any protection from violence, abuse or harassment, which might come from camp’s residents or from outside. Many refugees and migrants Amnesty International talked to in Calais also said that they were subjected to attacks by local vigilante groups or harassed by smugglers.

In the Grande-Synthe camp in Dunkirk there are no permanent structures with centralized services. All residents live in tents patched up with tarpaulin and plastic sheeting in ankle-deep mud. There is no heating in the tents and gas heaters used by some residents occasionally cause fires. There are 50 toilets and 40 showers at the camps for the use of all residents. Electricity is

⁴ This responsibility normally lies with the prefecture of the administrative region (*Préfecture de région*).

⁵ Décision, *TA Lille*, 2 nov.2015, *Association Médecins du monde et autres*, n°1508747, is available here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:EN:PDF> **Error! Hyperlink reference not valid.**

available only in the tent where *Médecins sans Frontières* (Doctors without Borders, MSF) and *Médecins du Monde* (Doctors of the World, MDM) provide consultations. Several residents complained about being caught between the fights amongst different smuggling gangs, and single women complained of harassment in their tents at nights.

Access to information on rights, asylum procedures in France including the Dublin procedure, as well as family reunion possibilities in the UK, is highly limited in the camp in Calais and almost non-existent in Dunkirk. The French Office for Immigration and Integration (*Office Français de l'Immigration et de l'Intégration*, OFII) carries out daily walkabouts in the Grande-Synthe camp in Dunkirk to provide information on the possibility of transferring to a centre for reception and orientation (CAO). Apart from two non-governmental organizations with limited capacity, which also visit the camp to provide basic information on the right to asylum in France, this seems to be the only formal source of information for the residents of the camp.

In Calais, at the Jules-Ferry day centre and the CAP, the French Office for the Protection of Refugees and STATELESS (*Office Français de protection des Réfugiés et Apatrides* - OFPRA) and OFII provides information on asylum procedures in France and the possibility of being transferred to reception and orientation centres across the country (CAOs). Written information on transfers to CAOs is made available in the containers in the CAP and given to each new resident.

There is a regular meeting of community leaders hosted by the non-governmental organization ACTED in a large tent in the middle of the camp. Representatives from OFII also carry out daily walkabouts in the Calais camp. Some volunteers also provide basic information and legal advice from a wooden cabin in the camp, where material conditions are not conducive to delivering appropriate legal advice.

The absence of interpretation services in both camps is another barrier for residents to acquire adequate information and legal advice from the already limited services available.

There are several non-governmental organizations providing legal assistance in the area, but they report severe resource limitations and are only able to provide full representation to a handful of individuals. Accessing legal aid for residents of the Grande-Synthe camp is even more difficult as referrals to legal assistance providers are mainly made through volunteers and non-governmental organizations active in Calais.

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