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THE UK'S POLICY RESPONSE TO SMALL BOAT CROSSINGS IN THE CHANNEL

AN OVERVIEW OF KEY DEVELOPMENTS DURING THE PERIOD DECEMBER 2018 - DECEMBER 2020

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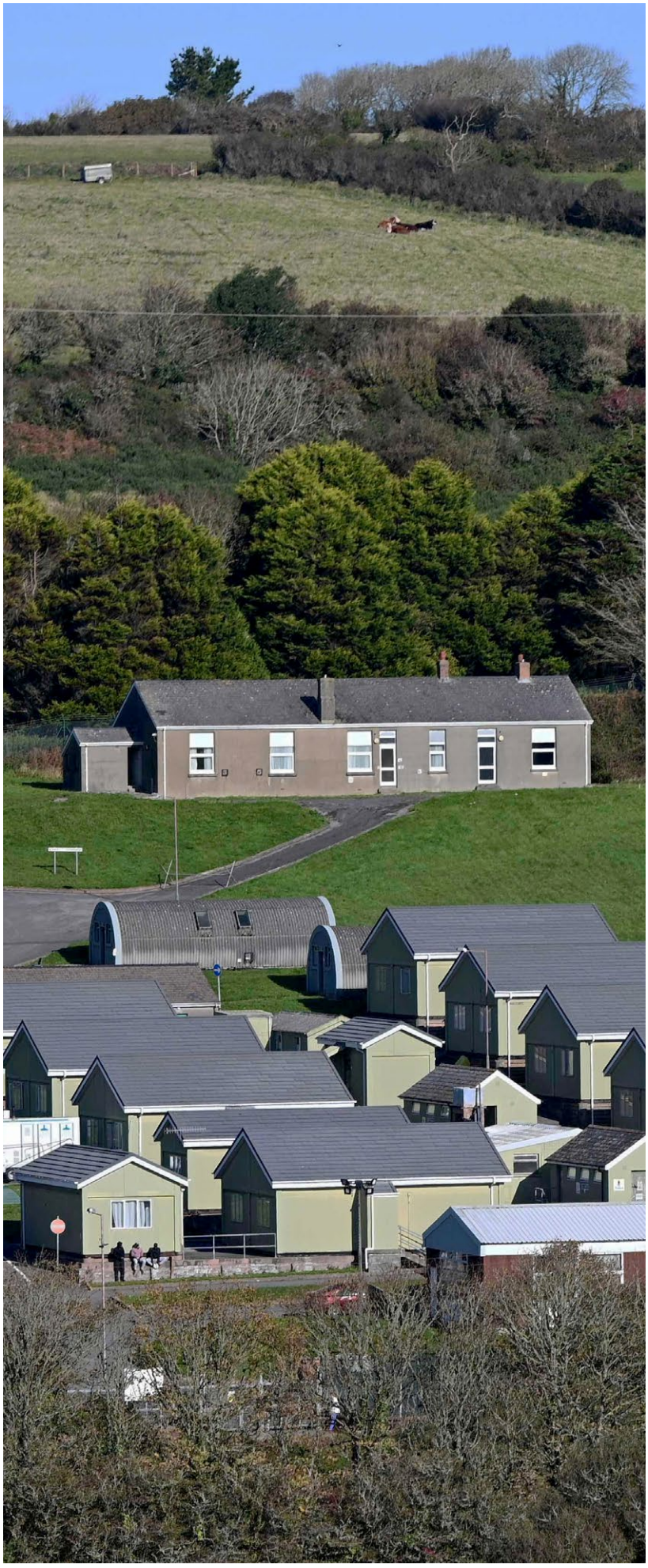


Photo Credit: Penally barracks, by Gareth Davies

Cover photo: Andreas Beissel

TABLE OF CONTENTS

INTRODUCTION 04

DECEMBER 2018 05

2019 06

2020 08

CONCLUDING REMARKS 13

RECOMMENDATIONS 14

INTRODUCTION

Over recent years, and particularly in 2020, there has been an increased political and media frenzy regarding an increase in small boat crossings across the English Channel. Despite the broad media coverage of this issue, however, the primary policy response from the UK government has appeared woefully uninformed and short-sighted. Rather than acknowledging the root causes that drive people into dangerous migration routes - of which Britain's own border securitisation policies have been shown to form an integral part - the UK Home Office has continued the expensive, ineffective and indeed deadly approach that has defined much of its own domestic immigration policy: deterrence, surveillance and removal.

This report presents a brief timeline of key aspects of the UK government's policy response to small boat crossings, between December 2018 when the issue first started to become increasingly covered by media outlets, and December 2020, when Britain officially exited the European Union. It summarises key developments in terms of this migratory route and the corresponding UK governmental response. In doing so, the report aims to shed light on the problematic approach taken by the government and highlights the need for a better-informed and more humane response.



Photo Credit: Penally barracks, by Gareth Davies

DECEMBER 2018

DEC 2018

138 individuals arrive in the UK by small boat, bringing the total number of people arriving in the UK by small boat in 2018 to 297.[1]



Sajid Javid cuts holiday short to tackle Channel migrant crossings

Home secretary facing calls to send in Royal Navy or Border Force to intercept traffickers

Then-Home Secretary Sajid Javid declares a 'major incident', and meets with his French counterpart Christophe Castaner about increasing their joint work on stopping boat crossings, committing to further surveillance, patrols and intelligence sharing.[2] The UK agrees to bring back two Border Force cutter ships from abroad, setting the total UK sea operations to four vessels. HMS Mersey deployed as interim measure whilst waiting for cutters to return from abroad. By February 2019 this has cost £700,000.[3]

Home Secretary sets out action on migrant crossings

HO News Team, 31 December 2018 - Ministerial opinion, Uncategorised

Today (Monday December 31) the Home Secretary, Sajid Javid, wrote in *The Telegraph* regarding the activity of migrants attempting to cross the Channel.

1. https://www.parliament.uk/globalassets/documents/commons-committees/home-affairs/Correspondence-17-19/19-03-05-Letter-from-Sir-Philip-Rutnam-KCB-Permanent-Secretary-Home-Office-Migrant-boats-in-the-channel.pdf
2. https://homeofficemedia.blog.gov.uk/2018/12/31/home-secretary-sets-out-action-on-migrant-crossings
3. https://hansard.parliament.uk/Lords/2019-02-06/debates/2184BBEC-9B09-48EF-A2AB-FA26AE7C2938/MigrantCrossingsNavalAssets#contribution-0D503243-8F47-4189-A0A9-A21B0DD8CF87

2019

JAN 2019

Savid Javid makes a statement to Parliament regarding UK action against small boat crossings, vowing to increase surveillance and security in French coastal areas, step up Dublin returns to 'safe third countries' and strengthen prevention campaigns 'upstream' in refugee home countries. He argues that part of the reason for the increase in boat crossings is increased security at the ports, meaning the ferry and lorry routes have become too difficult.[4]

The UK and France agree a Joint Action Plan to *"strengthen efforts against migrant activity in the English Channel"*.[5] Their stated objective is *"to halve the number of successful migrant crossings from the number accounted for during the summer months by the end of October, and to reduce it further by the end of December 2019, such that by Spring 2020 it has become an infrequent phenomenon"*, whilst *"loss of life at sea is to be avoided at all costs."*[6] This agreement sees over £6 million invested in new security equipment such as CCTV and night goggles, increased beach patrols and intelligence sharing, and a mutual commitment to conduct return operations as quickly as possible under the Dublin Regulation.



Photo Credit: Andreas Beissel

The first Immigration and Social Security Coordination Bill is debated in the House of Commons for the first time. The government comes under pressure from MPs and charities for the tight restrictions on freedom of movement of EU citizens, and to relax its family reunion rules for refugees settled in the UK.[7] This Bill will stall later in 2019 and give way to a new, but almost identical, Immigration Bill in 2020.

FEB 2019

The Home Affairs Select Committee launches its first enquiry into English Channel crossings.[8]

SPRING & SUMMER 2019

Small boat crossings continue to take place during the spring and summer of 2019, receiving intermittent media and policy attention.

Meanwhile, conditions in northern France continue to deteriorate.[9]



Photo Credit: Abdul Saboor

AUG 2019

Mitra Mehrad, a young Iranian woman, drowns in the Channel. At the time, she is the first person known to have died attempting a boat crossing.[10]



Photo Credit: Andreas Beissel

4. https://www.gov.uk/government/speeches/statement-migrant-crossings
5. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/773403/UK_France_declaration_24_Jan_13.00.pdf
6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839500/Small_Boats_Action_Plan_Addendum_-_26th_September_consolidated_text__2019.10.01___002_.pdf
7. https://www.theguardian.com/uk-news/2019/feb/28/rights-threatened-by-immigration-bill
8. https://old.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/inquiries/parliament-2017/english-channel-migrant-crossings-inquiry-17-19/publications
9. https://helprefugees.org/wp-content/uploads/2020/07/HRO-eng-rep2019.pdf
10. https://www.theguardian.com/uk-news/2020/aug/19/timeline-of-tragedies-in-attempts-to-reach-uk-channel

Britain and France strengthen their Joint Action Plan relating to boat crossings, emphasising the need for more resources and increased intelligence sharing.[11]

Prime Minister Boris Johnson warns all those crossing the Channel that, *"We will send you back"*.[12]



OCT 2019

A 17 year-old boy and 22 year-old man are found on a beach near Dunkirk after drowning.[13]

39 people are discovered dead in the back of a lorry in Essex that had arrived from Holland.[14] This horrifying incident temporarily shines a light on the impacts of border securitisation and unsafe migration routes, but is used by politicians to fuel the fight against smugglers and traffickers.



Photo Credit: Susan Pilcher / Shutterstock

NOV 2019

The Foreign Affairs Select Committee releases a report focusing on the policy response to small boat crossings, warning that *"a policy that focuses exclusively on closing borders will drive migrants to take more dangerous routes, and push them into the hands of criminal groups."*[15]

DEC 2019

Prime Minister Boris Johnson tells Parliament he has dropped a promise to replace EU law that allows child refugees in Europe to reunite with family members in the UK after Brexit.[16]

Figures indicate that at least 1,892 people are recorded as having crossed to the UK by boat over the course of 2019.[17]



Photo Credit: Alicia G Monedero / Shutterstock

11. https://www.gov.uk/government/news/britain-and-france-to-strengthen-joint-action-against-small-boats
12. https://www.itv.com/news/2019-08-23/pm-warns-migrants-trying-to-illegally-enter-uk-we-will-send-you-back
13. https://www.theguardian.com/uk-news/2020/aug/19/timeline-of-tragedies-in-attempts-to-reach-uk-channel
14. https://www.theguardian.com/uk-news/2020/feb/11/vietnamese-people-found-dead-in-lorry-suffocated-and-overheated
15. https://publications.parliament.uk/pa/cm201919/cmselect/cmfaff/107/10703.htm
16. https://www.theguardian.com/world/2019/dec/22/brexit-johnson-condemned-for-dropping-pledge-to-replace-family-reunion-law
17. https://www.bbc.co.uk/news/uk-england-50958713

2020

JAN 2020

A family reunion amendment to the European Union (Withdrawal Agreement) Bill is voted down definitively in the House of Commons, meaning the UK government has no hard commitment to ensuring a child's right to reunite with family in the UK post-Brexit.

The UK officially leaves the EU and enters into a one-year transition out of the block.



MARCH - MAY 2020

Following the appearance and large rise in Covid-19 cases in both countries, France and subsequently the UK announce national lockdowns in March. In France, displaced people living outdoors are not sheltered for several weeks, and indeed many would remain living rough for the entire lockdown period.[18]

During these months there is a marked shift towards small boat crossings, as lorry routes would become more difficult due to the national lockdowns and years of harshened securitisation. The media frenzy once again sparks heated debate particularly from right-wing groups and Conservative politicians regarding those arriving in the country irregularly. This provokes, and seemingly contributes towards the legitimisation of Home Secretary Priti Patel's targeted campaign against boat crossings and indeed the asylum sector as a whole. These months are to see the Channel become an intensified battleground for immigration and asylum policy.



Photo Credit: Peter Titmuss / Shutterstock

MAY 2020

Following the heavy mediatisation of asylum seekers arriving by boat, Nigel Farage visits the Kent coast to draw attention to the people crossing the Channel, stirring up media narratives and policy discussions.[19]

Duncan Lewis Solicitors reveal that the UK has been engaged in a controversial operation named 'Operation Sillath' intended to rapidly return people having crossed by boat.[20] This raises serious questions about the legality of the UK's approach to asylum.



Photo Credit: Victor Moussa / Shutterstock

The UK government reintroduces fingerprinting of 'clandestine' migrants found at the juxtaposed controls in northern France.[21] This is criticised by the Immigration Services Union for provoking possible resistance on the part of migrants and harm to immigration staff, and having *"no significant impact on returns"*.[22]

18. https://refugee-rights.eu/wp-content/uploads/2020/08/facing-multiple-crises-report.pdf
19. https://www.independent.co.uk/news/uk/politics/nigel-farage-boat-trip-migrant-invasion-english-channel-latest-a9524086.html
20. https://www.theguardian.com/world/2020/may/21/home-office-deporting-migrants-who-cross-channel-in-small-boats
21. https://questions-statements.parliament.uk/written-questions/detail/2020-06-23/63333
22. https://www.bbc.co.uk/sounds/play/m000jvz8

Australian Border Force reveals having had talks with the Home Office regarding immigration deterrence policies, drawing on the notorious and widely criticised Australian experience of boat interceptions and offshore detention.[23]

Kent County Council announces its children's services are almost at full capacity following the high number of arrivals of unaccompanied children, and calls for a reinstatement of the National Transfer Scheme.[24]

JUL 2020

The UK commits £705 million to border security in light of Britain's withdrawal from the EU, in order to "make sure our borders are ready for full independence."[25]



Photo Credit: Zara Dominika / Shutterstock

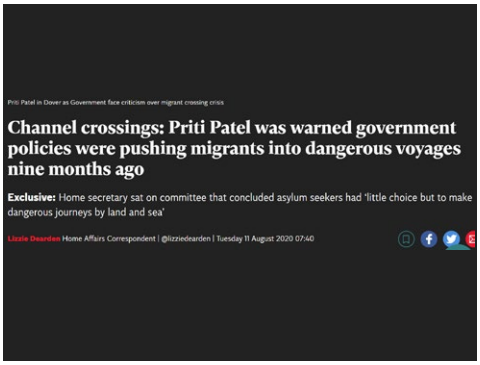
The UK and France sign a new agreement to establish a Joint Intelligence Cell to target "gangs behind people smuggling," as part of a "new operational approach".[26] This same day, a record number of 180 people cross the Channel by small boat.[27]



Home Secretary Priti Patel admits that the UK government is locked in discussions with the French regarding interceptions and turnbacks at sea, in light of different interpretations of international maritime law.[28] She also admits that there is now no timeline for the commitment made in 2019 to make boat crossings an "infrequent phenomenon".[29]

AUG 2020

Priti Patel appoints former National Crime Agency executive Dan O'Mahoney as 'Clandestine Channel Threats Commander', in a bid to push for interception of small boats in the Channel.



The Home Office releases a video criticising "activist lawyers" who prevented the forced Dublin returns of 19 asylum seekers from taking place. The video is later taken down after criticism for resembling hate speech. A lawyer from Duncan Lewis, one of the firms active in challenging returns, is later attacked with a knife in his work place by a right-wing terrorist.[30]



23. https://www.telegraph.co.uk/politics/2020/05/25/home-office-approaches-australian-border-force-chief-helped
24. https://kccmediahub.net/council-leader-calls-on-the-home-secretary-to-intervene-to-stop-unaccompanied-children-crisis-engulfing-childrens-services-in-kent745
25. https://www.gov.uk/government/speeches/outside-the-eu-a-bright-future-awaits-britain
26. https://www.gov.uk/government/news/priti-patel-and-new-french-interior-minister-agree-action-on-channel-crossings
27. https://www.bbc.com/news/uk-england-kent-53392096
28. https://committees.parliament.uk/oralevidence/691/pdf
29. https://uk.news.yahoo.com/patel-no-target-date-migrant-112624519.html
30. https://www.theguardian.com/uk-news/2020/oct/23/man-faces-terror-charge-over-alleged-attack-at-immigration-law-firm

The Home Office is operating chartered Dublin removal flights at an unprecedented rate of twice a week, mainly of those having arrived by small boat.[31] One charter flight to return people to Spain who had arrived by small boat is grounded at the last minute, following Court judgements that the asylum seekers were likely to face destitution upon arrival.[32] Indeed, HMIP's damning report on chartered Dublin removals to France and Germany highlights widespread use of violence and lack of safeguards for survivors of torture.[33]



Individuals arriving by boat are sent to be housed in repurposed Yarl's Wood immigration detention centre.[34]

Priti Patel gives oral evidence to the Home Affairs Select Committee, admitting that the Home Office is looking into "returns, and returns at sea".[35]

The EU rejects the UK's proposed agreement on the return of migrants without permission to reside in the UK,[36] which would allow the UK to return anyone having passed through an EU Member State regardless of their link to that state.[37]

SEP 2020

The Home Office orders the repurposing of military barracks in Wales and in Kent to house newly arrived asylum seekers.[38] Conditions are widely criticised by third sector organisations.[39] Over the months, these barracks see ongoing right-wing protests staged against the individuals housed in the barracks.



Photo Credit: Gareth Davies

Giving oral evidence before the Home Affairs Select Committee, the Director General of UK Visas and Immigration admits that 98% of people crossing by small boat claim asylum.[40]

The UK steps up its military response to boat crossings by investing in jet skis for those patrolling the Channel, typically costing between £15,000-20,000 each.[41] It also employs a military drone in the Channel in order to feed live information to British and French authorities.[42]

On 2 September, at least 416 people cross the Channel by small boat. This number will remain a record for the entire year.[43]

31. https://appgdetention.org.uk/wp-content/uploads/2020/12/221220-APPG-Meeting-on-processing-of-small-boat-arrivals-26-Nov-2020-Minutes-Final.pdf?x11024
32. https://www.independent.co.uk/news/uk/home-news/home-office-high-court-refugees-deportation-flight-cancelled-b455779.html
33. https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/10/Germany-France-escort-report-web-2020.pdf
34. https://www.bbc.com/news/uk-england-beds-bucks-herts-53810521
35. https://committees.parliament.uk/oralevidence/312/default
36. https://www.theguardian.com/politics/2020/aug/20/eu-rejects-british-plan-for-post-brexit-return-of-asylum-seekers
37. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886021/DRAFT_Agreement_on_the_readmission_of_people_residing_without_authorisation.pdf
38. https://commonslibrary.parliament.uk/research-briefings/cbp-8990
39. http://www.aviddetention.org.uk/news-events/news/we-call-immigration-minister-stop-housing-asylum-seekers-ex-military-barracks
40. https://committees.parliament.uk/oralevidence/793/default
41. https://www.thetimes.co.uk/article/border-force-jet-skis-set-to-patrol-channel-7nbs975bj
42. https://www.businessinsider.fr/us/uk-deploys-military-drone-migrants-english-channel-record-crossings-2020-9#:~:text=The%20UK%20has%20deployed%20a,in%20Afghanistan%2C%20The%20Post%20said.
43. https://www.bbc.com/news/uk-england-kent-54000755

A few days later, far-right protesters stage a protest in Dover against people crossing the Channel by small boat. Priti Patel refuses to condemn it.[44]

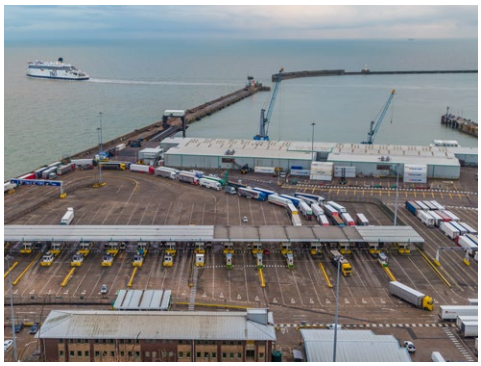


Photo Credit: Luca De Gregorio / Shutterstock

OCT 2020

Priti Patel delivers a keynote speech at the Conservative Party Conference where she outlines her plans to "reform the broken asylum system" and vows to "end free movement once and for all".[45]



Photo Credit: DesignRage / Shutterstock

The Home Office commissions the Foreign Office to assess different options to limit Channel crossings. These include offshoring the asylum process and detention to islands in the South Atlantic.[46]

An HMIP inspection shows those arriving by sea are often held, wet and freezing, in STHFs that resemble "rubble strewn building sites".[47]

A family of five capsize and tragically drown during an attempted boat crossing. Among them are three young children.[48] Priti Patel, once again, blames "abhorrent criminal gangs."[49]



Photo Credit: Andreas Beissel

NOV 2020

The family reunion amendment to the Immigration and Social Security Co-ordination (EU Withdrawal) Bill is accepted by the House of Lords but voted down by the House of Commons, meaning there will be no continued right post-Brexit for children to reunite with their families in the UK, outside of the restrictive domestic Immigration Rules.

The Home Office announces it is charging and imprisoning migrants found to have been steering dinghies, after the Crown Prosecution Service apparently released guidance saying that assisting unlawful immigration could be applied to asylum seekers who steer boats because they have "facilitated" a journey.[50] This is despite UK judges providing arguments to the contrary.[51]



Photo Credit: Savvapanf / Shutterstock

44. https://www.independent.co.uk/news/uk/home-news/dover-protest-today-police-kent-anti-racism-national-front-veterans-arrests-a9706491.html
45. https://www.youtube.com/watch?v=0kbcHRQSTK4
46. https://committees.parliament.uk/oralevidence/1000/pdf
47. https://www.justiceinspectorates.gov.uk/hmiprisons/inspections/dover-short-term-holding-facilities
48. https://calaismigrantsolidarity.wordpress.com/deaths-at-the-calais-border
49. https://twitter.com/pritipatel/status/1296024306946920449
50. https://www.independent.co.uk/news/uk/home-news/channel-crossings-migrant-boats-jailed-dinghies-smugglers-cps-b1722937.html
51. https://www.independent.co.uk/news/uk/home-news/english-channel-crossings-migrants-jailed-smugglers-patel-b1762927.html

The UK and France agree a new bilateral 'Joint Operational Plan' to prevent sea crossings and deter journeys to northern France, with a €31.4 million funding commitment. The plan includes an increase in French policing of the coastal area; strengthened detection and surveillance technology; and a renewed commitment to tackling smuggling networks. However, the government refuses to release information about the exact expenditure[52] and accountability[53] plan.

The Home Affairs Select Committee takes evidence from Australian legal experts, who suggest that the UK proposals of interception and asylum offshoring are not in line with international law.[54]

DEC 2020

The UK government decides to geo-target Facebook posts aimed at dissuading migrants from crossing the Channel.[55]

Last-minute changes to the Immigration Rules render any asylum claim placed by a person arriving through a 'safe third country' inadmissible, and liable to return to any other 'safe' third country. They also remove the possibility of claiming asylum whilst in British territorial waters, meaning those arriving by small boat cannot place their asylum claim to UK Border Force officials who intercept them in the water.[56]



Photo Credit: Andreas Beissel

The UK leaves the EU at the end of the Brexit transition period, exiting the Dublin III agreement that had previously allowed for both family reunification for unaccompanied minors, and the return of asylum seekers to other EU countries.

By the end of the year, a total of at least 8,417 people have crossed the Channel by small boat. This is quadruple with respect to the previous year.[57]



Photo Credit: Frances Timberlake

52. https://www.theyworkforyou.com/wrans/?id=2020-12-07.126060.h&s=speaker%3A25301#g126060.q0
53. https://www.theyworkforyou.com/wrans/?id=2020-12-15.HL11474.h&s=speaker%3A25213
54. https://committees.parliament.uk/oralevidence/1195/pdf
55. https://www.telegraph.co.uk/news/2020/12/21/social-media-blitz-warn-migrants-against-uk-voyage
56. https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1043-10-december-2020
57. https://www.thetimes.co.uk/article/number-of-english-channel-crossings-by-migrants-quadruples-58f9g2zp5

CONCLUDING REMARKS

The brief timeline presented in this report has shed light on the problematic ineffective and unsustainable approach taken by the government in response to prospective asylum seekers arriving in the UK via small boats on the English Channel. It has emphasised that the UK Home Office, rather than acknowledging the root causes that drive people into dangerous migration routes, has continued the expensive, ineffective and indeed deadly approach that has defined much of its own domestic immigration policy: deterrence, surveillance and removal.

Entering the new year 2021, with the UK's new status as a non-EU state, we continue to witness a continuation of the UK's government misinformed and inhumane immigration politics. By placing ever harsher restrictions on the right to asylum and to freedom of movement, the Home Office's policies have a long track-record of giving way to increasingly dangerous migration journeys across the Channel whilst also inadvertently strengthening the hold of smugglers and traffickers over people attempting to claim asylum and rejoin friends and family in the UK.

At exorbitant cost to the taxpayer, the UK's policy response to small boat crossings in the Channel has arguably failed to achieve all of the government's self-declared goals of reducing reliance on irregular migration pathways, avoiding loss of life at sea, and fighting trafficking.[58] It is thus clear that such an approach has only been successful at paying lip-service to a hard stance against migration, whilst failing to address the issue in a way which could achieve long-term solutions. As a result, the policies pursued have only inflamed criticism from all sides of the political spectrum, and have exacerbated already catastrophic and inhumane conditions for displaced people trapped at the UK border. This report has highlighted the dire need for change.



Photo Credit: Eviction in Grande-Synthe, by Abdul Saboor

58. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/839500/Small_Boats_Action_Plan_Addendum_-_26th_September_consolidated_text__2019.10.01___002_.pdf

RECOMMENDATIONS

WE CALL UPON THE UK GOVERNMENT TO:

- Rewrite, or revoke, the juxtaposed controls arrangements with France, which have created a pervasive state of human insecurity in northern France and prevent people from being able to travel safely to the UK..
- In anticipation of the revoking of the juxtaposed controls, ensure to reinforce safe and legal migration pathways for those seeking asylum in the UK, enabling them to do so without having to take irregular journeys. Options for this include a humanitarian visa system, expanded family reunion procedures, and complementary migration pathways.
- Reduce expenditure on border security and surveillance, which have led only to an increase in reliance on dangerous routes and loss of life. Re-direct such funding towards legal aid and humane reception conditions.
- Cease the misleading public narrative campaign aimed at denigrating and delegitimising the arrival of asylum seekers by boat. There is no legal precedent by which asylum seekers are obliged to seek asylum in the first safe country they travel through, nor by which they may be criminalised for irregular arrival through a 'safe third country'.
- Provide safe and dignified accommodation to all those seeking asylum in the UK, including those having arrived irregularly. This must include additional support within the accommodation arrangements for young people aged 18-25.
- Cease hostile verbal attacks on the legal profession, particularly against those who have been involved in representing asylum seekers threatened with removal.



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