

#### Northern France and Belgium: Mixed Migration Trends and Dynamics

MMC Research Report, May 2023













# Front cover photo credit: © UNHCR/Federico Scoppa Calais, France, December 2021. A group of young Sudanese gather round a campfire in a makeshift camp in the northern French port of Calais. More than 1,000 migrants and asylum-seekers live in makeshift camps in the area in the hope of making the Channel crossing and reaching the United Kingdom.

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#### **About MMC**

MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs hosted in DRC regional offices in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

MMC is part of the Danish Refugee Council (DRC). While its institutional link to DRC ensures MMC's work is grounded in operational reality, it acts as an independent source of data, research, analysis and policy development on mixed migration for policy makers, practitioners, journalists, and the broader humanitarian sector.

For more information visit: <u>mixedmigration.org</u> and follow us at <u>@Mixed\_Migration</u>











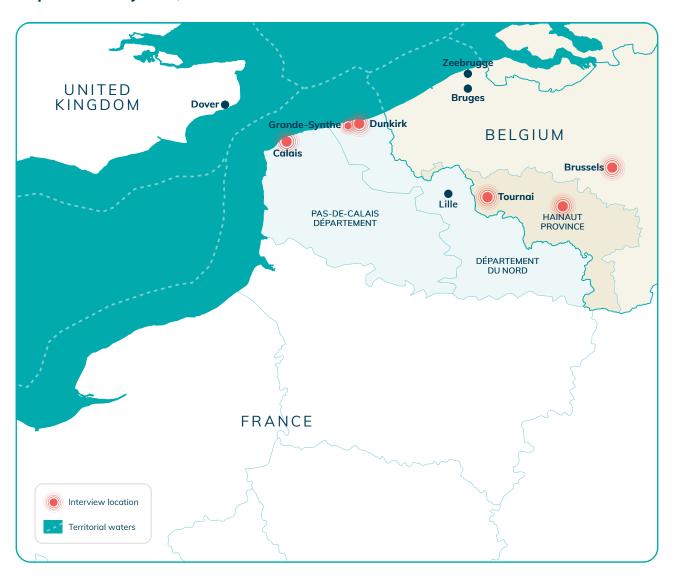
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Map 1. The study area, and data collection locations



#### Summary and key findings

As small boat crossings of the English Channel increasingly make headlines, various policies and awareness campaigns to deter migration to France, Belgium, and onward to the United Kingdom are being adopted, with limited results. This report presents the findings of a study into mixed migration dynamics in northern France and Belgium, including considerations regarding onwards movement to the UK. Through a literature review, 42 key informant interviews and 29 interviews with refugees and migrants (1 woman and 28 men of 8 different nationalities) conducted in four locations in Belgium and northern France, it provides detailed insights into the interactions between policy and route dynamics and decision-making, current conditions in Belgium and northern France, and the serious protection issues faced in the region.

#### **Key findings**

- Context and policy background: since the dismantling of the Calais "Jungle" in 2016, Calais, Dunkirk/ Grande-Synthe and Brussels have become interconnected hubs for mixed migration, and since 2020, crossings to the UK have been by small boat more than other means. The complexity and unpredictability of asylum procedures are impacting on access to protection and conditions for refugees and migrants with irregular status or who are awaiting a decision.
- **Profiles and drivers of movement:** while most refugees and migrants in northern France and Belgium are male, women and very young children also reach this area. Events in countries of origin and initial refuge affect trends in the nationalities of the refugee and migrant population in northern France and Belgium. For almost half of those interviewed, the decision to migrate was the result of a combination of drivers, mainly related to livelihoods and protection.
- Migration routes, decision-making, and destination: journeys are complex, often fragmented, and unpredictable. An overwhelming majority of respondents used smugglers on at least one segment of the journey. Before departure, planning focuses more on the journey than the destination, and many refugees and migrants are relatively uninformed about asylum procedures and the precise conditions they will find in their destination. Intentions can change during the journey and as migrants collect more information, with key factors in decision-making being access to work and income, social networks, and language.
- Needs and services: refugees and migrants in northern France and Belgium are living in conditions that do not meet global minimum standards for humanitarian settings. Often combined with regular evictions and harassment, and existing trauma from experiences in country of origin or on the journey, the poor conditions lead to physical and mental health impacts. Migrants and refugees show limited awareness of aid organisations or their purpose, both during their journey and upon arrival in France and Belgium. However, numerous private citizens and civil society organisations are active in offering support and services. Access to information, legal aid and essential services in safe locations facilitated by cultural mediators and interpreters, and supported by outreach, can mitigate vulnerabilities and inform migrants' decisions.
- **Protection risks:** Since 1999, 364 migrants and refugees have lost their lives on or near the UK's borders with France and Belgium. With the increased number of small boat crossings in risky conditions, more deaths in the Channel can be expected. Interviewees said that in France they are subjected to repeated identity checks and harassment. Women, girls and boys are less visible and their specific needs and vulnerabilities are easily overlooked, while the lack of effective legal routes to the UK for children with close family members residing in the UK further exposes children to risks.

#### Introduction

This study explores the drivers and dynamics related to the movement of refugees, asylum seekers and migrants, some irregular or with an undetermined status, to and through northern France and Belgium, and in some cases onwards to the United Kingdom. Through interviews with refugees and migrants across a range of socio-demographic profiles, reflecting a variety of backgrounds and experiences, the study seeks to contribute to a better understanding of who is undertaking these journeys, the main factors influencing their decisions, and how they organise their travel, including their interactions with smugglers. It also explores the main risks refugees and migrants face while moving through northern France and Belgium, their living conditions and access to basic services, their access to information and how their choices are influenced by migration policies.<sup>1</sup>

#### MMC's understanding of mixed migration

Mixed migration refers to cross-border movements of people including refugees fleeing persecution and conflict, victims of trafficking and people seeking better lives and opportunities. Motivated to move by a multiplicity of factors, people engaged in mixed migration have different legal statuses as well as a variety of vulnerabilities. Although entitled to protection under international human rights law, they are exposed to multiple rights violations along their journey. Mixed migration describes refugees and migrants travelling along similar routes, using similar means of travel – often travelling irregularly, and wholly or partially, assisted by migrant smugglers.

#### **Methodology and limitations**

The study takes a mixed methodology approach, adopting qualitative research methods of interviews and observations, supported by a literature review and analysis of secondary quantitative data, both published and unpublished. Key informant interviews were conducted in France's Hauts-de-France region (Calais, in the Département du Pas-de-Calais, and Dunkirk/Grande-Synthe, in the Département du Nord) and in Belgium (Brussels, in the Brussels-Capital Region, and the Tournai area, in Hainaut Province) in February 2023.

Interviews with 29 people undertaking migration journeys were complemented by interviews with 42 key informants. Findings from interviews were supplemented by direct observation of material conditions and services in the locations visited.

Interviews were solicited with adults who had travelled to Europe using irregular means and who did not have a residency permit or refugee status. Cultural mediators made introductions at locations where migrants were likely to gather (such as informal living spaces, or locations where humanitarian and legal aid services are provided). Respondents were notified before the start of the interview that they could refuse to answer any question and could stop the interview at any time. When potentially traumatic events were referred to, such as detention, physical abuse, or witnessing death, probing questions were avoided, while the semi-structured questionnaire design allowed respondents to change the focus of the interview.

Interviews with people conducting migration journeys were conducted in seven languages and covered eight nationalities, with the support of four cultural mediators providing interpretation support (three male and one female). Only one respondent was female, travelling as part of a family unit. This reflects the predominantly male makeup of the refugee and migrant population (see Table 1).

<sup>1</sup> In March 2022 all EU member states invoked the Temporary Protection Directive to offer temporary protection to people fleeing war in Ukraine, granting them rights and services without requiring an asylum application. Ukrainian nationals not therefore considered within the scope of this study.

Table 1. Interviews with people on migration journeys in northern France and Belgium

Nationality	France	Belgium	Locations	Language(s) of interview
Iraq	9		Calais, Grande-Synthe	Kurdish (Sorani), French
Afghanistan		5	Brussels	Pashto
Sudan	4		Calais, Grande-Synthe	Arabic, English
Eritrea	3		Calais, Grande-Synthe	Arabic, English
Syria	1	2	Dunkirk; Brussels	Arabic, Turkish
Palestine		2	Brussels	Arabic
India	2		Grande-Synthe	English, Hindi
Egypt	1		Calais	Arabic
Total	20	9		

Key informants were drawn from national and local government, government-mandated agencies, international non-governmental organisations (NGOs), national Red Cross societies, the United Nations, civil society organisations, the news media, and independent researchers. Among them were five experts who initially arrived in France or Belgium using similar mixed migration routes as described in this report, and who have since obtained refugee status and are working on mixed migration. Data was analysed thematically and triangulated with the findings from the literature review to ensure consistency, quality and credibility of the findings.

#### Limitations

This study is limited in scope: it did not set out to carry out an analysis of legal frameworks and national specificities on asylum policy, nor to provide a comprehensive assessment of needs or service provision.

There is no overall coordination or information-sharing mechanism providing regular data on irregular migrants and the conditions in which they live in France and Belgium. In the absence of consolidated data on numbers and nationalities of refugees and migrants, or data from protection-monitoring or community consultation processes, an analysis of trends in conditions and movements has not been possible.

The lack of appropriate interpretation affected the quality of interactions with nationals of Eritrea and Ethiopia. Despite attempts to conduct interviews in common languages, five were excluded from analysis. It was very difficult to approach female respondents and secure their consent for an interview without an experienced female interpreter with the appropriate language combinations. Children were not included in the design of the study, although one respondent who initially presented as an adult, later disclosed that he was close to his eighteenth birthday, but not yet 18. At his request, the interview findings were used in the study.

#### 1. Context and policy

#### **Key findings**

- Since the dismantling of the Calais "Jungle" in 2016, Calais, Dunkirk/Grande-Synthe and Brussels have become interconnected hubs for migration.
- While the route across the Channel to the UK from Calais has been in use by refugees and migrants fleeing war and economic crisis for over 30 years, small boat crossings have increased since 2020.
- Despite the existence of a Common European Asylum System, asylum pathways are complex, and outcomes can be unpredictable. Experiences of asylum seekers within the EU vary, as refugee status determination is a national competence and states do not always meet their obligations on asylum and human rights.
- The lack of information on the situation of undocumented refugees and migrants, including those thought to be "in transit", affects their access to protection and the respect of their fundamental rights.

The experiences of refugees and migrants are situated within an evolving European policy context of harder borders, poorer reception conditions, and criminalisation of some of those who use irregular means to reach Europe.<sup>2</sup> Key informants describe the efforts of governments such as those in Italy, France, and the UK as aiming to deter refugees from reaching their borders (through externalisation) or entering their territory, to discourage them from claiming asylum, and to send them back or away.

## 1.1 Asylum policy and international cooperation on migration

#### Asylum in the EU

Asylum policy and international cooperation on migration within the EU is governed by the Common European Asylum System (CEAS),<sup>3</sup> but refugee status determination, as well as the option of granting subsidiary protection status<sup>4</sup> remains the responsibility of individual EU member states. Asylum legislation, policy and practice therefore differ from country to country, and asylum seekers' experiences across Europe vary.

Refugees and migrants may move from one EU member state to another without claiming asylum, and this does not disqualify them from refugee status. However, participating EU states have agreed the Dublin Regulation to determine which state should treat a particular asylum request, ostensibly in order to distribute responsibility for asylum more fairly. The regulation lists several criteria, and an order of precedence for their consideration (consideration of minors, and of family, come first). For people reaching the EU irregularly, the most significant criterion is the country in which the asylum seeker first entered the EU. To determine the first country of entry, member states participating in the Dublin process are required to register the fingerprints and other biometric data of all third-country nationals and

<sup>2</sup> Spaggiari, O. et al. (2022) How European courts are wrongfully prosecuting asylum seekers as smugglers, The New Humanitarian.

<sup>3</sup> EU DG Migration and Home Affairs, <u>Common European Asylum System</u>, <u>accessed April 2023</u>. The CEAS rests on a series of EU directives: on Asylum Procedures; on Reception Conditions setting minimum standards on reception of persons seeking international protection; and Qualification, clarifying the grounds for granting refugee status or subsidiary protection. The Dublin Regulation and Eurodac Regulation clarify the process for establishing which state is responsible for examining an asylum application.

<sup>4</sup> Subsidiary protection may be extended to people who do not meet the criteria set out in the 1951 Refugee Convention but nevertheless merit some form of international protection. The rights attached to subsidiary protection tend to be more limited than those afforded to refugees and this status may be subject to more frequent review (and revocation).

<sup>5</sup> Nason, N. (2017) Should refugees claim asylum upon arrival in their first 'safe' country? Free Movement.

European Commission Migration and Home Affairs, <u>Country responsible for asylum application (Dublin Regulation)</u>, accessed April 2023; <u>Regulation (EU) No 604/2013</u> of the European Parliament and of the Council 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 (recast).

stateless persons over the age of 14 who are either seeking asylum or who entered the country irregularly.<sup>7</sup> It can take months to ascertain whether the country in which an asylum seeker was first fingerprinted wishes to take charge of their claim—the Dublin Regulation sets a time limit of 11 months for a decision, although there are important exceptions, including that of "absconding". At the same time, the Dublin Regulation allows each member state to override the Dublin criteria, apply a "sovereignty" clause, and treat an asylum request itself.<sup>8</sup> The Dublin process therefore remains a source of uncertainty and unpredictability.

Beyond legal frameworks, conditions for asylum seekers in EU member states have been criticised: states including France and Belgium have been sanctioned for failing to provide appropriate reception facilities, for failing to make required payments, for degrading conditions and for sending asylum seekers to countries where they risk a threat to their life or might be subjected to degrading conditions.<sup>9</sup> Between October 2021 and January 2023, Belgian courts found that the Belgian state had failed to meet its obligation to provide accommodation to 6,000 asylum seekers. After the state's failure to respond to these judgements, lawyers went to the European Court of Human Rights, which confirmed the Belgian state's obligations.<sup>10</sup> In France, a parliamentary report estimated that in 2020 the French government spent €120 million in relation to the presence of refugees and migrants—85% of it on security and 15% on humanitarian support.<sup>11</sup>

#### Border cooperation with the UK

The UK has always maintained control of its borders, even as a member of the EU, and was never a part of the Schengen visa-free movement space. While it was still a member of the EU, the UK signed several border cooperation agreements with fellow member states, primarily France. Key among these are the Canterbury Treaty (1986) and the Sangatte Protocol (1991). Additional agreements were signed after the 1994 completion of the Channel Tunnel, which created a land border between the UK and France: the Treaty of Le Touquet (2003), and Sandhurst Treaty (2018). As a result of the Treaty of Le Touquet, juxtaposed border controls moved the UK border to France. Since 2014, the UK has committed more than £319 million (€362 million) to border and migration control in France.¹²

#### Policy changes since Brexit

Since leaving the EU at the end of the transition period in December 2020, the France–UK and Belgium–UK borders are now external borders of the EU. The UK no longer refers asylum applications to other EU states and there is no "binding framework" for the removal of third-country nationals from the UK to EU member states.<sup>13</sup>

The UK has therefore sought increase its border security. In November 2022 the UK and France set out further measures to enhance technological surveillance, joint action against smuggling and other ways of deterring irregular migration.¹⁴ A UK–France leaders' summit in March 2023 resulted in the announcement of a new £500 million (€567 million) package including funding for increased French border patrols and a new detention centre in northern France.¹⁵

Other UK actions on migration policy since Brexit all reflect a hardening of the position on irregular movement and the aim to deter people from crossing the Channel. The Nationalities and Borders Act, adopted in April 2022, introduces a two-tier asylum system and reduces the threshold at which someone is considered to have committed a particularly serious crime and who therefore may not receive refugee protection. <sup>16</sup> In the same month, the UK signed an agreement with the government of Rwanda to transfer asylum seekers to Rwanda, where they would then make their asylum

<sup>7</sup> Orav, A. (2015) Fingerprinting migrants: Eurodac Regulation. European Parliament Members' Research Service.

<sup>8</sup> Pergantis, V. (2019) "The 'Sovereignty Clause' of the Dublin Regulations in the Case-Law of the ECtHR and the CJEU: The Mirage of a Jurisprudential Convergence?" in Bruno, G.C., Palombino, F.M. and Di Stefano, A. (eds), Migration Issues before International Courts and Tribunals, CNR Edizioni, Rome, 2019, pp. 409-433.

<sup>9</sup> Secours Catholique (2019) Exilés, Dublinés, Maltraités: Le règlement Dublin et les conséquences de son application en France.

<sup>10</sup> Panara, M., (2023) <u>Belgium's state-run migrant shelters are saturated</u>, Infomigrants.net; Gauriat, V. (2022) <u>Crise de l'asile en Belgique : symptôme d'une politique migratoire européenne défaillante?</u> Euronews.

<sup>11</sup> Pascual, J., (2023), Calais, the French bunker border city pushing migrants into the English Channel, Le Monde, accessed 17 March 2023.

<sup>12</sup> The UK has committed more than £232 million in published agreements, with another £87 million in payments revealed in response to parliamentary questions. Gower, M. (March 2023): <u>Irregular migration: A timeline of UK-French co-operation</u>. Research Briefing 9681, House of Commons Library.

<sup>13</sup> Neidhardt, A. (2022) Post-Brexit EU-UK cooperation on migration and asylum: How to live apart, together, European Policy Centre.

<sup>14</sup> AFP (2022) In Channel, major resources track small boats, France 24.

<sup>15</sup> BBC (2023) Sunak and Macron summit: UK to give £500m to help France curb small boat crossings.

<sup>16</sup> The Law Society, Nationalities and Borders Act, 24 February 2023.

application; there would be no option to return to the UK. This measure faces legal challenges, although in December 2022 the UK High Court ruled that it does not breach the UN Refugee Convention.<sup>17</sup>

In March 2023—after research for this paper began—the UK Government introduced a new Illegal Migration Bill, with the stated intention of stopping people crossing the Channel in small boats. <sup>18</sup> Under the proposed legislation, those who arrive in the UK irregularly will be detained and removed, either to their home country or a "safe" third country. They would also be blocked from accessing the UK's modern slavery protections. <sup>19</sup> UNHCR has commented that if the bill is enacted, it would breach international law and "amount to an asylum ban". <sup>20</sup> In May, a coalition of 176 civil society organisations described the bill as "shockingly cruel and inhumane", saying it was "almost certainly unlawful domestically and internationally" and called on parliamentarians to urge the government to immediately withdraw it. <sup>21</sup>

### 1.2 France and Belgium: mixed migration and asylum in numbers

The International Organization for Migration (IOM) reported that 189,620 refugees and migrants arrived in Europe through irregular land and sea routes in 2022. Just over half of them were nationals of five countries: Egypt, Syria, Tunisia, Afghanistan, and Bangladesh. In 2023, as of 8 May, 61,236 people had arrived in Europe through irregular land and sea routes, with over 90% arriving by sea.<sup>22</sup> These numbers contrast with national data on arrests and detention, and data collected by the EU's border agency Frontex on "interceptions" and detention at the borders: such data on interceptions and arrests are liable to misinterpretation, as the same individuals can be intercepted numerous times, or not at all if the security forces are not active.<sup>23</sup> According to the British government: "it is not possible to directly compare recorded detections on different methods of entry or add these together to provide a full picture of how many migrants entered the UK without permission".<sup>24</sup>

#### France

In 2022, France registered 156,103 asylum seekers, up from 121,368 in 2021. During 2022, 29,305 people were granted refugee status, and 6,235 subsidiary protection.<sup>25</sup> The "protection rate"—the proportion of requests that resulted in a decision to grant protection at first instance, excluding subsidiary protection—was reported as 29% in 2022. A breakdown by nationality for 2022 was not available at the time of writing this report; however, the nationalities with the highest protection rate in France in 2021 were Eritrea (81%), Yemen (79%), Belarus (75%) and Syria (72%). Over the last quarter of 2021, the protection rate for Afghans increased to 90% (compared to 66% over the entire year), which is related to the Taliban takeover in August 2021.<sup>26</sup> The top five countries of origin of people seeking asylum in France in 2022 were Afghanistan, Bangladesh, Türkiye, Georgia, and DR Congo (in descending order).<sup>27</sup> Some nationalities are more represented among asylum seekers in France compared to elsewhere in Europe: in 2021 France received 64% of all EU asylum claims submitted by Guinean nationals, and 73% of those filed by Ivorians. Some 53% of Albanians claiming asylum in the EU did so in France.<sup>28</sup>

#### Belgium

In Belgium, 36,871 asylum seekers applied for international protection in 2022, an increase of 42% on the previous year. Applicants' main countries of origin were Afghanistan, Syria, Palestine, Burundi, and Eritrea. The protection

<sup>17</sup> BBC (2023) What is the UK's plan to send asylum seekers to Rwanda?

<sup>18 &</sup>lt;u>lllegal Migration Bill</u>, introduced in the House of Commons by the Home Office on 7 March 2023. After passing a third reading in the Commons on 26 April it moved on to the House of Lords, the upper legislative chamber of the UK parliament.

<sup>19</sup> The Law Society, Illegal Migration Bill. 16 March 2023.

<sup>20</sup> UNHCR, Statement on UK asylum bill, 7 March 2023.

<sup>21</sup> Liberty (2023) Joint Civil Society Solidarity Statement on the Illegal Migration Bill.

<sup>22</sup> IOM Displacement Tracking Matrix, Migration Flows to Europe - Arrivals, accessed May 2023.

<sup>23</sup> Myria – Federal Migration Centre (2020) <u>Belgium</u>, on the road to the <u>United Kingdom</u>, MyriaDoc 10. Interviews reveal that respondents were intercepted numerous times on their journeys into and through Europe.

<sup>24</sup> UK Government Official Statistics, (2023) <u>Irregular migration to the UK, year ending December 2022.</u>

<sup>25</sup> AIDA Asylum Information Database (2022) <u>Country Report: France</u>. This summary also describes discrepancies in the statistics on international protection.

<sup>26</sup> Office Français de Protection des Réfugiés et Apatrides (2022) Rapport d'activité 2021.

<sup>27</sup> AIDA Asylum Information Database (2022) op. cit.

<sup>28</sup> Office Français de Protection des Réfugiés et Apatrides (2022), op. cit.

rate in Belgium is 41.1% for refugee status, while 1.9% of applicants were granted subsidiary protection status. Acceptance rates vary significantly: for instance, for the top three countries of origin (Afghanistan, Syria and Palestine), the protection rate was 37.8%, 84.6% and 50.4%, respectively. In 2022, the highest number of recognised refugee statuses was granted to Syrians (2,499), Afghans (2,467), Eritreans (1,357) and Palestinians (760).<sup>29</sup>

## 1.3 Refugees and migrants 'in transit' in France and Belgium

Northern France and Belgium have been places of both transit and destination for people travelling in mixed migration routes for many years, but the prevailing narrative tends to be one of transit. However, the term "transit" tends to imply temporary status and stays of short duration; the reality on the ground is often different, as some refugees and migrants ostensibly in transit become stranded for long periods. Reflecting this, refugees and migrants with irregular status are often referred to in France as exilés.<sup>30</sup>

After the collapse of the Soviet Union and conflict in the Balkans, people began arriving in Calais from Eastern Europe, seeking to reach the UK, but getting blocked in the town. This population of "transit" migrants and refugees grew as people fleeing war in Iraq and Afghanistan headed towards western Europe, and the UK in particular. Between late 1999 and 2002, some 67,000 people sheltered in very basic conditions in a camp in Sangatte, close to Calais and the entrance to the Channel Tunnel. In 2002 the camp was closed, and the UK agreed to take in 1,032 of the 1,268 people present who had been assisted by UNHCR. Some 200 others were dispersed across France, 35 to other European states and 11 accepted return to Afghanistan.<sup>31</sup> In March 2015 a new centre was opened in Calais to provide basic relief and temporary shelter.<sup>32</sup> Close to 10,000 people ended up settling around the centre, and the area became known as the Jungle. It was described as the largest slum in Europe, until it was closed in late 2016.

Since then, French authorities have enforced a policy of "zero fixation points", which involves the frequent destruction of temporary settlements and impeding access to food and healthcare. Refugees and migrants mostly sleep in tents provided by aid groups, grouping themselves in informal "living spaces" which they refer to colloquially as "jungles". There is no running water, no sanitation, no electricity, and residents live under constant threat of eviction.

In Belgium, the ongoing reception crisis continues to leave asylum seekers without shelter; consequently, many sleep rough on the streets of Brussels. In March 2023, Fedasil, Belgium's asylum agency, estimated the number of homeless asylum seekers at between 2,000 and 3,000.<sup>35</sup> Authorities in Belgium have also tried to prevent the creation of informal settlements: the most well-known camp, situated at Brussels' Maximilien Park, was dismantled in 2020, during the COVID-19 pandemic.<sup>36</sup> Shelter is offered in private homes and by a citizens' collective in Brussels. Migrants also live in disused public buildings or self-managed houses. The closure, for public health reasons, of a large squat in a disused federal administrative building in Brussels brought Belgium's reception crisis to a new peak in March 2023.<sup>37</sup> A knock-on effect of the lack of access to shelter is that refugees and migrants are less visible to the state, as they turn to non-governmental organisations for help instead. Those who are undocumented do not enter into official statistics, and a combination of factors including hostile policies, negative experiences along the journey, and the absence of services, means that many refugees and migrants avoid or do not attempt to make contact with government or humanitarian agencies.<sup>38</sup> There is, therefore, in addition to a lack of assistance and protection, a lack of information on their situation, which in turn affects their access to protection and other fundamental rights.<sup>39</sup>

<sup>29</sup> Office of the Commissioner General for Refugees and Stateless Persons (2023) Asylum statistics January 2023.

<sup>30</sup> While the English word "exile" tends to imply banishment from one's country of origin, the French word "exilé" may be applied to anyone who

<sup>31</sup> Bonnevalle, P. (2022) <u>L'Etat français et la gestion de la présence des personnes exilées dans la frontière franco-britannique : Harceler, expulser et disperser.</u> Plateforme des Soutiens aux migrant.e.s (PSM), pp. 40, 43, 48.

<sup>32</sup> Darriet, M. Migrants: le centre Jules Ferry une veritable fourmiliere, France Bleu, 18 March 2016.

<sup>33</sup> Bonnevalle, P. (2022) op. cit. The policy is known as "Zero points de fixation".

<sup>34</sup> It is unclear to what extent this term is now used ironically, given the gradual "deforestation" by authorities of areas previously used as living sites. Some respondents likened their journey through the mountainous borderlands of Europe to a trek through an inhospitable and perilous "iunale".

<sup>35</sup> European Council of Refugees and Exiles (2023) Belgium: Government Reception Plan with Main focus on Restrictions and Return as Asylum Seekers and Activists Take Matters into Their Own Hands.

<sup>36</sup> Hope, A. (2022) Police round up migrants in Maximilien Park, The Brussels Times.

<sup>37</sup> European Council of Refugees and Exiles (2023) op. cit.

<sup>38</sup> Myrig (2020) op. cit.

<sup>39</sup> OHCHR (2020) Situation of Migrants in Transit: Report submitted pursuant to Human Rights Council resolution 29/2, <u>A/HRC/31/35</u>. "The lack of research and data on the situation of migrants in transit is an important gap and a major obstacle to the formulation of effective, sustainable and rights-based policy responses", p. 23.

#### 1.4 Onward movement to the UK

Many migrants and refugees transiting the Hauts-de-France region and Belgium are seeking to reach the UK to claim asylum there. The number of asylum seekers who are able to reach the UK through legal routes is extremely low compared to the number who would be eligible for asylum if they applied in the UK, which partly explains the use of irregular routes.

Detections of irregular migrants at the UK border have steadily increased from 13,377 in 2018 to 54,090 in 2022 (see Table 2). Since 2020, most of those attempting to enter the UK irregularly do so by crossing the Channel on small boats. Frontex reported it had detected 71,081 irregular crossings of the English Channel upon exit from the EU during 2022.<sup>40</sup> Many of those who fail to make the crossing are intercepted by patrols on French shores, while some fail to launch or turn back after experiencing a safety concern.

The number of people intercepted in trucks and lorries in Belgium's Zeebrugge port dropped to 1,065 in 2022, from a peak of 7,100 in 2018 (see Section 4 below). $^{41}$  This is mirrored by a decrease in the number of discoveries of refugees and migrants attempting to reach the UK in cargoes in the ports of northern France from 20,000 in 2020, to 14,500 in 2021 and 7,000 in 2022. $^{42}$ 

Table 2. Detections at the UK border, by method of entry (2018-2022)<sup>43</sup>

Number of detections	2018	2019	2020	2021	2022
Inadequately documented air arrivals	4,769	5,237	2,328	2,561	4,569
Recorded detections at UK ports	1,052	962	841	665	310
Recorded detections in the UK	7,257	8,239	5,465	5,061	3,456
Small boat arrivals	299	1,843	8,466	28,526	45,755
Grand total	13,377	16,281	17,100	36,813	54,090

Initially, the increase in small boat arrivals was associated with the COVID-19 pandemic, which reduced the frequency of other modes of travel.  $^{44}$  Since the easing of pandemic travel restrictions, however, small boat arrivals have continued to increase, and in 2022 made up 85% of arrivals detected.  $^{45}$ 

Departure points for small boat crossings to the UK are spread over a 120km stretch of French coastline, from the Belgian border. Cap Gris Nez and Cap Blanc Nez are the closest points to England in Continental Europe, only 34km across the Dover Strait, but longer crossings also occur from more distant beaches.

<sup>40</sup> Frontex (2023) <u>EU's external borders in 2022</u>; <u>Number of irregular border crossings highest since 2016</u>. Not all of these detections relate to successful crossings and the same person may have been detected more than once if they made multiple attempts to cross the Channel.

<sup>41</sup> Governor of West Flanders Province (personal communication); data from common customs and police centre.

<sup>42</sup> Ibid.

<sup>43</sup> UK Government Official Statistics (2023) Irregular migration to the UK, year ending December 2022.

<sup>44</sup> Ott, H. Why coronavirus is driving more migrants and refugees to try to reach Britain by boat, CBS News, 24 August 2020.

<sup>45</sup> UK Government Official Statistics, Migrants detected crossing the English Channel in small boats, updated 1 February 2023.

UNITED
KINGDOM

Cop Blanc-Nes Coloris
Cop Gris-Nes Countrie
Cherbourg

Cherbourg

Cherbourg

Dieppe

Cherbourg

FRANCE

Ouistreham

Dieppe

Territorial waters
Shipping lones

Map 2. The border between the UK, France, and Belgium

Some 90% of people arriving to the UK by small boat in 2022 applied for asylum. Less than 10% of that year's asylum decisions relating to such arrivals (including many claims submitted the previous year since decisions now take many months) were refusals. According to analysis of government statistics by the UK Refugee Council, an NGO, more than 80% of those who crossed the Channel in small boats in 2022 came from just seven countries: Albania, Afghanistan, Iran, Syria, Iraq, Eritrea and Sudan (in descending order of number of arrivals). People from Afghanistan, Syria and Eritrea have asylum grant rates of 98% while those from Sudan and Iran have a grant rate of 84% and 80%, respectively. However, over the first nine months of 2022, only 1,025 people from all these countries were resettled to the UK through formal schemes administered in collaboration with the UN refugee agency (UNHCR). This illustrates the lack of safe and legal routes available to people fleeing situations qualifying for asylum.

Channel crossings increased during the winter in late 2022 and early 2023, both in terms of numbers of vessels and people per boat. At the time of fieldwork, both Calais and Grande-Synthe were unusually quiet, even for winter months: key informants explained this by the high number of crossings in more adverse conditions, clearing out the area.<sup>48</sup>

<sup>46</sup> UK Government Official Statistics (2023) op. cit.

<sup>47</sup> UK Refugee Council (2023) The Truth about Channel Crossings.

<sup>48</sup> In 2022, there was at least one small boat recorded arriving in the UK on 2 out of every 5 days, with an average of 41 people per small boat (against 28 in 2021), according to official data. UK Government Official Statistics (2023) op. cit.

## 2. Refugees and migrants in northern France and Belgium: profiles and drivers of movement

#### **Key findings**

- According to key informants, most refugees and migrants are male, but women and very young children also undertake these journeys. Many unaccompanied children undertake the migration journey to the EU and UK, although not all declare themselves as minors.
- Events in countries of origin and initial refuge affect trends in the nationalities of refugees and migrants in northern France and Belgium, and influence access to migration routes.
- For almost half of the refugees and migrants interviewed for this study, the decision to migrate stemmed from a combination of factors. These include a lack of livelihood prospects, direct threats from state or non-state actors, long-running crisis or conflict, and forced enrolment into armed groups.

#### 2.1 Profiles of interviewed refugees and migrants

The characteristics of the people participating in this study to a large extent reflect what is known about the refugee and migrant population in the locations visited.<sup>49</sup> The vast majority of participants were single men (21 out of 29). Only one participant was female, travelling with her husband and five children. Four were married men with children, but travelling alone. Two had a partner and child(ren) in the UK. At least six started their journey before they were 18 years old.<sup>50</sup> The average age of respondents was 27 (the youngest was 17, and the oldest 49).<sup>51</sup>

All but one of the interviews with refugees and migrants from Iraq were conducted in Grande-Synthe, reflecting the large population of Iraqi Kurds in the area; three of them were seeking asylum in France and a fourth wished to do so. All the interviews with Afghans and Palestinians were conducted in Brussels, and all seven were asylum seekers in Belgium.<sup>52</sup> Migrants from Sudan, Eritrea and Syria were interviewed in more than one location: out of ten, four were asylum seekers, and a fifth intended to request asylum. No Iranian nationals were encountered, despite Iranians being among the most common nationalities of small boat arrivals to the UK, and informants could share little on current dynamics for Iranians.<sup>53</sup>

The participants came from diverse educational, professional and socio-economic backgrounds. Seventy percent of respondents indicated coming from an urban environment or growing up near a large city. Household occupational profiles varied between agriculture, government or army, and services. Two people came from extended families known for their involvement in opposition politics.

Educational achievement reflected living standards and opportunities in the country of origin. Many had started work at a young age to support their families, or to generate income for their journey. Several respondents, in particular those from Iraq, Syria and Eritrea, were skilled as builders, carpenters, mechanics, machinery operators or truck drivers. Others from Afghanistan, Iraq and Syria had served in the national army, regional military forces or regional police.

<sup>49</sup> An analysis of the qualitative data collected, complemented by available quantitative data, indicates that migrants and refugees on the move tend to be aged 15–40, with a majority aged under 25, and over 80% are male; unaccompanied minors are primarily boys, with the majority aged 15–17. Families, although a minority, are often travelling with very young children and babies.

<sup>50</sup> Since January 2018, 16% of those crossing to the UK in small boats were children aged 17 and under. UK Government Official Statistics (2023) op. cit.

<sup>51</sup> For information on the minor, see the section on methodology.

<sup>52</sup> Afghans encountered in Grande-Synthe were either unavailable, or appeared to be well under the age of 18.

<sup>53</sup> The extent to which recent events in Iran have changed the profile of those leaving Iran, and whether the number of departures has changed, was unclear. Iranians (both Kurdish and Farsi speakers) have commonly been present in Calais and Grande-Synthe over recent years according to people interviewed as part of this research.

Journeys varied and many were not linear, with periods of employment or living as a refugee in other countries, such as Lebanon, Türkiye, Ethiopia, Sudan, South Sudan, Uganda, Libya and Greece. This translates into some very long migration pathways: eight participants had left home seven to ten years ago, and another four had left three to six years ago. Nine people began their migration journeys from a country other than their country of origin, and another had grown up as a refugee in Pakistan, from which his family had been forced to return to Afghanistan.

Length of stay in the place of interview varied. Overall, a majority (17) of those interviewed for this study had first arrived more than three months before being interviewed. However, people present in the location for longer may have felt more confident in engaging in the study, introducing a self-selection bias. According to key informants, in Grande-Synthe the mobility of migrants is rapid, to the point where humanitarian responders rarely see the same faces. Most of the people interviewed in Grande-Synthe counted their stay in days or weeks, and three migrants had arrived in the previous three days. Those interviewed in Calais had been there longer: between two and 18 months. A study conducted on the French coast in 2021 noted that 25% of (59) respondents had arrived less than two weeks previously, 50% arrived less than 2.5 months previously, and 25% had stayed longer than five months. Some of the respondents for this study and who had been present for more than six months appeared frustrated that their situation had not changed and they could potentially be described as stranded—or involuntarily immobile—having run out of options. Others seemed to have a clear plan, but lacked the financial resources to make it a reality.

#### Five profiles emerged from the interviews:

- 1. Young men and boys from Sudan and Eritrea, some of whom only had primary education. Before leaving (often as children), they had undertaken small jobs to support their families and set aside earnings before the journey. Families often came from a farming background.
- 2. Young Afghans who had also left home before the age of 18, having (mostly) completed secondary education and who came from a range of socio-economic backgrounds. Their travel was organised by their families.
- 3. Educated (most had completed secondary level) refugees and migrants from Palestine, Iraq, Syria and India without stable jobs because of a lack of opportunities, whose families were able to pull together resources, in some cases potentially damaging their own long-term resilience. These people were relatively young and mostly unmarried.
- 4. A more mixed group of people from countries such as Eritrea, Iraq and Syria, some of whom had lived in other countries as refugees. Most came from families with relatively modest means and had training and experience as mechanics, truck drivers, machinery operators and construction or factory workers. Some were single, some married, mostly over the age of 25.
- 5. More highly educated refugees and migrants from Iraq and Afghanistan with stable professions: military officers, a civil engineer, a business owner, a company manager. Most had access to their own or family finances, were older, and married with children.

#### 2.2 Drivers: deciding to migrate

Motivations for migration and onward movement were related to situations in respondents' country of origin but also in countries of initial refuge or residence: 20 had started their journeys in the country of their nationality while nine left from other countries, having initially tried to establish a livelihood there. Among the latter, not all had documented refugee status in the countries in which they resided, had acquired skills and/or held jobs.

For just under half of respondents (13 out of 29), the decision to migrate was the result of a combination of drivers. These factors included: a lack of livelihood prospects (16 respondents); direct threats from state or non-state actors (8); long-running crisis or conflict (7); and forced conscription (4). Only one interviewee said they were motivated to migrate primarily by opportunities at their intended destination. Another four were seeking family reunification in the UK or medical assistance for family members.

<sup>54</sup> Lotto, M. (2021) On the border: Life in transit at the French-British border. Migrant Support Platform (PSM).

Twelve respondents had to leave in response to an imminent threat. Almost half of those from Iraqi Kurdistan mentioned leaving after being threatened as a result of their activism, or due to retaliation from an influential person or group. Three Afghans had fled threats and fear of retaliation related to the Taliban takeover. One Sudanese national from Darfur mentioned a specific threat from a named armed faction.

Others had fled situations of long-running armed conflict, economic breakdown and lack of economic prospects. Respondents from Sudan's Darfur region mentioned difficulties due to the continued presence of armed actors. A young man from Gaza (Palestine), having witnessed family members killed during conflict, sought somewhere where he would feel safe and be able to build a life and livelihood. An Afghan civil engineer left as a result of financial sanctions that had shut down his livelihood opportunities.

One Afghan who grew up as a refugee in Pakistan had been obliged to return to Afghanistan, where he was pressured to take up arms either with the government or the armed opposition, prompting him to leave.

Among those who had previously lived outside their country of origin, most faced a lack of opportunities, insecurity or discrimination in their place of refuge, or only had temporary protection status.<sup>56</sup> Three Eritreans who could not return home because they faced charges of desertion<sup>57</sup> said they had not been able to find a place where they could enjoy both long-term "safety and jobs". One had left Sudan after his wife and son decided to return to Eritrea. Another had spent years in South Sudan but left after facing violent extortion, and was then not able to find work in Uganda. The three Syrians had also spent time as refugees in other countries. One left Lebanon due to the economic crisis there. He sought asylum in Austria but said he experienced racism there and that his claim was rejected. A Kurdish Syrian respondent described a lack of opportunities for his children in Türkiye compared to those of close family members resettled in Europe and referred to growing discrimination against people of Kurdish origin.

The increased use of subsidiary temporary protection, and its expiration, is contributing to onward movement. An Iraqi respondent spent seven years in Greece and acquired international protection there but failed to renew his paperwork. Several respondents described meeting Eritrean families that had previously settled in Germany and whose children had been to school and were fluent in German, but who were again on the move as their subsidiary protection status had expired.

<sup>55</sup> OFPRA (2022) op. cit. lists as drivers for Iraqi Kurdistan: extorsion and threats from political parties, militias or armed actors, and social or political protest.

<sup>56</sup> It was not always clear if they had sought or received formal refugee status in countries hosting large numbers of refugees.

<sup>57</sup> Two had fled to avoid being called up for indefinite national service, while the third defected after surviving a year in detention.

## 3. Migration routes, decision-making and destinations

#### **Key findings**

- Many interviewed refugees and migrants were relatively uninformed about asylum procedures, and the precise conditions they would find in their chosen destination country. People back 'home' can play an important role in decision-making about journeys and destinations.
- Respondents' journeys are complex and often fragmented, involving many interconnected stages. They do not always take the most direct route to their intended destination, and some spend extended periods in transit locations, often in detention or due to lack of resources. Financial resources are a key determinant of the route and modalities of travel.
- Intentions can change during the journey and as migrants collect more information. Decisions on where
  to settle are informed by perceptions around access to work, social networks (family, friends and wider
  community) and language.
- The timeline and financial cost of the overall journey are unpredictable. Refugees and migrants are therefore keen to quickly reach a situation in which they can work and earn an income.
- Migrants have positive ideas of the UK as a place with favourable employment opportunities, including for informal work. For some, the UK is a last resort after negative experiences with asylum in the EU.
- An overwhelming majority of respondents made use of smugglers for travel and transportation on at least one segment of the journey. Smugglers also play a role in migrants' access to information.

Many factors influence the choice of route or destination, including physical barriers, family, financial capacity, individual attitude to risk, and physical endurance. People's access to information about policies can also impact on their migration decisions, but so does how they interpret this information. Key informants described encountering an optimism bias, whereby people will often interpret new information in a light that is favourable to them. Moreover, some key informants added that smugglers are believed to provide information to promote this optimism bias, thereby protecting their business.

## 3.1 Decision-making and access to information before departure

Undertaking an irregular journey to and through Europe requires substantial resources, planning and the involvement of facilitators and/or smugglers. Some of those who travelled through the Western Balkans had researched the route extensively before setting off.

In contrast, many refugees and migrants are relatively uninformed about asylum procedures in destination, and the precise conditions they will find.<sup>58</sup> Both migrants and key informants explain that the journey itself is so demanding that it leaves no mental space to organise the destination. Some respondents were very open about their lack of information on asylum conditions prior to travel:

"[I] didn't have any information before coming – [I] just wanted safety."

33-YEAR-OLD ASYLUM SEEKER FROM AFGHANISTAN

<sup>58</sup> Home Office Analysis and Insight (2020) <u>Sovereign Borders: International Asylum Comparisons Report. Section I: Drivers and impact on asylum migration journeys</u>. Note that this document is not available directly from a government source.

A lot of trust is placed in travel companions or others who have engaged in migration:

"I have relatives in Germany. They told me I can find a good life in Europe. I thought I didn't need information; it would be OK."

#### 21-YEAR-OLD ASYLUM SEEKER FROM SYRIA, INTERVIEWED IN BRUSSELS

For some younger travellers, families played a leading role in decision-making. Two Afghan asylum seekers described having almost no agency over their travel or destination—older family members organised their travel in a group and gave them instructions. One of them said: "from that time I lost my freedom". Another Afghan, now a refugee in Belgium, had pondered requesting asylum during an enforced stop in Germany before deciding to respect his parents' wishes to continue to Belgium.

One key informant highlighted the fact that when governments announce changes in policy to the general public, translations of that information are rarely provided at the same time, although this information could contribute to the decision-making of refugees and migrants. Instead, there are opportunities for misinformation and disinformation, as the message is translated and interpreted by a wide range of stakeholders with differing interests. It potentially provides a space for smugglers to create a counter-narrative.

#### 3.2 Migration routes

The routes taken and the conditions of the journey to France or Belgium varied enormously between respondents. Some walked for days or weeks or spent time in countries that had not been planned. Some stops were spent in open or closed refugee centres. Some stopped to gather information, organise resources, or decide on the use of a smuggler.

Eight respondents from Africa travelled through Libya. Of these, one used the Western Mediterranean Route into mainland Spain after traveling from Sudan's Darfur region via Chad, Libya, Algeria and Morocco. The others used the Central Mediterranean Route to cross from Libya into Italy, and then to France. They almost all had their fingerprints taken on arrival in Italy, sometimes at sea.

One respondent flew from India to Italy with a valid visa. Three obtained false papers once in Greece, allowing them to travel onwards by air from Greece.

The remaining 17 travelled from countries in Asia, often through Iran and into Türkiye. Four took a boat directly from Türkiye to Italy. The others crossed by land or sea into Greece from Türkiye: the majority on foot or concealed in commercial trucks bound for central Europe. Respondents who used the Western Balkan Route described long and arduous journeys, using a variety of modes of transport, such as trucks, trains, cars, buses and walking. Journeys often included multiple crossings of the same borders, as a result of interceptions or pushbacks, as well as forced stays in reception centres, or in detention. Interceptions at the Türkiye-Greece border and borders in the Balkans were often accompanied by violence, threats and degrading and humiliating treatment.

Having crossed the Balkans, some respondents proceeded through Slovenia into Italy and then France. Others reached Austria, Switzerland, France or Germany, sometimes by train, but more often concealed in commercial trucks; some crossed from Italy into France by walking across the mountains. Those travelling into or within Europe concealed in a truck often did not know where the truck was going. They used the GPS function on their phone to locate themselves and made loud noises with their feet to alert the driver when they wished to get out. Onward travel in France and Belgium was mostly conducted independently, by car or minivan, or train. Sometimes local people provided help with directions or buying them tickets.

Respondents use a variety of sources to finance their trip, drawing on their savings and assets, or those of families and friends. Many supplemented this with income earned on the way, working their way through countries such as Libya, Malta, Iran and Türkiye. However, many had run out of funds by the time of the interview, and were unable to continue their journey.

<sup>59</sup> In parallel to the current study, MMC also conducted a study on the mixed migration dynamics along the Western Balkans route. The report is available here: <a href="https://mixedmigration.org/resource/western-balkans-trends-dynamics/">https://mixedmigration.org/resource/western-balkans-trends-dynamics/</a>

#### 3.3 Choice of destination

Most respondents' initial intention was either to reach a specific destination in the EU or travel onto the UK. However, ten out of the 29 people interviewed did not initially have a specific destination in mind when they set out on their journey. Final decisions were made based on experiences along the migration route, including increased understanding of asylum options and risks.

Twenty-one respondents from four countries (Iraq, Sudan, Afghanistan and Eritrea) provided in-depth insight into decisions they made during their journeys. None of these had initially aimed to settle in France, and only three of the five who eventually requested asylum in Belgium had left home with the intention of finding refuge in Belgium. However, by the time of the interview, a majority (11) had applied for asylum in either France or Belgium, while five were still considering an application, in some cases at the same time as trying to reach the UK. Five respondents interviewed in France did not intend to apply for asylum in France, either because they wanted to reach the UK or because they did not expect to be granted asylum.

Each journey is deeply individual and complex, yet lessons and commonalities emerge. The main factors informing decisions on where to settle were social networks (family, friends and wider community), language, and ability to work.

Many refugees and migrants arriving in the EU have strong reasons for wanting to claim asylum in a specific member state. Numerous respondents expressed concern that they might be sent to another country where they did not have family or social networks to help them and their families integrate. They also have strong reasons for not wanting to be sent back to the first country of entry into the EU. National and European administrative and court rulings support some of these concerns: for example, the European Court of Human Rights ruled in 2011 that Belgium should not send asylum seekers to Greece due to inhumane conditions there (although in 2018 it was ruled that transfers could resume);<sup>60</sup> in 2023 Dutch courts ruled that asylum seekers could not be sent to Italy because of risks of mistreatment and human rights violations;<sup>61</sup> in several countries, transfers to Hungary have been halted due to inadequate conditions and asylum procedures;<sup>62</sup> and transfers have been halted due to the risk of people being returned to countries at war.<sup>63</sup>

Refugees and migrants are keen to quickly reach a situation in which they can earn an income through work, as journeys often take more time and resources than expected. Decisions on where to settle are therefore informed by perceptions around access to employment, which will subsequently allow refugees and migrants to support family members through remittances or family reunification. Respondents noted the importance of identity documents in France and Belgium: to access jobs, medical care and even housing, a form of identification is required, one that police often demand to see. 64 Moreover, many jobs also require documentary evidence of a formal qualification or specific training.

All five Afghan respondents—who were interviewed in Brussels—wished to remain in Belgium for interconnected reasons: there is an established Afghan community in the north of the country and some respondents had extended family members who had already settled in Belgium. Respondents considered that Afghans have a relatively good acceptance rate in Belgium's asylum system. The Afghan community in Belgium assured asylum seekers interviewed in this research that there would be help in establishing a livelihood or starting a business. The awareness that others had gone before them increased confidence in migrating to Belgium.

How the Dublin Regulation applies to an individual and determines where they can apply for asylum is a leading factor in decision-making. This was reflected in the importance that respondents gave to the fingerprints<sup>65</sup> they had left behind: where, to whom, and under what circumstances. (Many Afghans, Syrians and Iraqis had been fingerprinted in Germany or Austria; many respondents had given fingerprints in Italy, with Eritreans and Sudanese often spending a short period in Italy.) Those knowledgeable about asylum laws and procedures, such as organisations providing legal aid, and the Belgian federal asylum authority, underline that fear and lack of understanding around the Dublin decision-making process extends to individuals and organisations working with refugees and migrants. This unpredictability can undermine trust in authorities and highlights the difficulties refugees face in making choices without access to specialised advice. Fear, and lack of information and understanding of the Dublin procedure, means that decision-

<sup>60</sup> Belgium can now send asylum seekers back to Greece, The Brussels Times, 11 June 2018.

<sup>61</sup> MacGregor, M. "Dutch court rules asylum seekers cannot be sent back to Italy under Dublin Regulation", InfoMigrants, 27 April 2023.

<sup>62</sup> ECRE (2016) Case law fact sheet: Prevention of Dublin transfers to Hungary.

<sup>63</sup> European Database of Asylum Law (2017) France: Rejection of Dublin transfer of Afghan nationals to Norway.

<sup>64</sup> Arrest data also reveal an element of racial profiling. See Myria (2020) op. cit.

<sup>65</sup> The term was used in English in interviews, accompanied by a gesture of palms splayed downwards. The interviews with refugees and migrants suggest that the fingerprinting process is perceived as an instrument of control, and is a significant mental stressor.

making can be based on a misperception of how Dublin will apply to them and be coloured by their own and others' bad experiences.<sup>66</sup>

Considering the two key decision-making factors of social networks and ability to work, under Dublin, family relationships are taken into consideration, but this is interpreted narrowly for adult asylum seekers, as a spouse, unmarried partner or child (who is under 18 and unmarried). Relations that an adult applicant might perceive as very close (such as a sibling) are not considered within this primary definition, leading to a fear that the Dublin procedure will not allow an applicant to be with family.<sup>67</sup> Respondents also recounted that the time taken to receive a decision on Dublin status played a role in decision-making about their journey, destination and applying for asylum, because of its effect on the ability to start working and earning money.

Out of 11 respondents who had made an asylum application in either France or Belgium, two strongly believed their request would be derailed by the Dublin procedure and were reconsidering their journeys. One Eritrean man (interviewed in Calais) who had taken steps to establish a life in the western French city of Nantes said he had received contradictory information at different stages in the procedure. He was now seeking to cross the Channel, believing he would not be able to pursue his claim in France due to the Dublin process. One young man from Sudan said had been told that he was under a "normal" procedure but was convinced that this would prove not to be true; he explained that he was trying to cross the Channel as "the only way to escape from Dublin".

Among the five respondents who had yet to apply for asylum or were still deciding whether to do so two wished to settle in France but had not begun the application process out of a fear that they would not succeed and would be forced to either leave the EU or, in line with Dublin, go to another EU member state. Three were still evaluating their options.

"Dublin creates what it was supposed to prevent: secondary movement, migrants in transit or 'under orbit'. It extends duration and undermines confidence."

CARITAS INTERNATIONAL, CIRÉ, NANSEN, PLATEFORME CITOYENNE DE SOUTIEN AUX RÉFUGIÉS, VLUCHTELINGENWERK VLAANDEREN (2019) <u>MIGRANTS EN TRANSIT EN BELGIQUE – RECOMMANDATIONS POUR UNE APPROCHE PLUS HUMAINE.</u> (AUTHOR'S TRANSLATION.)

#### 3.4 Intentions to reach the UK

Out of the 21 respondents (of four nationalities) whose intentions have been examined in depth, the UK played a role in the journey of 13. Five were set on reaching the UK and had clearly defined this as their destination from the outset: one was trying to join a partner and child there; two were traveling with their children to access medical care; and two were drawn to the UK for more complex reasons related to their aspirations and ideas about the country. Six respondents in France were considering crossing to the UK as one of several avenues, for similar reasons around aspirations and perceptions of the UK. Two others had already travelled to the UK and returned to France, one after having an asylum claim rejected, the other after changing his mind.

Key informants related that young people from Eritrea and Sudan—particularly minors or presumed minors—often need help from social workers in convincing their parents to give up on the idea of their crossing to the UK. In the view of some key informants, this is because families are reluctant to allow their children to settle in a country that they know nothing about, and they are more confident about the UK as they know more about it. No respondents mentioned direct pressure from family members to reach the UK, however.

A recurring theme among respondents of all ages—even those who were not actively trying to reach the UK—was that friends, travel companions, or other people encountered locally had already made it across the Channel.

<sup>66</sup> Secours Catholique (2019) op. cit.

<sup>67</sup> British Red Cross (2018) Guide to joining family under the Dublin Regulation.

"My friend gave me instructions to meet him here [...] Now he is already in the UK."

17-YEAR-OLD SUDANESE BOY, INTERVIEWED IN CALAIS

"There were three ladies and a baby from Iran. They already passed. The others have all gone across."

40-YEAR-OLD IRAQI MAN, INTERVIEWED IN GRANDE-SYNTHE

"All other friends came here and are in the UK."

33-YEAR-OLD MAN FROM ERITREA

"I found a Sudanese in Rome, I travelled with him. He has gone direct to the UK."

28-YEAR-OLD ERITREAN MAN, INTERVIEWED IN CALAIS

Respondents planning or contemplating travelling on to the UK said they expected that friends and members of their extended community network there would be able to help with employment, social connections and other aspects of integration. This was especially the case for nationals of countries with an important diaspora in the UK. Language was also a key factor. Those who were articulate and confident in English—usually younger respondents—felt assured that they could integrate due to their language skills. Even among people who spoke little English, language was a deciding factor, in that many respondents regarded French as harder to learn than English. Familiarity with the UK and the English language, due to colonial history, was mentioned by some Sudanese respondents.

Two other features of the UK came up regularly that are related to obstacles mentioned above. Firstly, in the UK one does not need to carry a form of identification. Secondly, a perception that there are more work opportunities. Respondents perceive the UK as a place where the job market is flexible, providing opportunities for informal work and allowing them to start earning quickly. Respondents did not seem to be aware of restrictions on informal work, and/ or the severe limits on asylum seekers' access to formal work.<sup>68</sup> Refugees and migrants seem less aware of the time required to process asylum applications in the UK (as of 2022, 33% of cases had been pending for one-three years, and 9% for even longer),<sup>69</sup> and obstacles to accessing employment. These findings echo other studies exploring what draws people to the UK.<sup>70</sup>

Implicitly, the UK is seen as a land of opportunity, where people from all backgrounds can succeed. A 20- year-old Syrian respondent had formed the opinion that in the UK "there is work, it is a good country". A young man from Sudan specifically referred to Scotland as a place he would "feel safe" because there are "good people" there. This contrasted with their disappointment at poor treatment by authorities in other parts of Europe.

Others trying to or considering crossing to the UK were motivated by the understanding that reaching Britain was a last resort to "escape Dublin". One explained that "there is no Dublin" in the UK "so they won't send me back". This reflects the findings of a larger study conducted in 2021 on the French coast, only a third of whose respondents had a predetermined intention of reaching the UK, whereas for 50% such an intention was the result of a rejection elsewhere, or of their understanding of their "Dublin" status (real or perceived). The coast of the coast

Other factors related to EU asylum rules may also impact onward movement to the UK. Key informants speculated that a fall in the acceptance rate of Afghans, due to a change in the European Union Agency for Asylum's safety

<sup>68</sup> Most asylum seekers do not have the right to work in the UK, although they can request the right to work if they have been waiting more than 12 months for a decision. See UNHCR, Rights and entitlements of refugees and asylum seekers in the UK, accessed May 2023.

<sup>69</sup> Tyler-Todd, J. et al (2023) Delays to processing asylum claims in the UK, Research Briefing CBP9737, House of Commons Library.

<sup>70</sup> Lotto M. (2021) op. cit.; Myria (2020) op. cit.; MSF (2019) Une fuite sans fin. Soins en santé mentale au hub humanitaire de Bruxelles.

<sup>71</sup> Since the end of the Brexit transition period, on 31 December 2020, the UK is no longer bound to the Dublin framework, the Eurodac fingerprint database, and other essential components of the European migration and asylum system. Neidhardt, A. (2022) Post-Brexit EU-UK cooperation on migration and asylum: How to live apart, together, European Policy Centre.

<sup>72</sup> Lotto, M. (2021), op. cit

assessment for Afghanistan, may drive more Afghans to fall back on the UK as a last resort asylum option.<sup>73</sup> This was not, however, the case at the time of the research, which took place very soon after the guidance was published—Afghan participants were all seeking asylum in Belgium.

A few interviewees in Calais mentioned the UK–Rwanda agreement in the context of their decision-making. Not all had understood the implications of the policy. For two respondents, it was just one element in their decision to pursue a request for asylum in France; another feared that the Rwanda policy would result in him being sent back to Eritrea and imprisoned for defection; and a third hoped that a temporary stay in Rwanda might prove to be a convoluted route to finally establishing a life in the UK, as he mistakenly believed that UK officials would still eventually process his claim. For other respondents, the policy was presented as one more obstacle to overcome, having survived many dangers so far.

Indeed, despite sensitisation and risk prevention activities about the dangers, crossing the English Channel can appear as a relatively small additional obstacle after an already perilous journey and following negative experiences in other countries in Europe and elsewhere. <sup>74</sup> According to key informants, the Channel, one of the busiest shipping lanes in the world, has been compared to a "river" by those who imagine themselves already on the other side.

#### 3.5 Reaching the UK

Respondents who were considering onward travel to the UK described three options for doing so, all of which may involve smugglers.

- Concealment in a truck or lorry headed toward the coast. Since motorway rest stops within 100 km of Calais have been closed, refugees and migrants try to climb aboard trucks stopped at overnight parking sites in Belgium, in the hope that they are headed for the UK via North Sea ports or the Channel Tunnel. Media reports and key informants suggested that some smugglers active on these routes operate on a small scale, often ethnically based, and without a strong profit motive.<sup>75</sup>
- Concealment in a truck or lorry in Calais. Usually, migrants will climb aboard parked vehicles in secure areas at night. They may also try while the vehicle is moving, adding another element of risk. Although smugglers are involved in this method, this was the main option described by those who had exhausted their resources and wanted to try their luck without help from a smuggler.
- Travel by small boat (usually inflatable rubber-hulled vessels) from beaches along France's Opal Coast, that runs from Dunkirk to Cherbourg.<sup>77</sup> In recent years, this form of crossing has expanded significantly both in volume (number of crossings) and geographical range (departure points), and is almost exclusively organised by smugglers operating what is assumed to be a lucrative business, though some respondents expressed the hope that they could get a free passage or a reduced rate.

Respondents talked little about their arrangements for crossing to the UK by boat, although some had already made attempts to do so. There were suggestions that information and contacts were available locally in Grande-Synthe, but that it is increasingly possible to organise travel ahead of time through a referral. Key informants believe that the waiting time had reduced, as passages had increased.

Respondents and key informants claimed that it was rare to meet the people involved in running the operation, who would certainly not travel on the boat themselves, as this "would be the end of their business", presumably because they would be likely to be intercepted and detained.<sup>78</sup>

<sup>73</sup> European Union Agency for Asylum (EUAA) (2023) Country Guidance Afghanistan 2023.

<sup>74</sup> Several NGOs do risk education and give out numbers for distress calls, to ensure that those crossing are aware of the risks and what to do in case of emergency.

<sup>75</sup> Loore, F. (2018) Migrants: l'autoroute du trafic. Paris-Match.be.

<sup>76</sup> This has been extensively documented in older news reports but was not described during field research, see for example, Euronews/AP (2011). Migrants cling to UK-bound trucks in dangerous bid to cross Channel.

<sup>77</sup> This study focuses on departures by boat from France, which are most common. There are some reports of departures from Belgium, although these have fallen to very low levels in the last years. See, for example Stevens, G. Migrants fail to reach UK in boat from Belgium, The Caravel, 5 February 2020; MacGregor, M. Belgium says sharp drop in migrants headed for UK, InfoMigrants, 23 February 2023; Millar, P. Fewer migrants using Belgium as route to get to UK, The Bulletin, 27 February 2023.

<sup>78</sup> Paus, A. (2020), Cooperation and Reduction: a socio-economic analysis of illegal market actors facilitating irregular migration at EU-internal transit points.

The boats are dropped or buried close to the shore in sand dunes just prior to departure. "Customers" are instructed by phone on how and where to access the boat when they reach the launch location. Anecdotally, key informants mentioned the use of "decoy" boats carrying a smaller number of passengers being launched at the same time as one or two "real" crossings, with vessels carrying a larger number of passengers. Often, smugglers provide only enough fuel to reach UK territorial waters, rather than land. As reflected in the UK data on arrivals, respondents noted that most of the boats leaving are heavily overloaded and that some are not seaworthy, increasing the number of failed launches. Media reports suggest that engines are of poor quality, contributing to safety issues and fatal incidents.<sup>79</sup>

Among those who reach the UK, a small number later return to mainland Europe. This was the case for two respondents, both from Iraq: one 49-year-old interviewed in Grande-Synthe had travelled to the UK and came back to France after a short stay, deciding against the UK as a destination and continuing to Germany. Another, now aged 34, had reached Scotland hidden in a truck and applied for asylum there in 2017. After being refused, he returned to France, also hidden in a truck. His initial application for asylum in France was rejected and he is hoping for regularisation in France.

#### 3.6 Smuggling and counter-smuggling operations

Increased immigration controls have led to more smuggling, and more organised, professionalised, and connected smuggling practices: Europol assesses that the growing demand for smuggling services has led to "an increase in the number of facilitators involved, and in the professionalisation of the smugglers" on the Channel route, including more use of specialised and outsourced services for procurement and logistics.<sup>80</sup>

"The main effect of measures to make the border watertight has been to turn the smugglers into professional criminal groups"

OLIVIER CAHN, QUOTED IN PASCUAL, J. ET AL, <u>A CALAIS, LA FRONTIÈRE BUNKER AVEC L'ANGLETERRE REPOUSSE LES MIGRANTS VERS LA MER</u>, LE MONDE, 3 FEBRUARY 2023 (AUTHOR'S TRANSLATION).

While this study did not research people-smuggling in depth, questions around how refugees and migrants organised and resourced their travel led to discussions about smugglers, who were sometimes referred to as "brokers", "helper", "passeurs" in French, or "kaçakç" in Kurdish. An overwhelming majority of respondents (26) explicitly or implicitly referred to using smugglers for at least one segment of their journey. Key informants emphasised that they did not have information about the modalities of smuggling.

Some respondents differentiated between the people running smuggling operations from whom "clients" receive instructions by telephone, agents (often people whom they approached in person to negotiate or to arrange finances), and those making arrangements on the ground.

#### MMC's understanding of human smuggling

MMC uses a broad interpretation of the terms "smuggler" and "smuggling", one which encompasses various activities—paid for or otherwise compensated by refugees and migrants—that facilitate irregular migration. These include irregularly crossing international borders and internal checkpoints, as well as providing documents, transportation, and accommodation. This approach reflects refugees' and migrants' perceptions of smuggling and the facilitation of irregular movement. Our interpretation is deliberately broader than the UN Protocol against the Smuggling of Migrants' definition. However, this does not imply that MMC considers all activities it includes in its broad understanding of smuggling to be criminal offences. MMC prefers to use the term "human smuggling" instead of "migrant smuggling" as smuggling involves both refugees and migrants.

<sup>79</sup> Dheedene, H. (2021) La Manche devient un cimetière, L'Echo.

<sup>80</sup> Europol (2022) European Migrant Smuggling Centre - 6th Annual Report, Publications Office of the European Union, Luxembourg.

#### Smuggling into Europe

Respondents who had travelled through Türkiye portrayed smugglers there as well-networked and commercially minded. This made it possible to negotiate a package deal, with payment made after services had been rendered. The business-like approach is reflected by some smugglers' (or their agents') actions to protect their business reputation—one respondent received a refund for an unused portion of his journey, which he used to contract another smuggler. However, one respondent travelling from Afghanistan via Iran, who contracted several different smugglers, described them as having "lied" to him and cautioned against up-front payment as one could get "swindled"; his family had to sell land to enable him to cover the increasing costs.

Most respondents from Iraq, Syria and Afghanistan used financial intermediaries to guarantee and process payments to smugglers, after arrival at their destination. One respondent described a "payment-by-tranches" arrangement for a journey from Sudan to Italy, with payments released by a friend. Others who travelled through Libya described more ad-hoc arrangements, and an individual payment for the passage to Italy. Costs could still spiral due to extended timeframes, unexpected periods of immobility, and theft of money or phones.

#### Smuggling inside Europe

Within the EU, smugglers were used mainly among respondents crossing the Italy–France border, at Ventimiglia. Almost all described having to engage a smuggler locally in Ventimiglia after failed attempts to cross by train without the services of a smuggler. They travelled concealed in trucks or in private cars.

Respondents did not go in depth into the services offered by smugglers in addition to transportation and guiding. Key informants talked about smugglers maintaining safe houses and/or makeshift camps in rural Belgium, but no refugee or migrant respondents said they had made use of these.

Respondents mentioned the role of smugglers in access to information. Some key informants alluded to "doctored" videos circulating on social media, which smugglers used to encourage clients to pursue their journeys or to explain new policy announcements. Making use of various techniques for misinformation and disinformation, smugglers take advantage of migrants' expectations, for example of life in the UK, by highlighting favourable employment opportunities, high wages, good social conditions and healthcare, and the lack of ID requirements as a factor facilitating irregular stay. <sup>81</sup>

"The lack of opportunities to reach the UK via safe and legal routes combined with increased border surveillance have pushed migrants and refugees into the hands of smugglers and to take greater risks to cross irregularly."

EUROPOL (2022) EUROPEAN MIGRANT SMUGGLING CENTRE 6TH ANNUAL REPORT, LUXEMBOURG

To cross the Channel, there seem to be many ways of "packaging" the deal, with payment schemes variously based on success or on a certain number of attempts. Sourcing the boats can itself be a complex operation—one recent case involved transporting the boats from China via Türkiye and Germany.<sup>82</sup> Anecdotal evidence suggests that the smugglers who specialise in crossing to the UK operate independently from the networks bringing people into the EU.

<sup>81</sup> UNHCR (2019) <u>Destination Anywhere: The profile and protection situation of unaccompanied and separated children and the circumstances which lead them to seek refuge in the UK.</u>

<sup>82</sup> InfoMigrants (2021) Ils faisaient passer 250 personnes par mois" : quinze trafiquants arrêtés dans le nord de la France.

While observations during fieldwork for this study suggest that, to a degree, ethnic or linguistic links are exploited in smuggling operations, smuggling also involves nationals of European countries, and smugglers are reported to be linked to transnational crime networks. Observations during field research suggested that smugglers from some national groups act more as facilitators, with less interest in making money, while others play more business-like roles, seeking to make more money. Media reports of court proceedings reveal that French nationals are also playing key roles, and their distribution across French territory shows the complexity of the routes and networks used.<sup>83</sup>

#### Counter-smuggling

UK National Crime Agency officers have been working with their French counterparts on joint intelligence operations related to smuggling since 2018. According to the British government, a UK–France Joint Intelligence Cell created in 2020 has so far dismantled 76 organised crime groups. In 2022, the cell secured the arrests of around 400 suspected people smugglers.<sup>84</sup> Under the new agreement reached in November 2022, specialist British officers will be stationed alongside French teams in France.<sup>85</sup>

Belgian authorities' counter-smuggling efforts include targeted efforts to dismantle networks as well as increased checks on containers. This has likely contributed to the drop in number of people discovered trying to cross via Zeebrugge port. According to Belgian authorities, since the start of 2019, 116 people have been convicted of human smuggling by small boat, truck or transport container.<sup>86</sup>

Between 2017 and 2021, an estimated €300 million has been invested in France to secure the UK-France border by putting up walls, razor wire, cameras, drones, facial recognition, private security and control centres, requiring a further €125 million for operating costs.<sup>87</sup> The new £500 million package announced in 2023 is additional to this.

"The increase in the number of crossings reveals smugglers' new strategies to bring refugees and migrants to Britain, but it is also explained by a context of border securitisation, the absence of legal channels to reach the UK, and the creation of a hostile environment that pushes people to attempt increasingly dangerous crossings."

P. BONNEVALLE (2022), OP. CIT. P. 252 (AUTHOR'S TRANSLATION).

<sup>83</sup> For cases relating to migrant smuggling, see, for example, Infomigrants, Manche: six passeurs condamnés à des peines de prison après avoir généré 1,6 million de bénéfices, 8 February 2023; Infomigrants, "Ils faisaient passer 250 personnes par mois": quinze trafiquants arrêtés dans le nord de la France, 23 November 2021; Infomigrants, Un trafic franco-belge de revente de bateaux pneumatiques pour traverser la Manche demantelé, 27 May 2019; Infomigrants, Réseau de passeurs vers le Royaume-Uni: neuf ans de prison pour le chauffeur d'un camion, 14 April 2023; Cléret, A., Passeurs de migrants: 30 prévenus jugés à Rennes, Ouest-France, 8 March 2022; JMA avec AFP, Pas-de-Calais: une filière de passeurs de migrants condamnée jusqu'à deux ans de prison, BFMTV, 5 November 2022; Kajzler, Y., Traversées de la Manche: tout ce que l'on sait sur le démantèlement international d'un réseau de passeurs, FranceInfo, 6 July 2022.

<sup>84</sup> UK Government (2023) Latest statement in response to small boat crossings, Home Office in the media Blog.

<sup>85</sup> Casciani D. (2022) Smugglers just part of wider migration problem for UK, BBC.

<sup>86</sup> Millar, P. (2023) Fewer migrants using Belgium as route to get to UK, The Bulletin.

<sup>87</sup> This comes on top of an estimated total of €300m spent 2012-2017, and €498m spent 1998-2012. See Bonnevalle, P. (2022) op. cit.

## 4. Conditions in France and Belgium: needs and services

#### **Key findings**

- In both France and Belgium, refugees and migrants are living in conditions that do not meet global minimum standards for humanitarian settings. Sanitation is extremely poor. Combined with regular evictions, this leads to health and mental health impacts.
- Numerous private citizens from France, Belgium and the UK help by volunteering and providing in-kind resources or funds. Some also host refugees and migrants in their homes.
- Access to information, legal aid and essential services in safe locations supported by cultural mediators, and supported by outreach, can mitigate vulnerabilities and support migrants' decisions.
- Migrants and refugees show limited awareness of aid organisations or their purpose, both during their journey and upon arrival in France and Belgium.

Conditions along the journey, including facilities in (open or closed) centres, were described as difficult. Warm clothing, tents and blankets are the key priority voiced by new arrivals in the locations of interview, while charging phones and power banks are a priority for all.

Refugees and migrants describe living under a "siege mentality" in northern France, due to near-constant evictions, regular police checks, inhospitable physical conditions and worry about when they will be able to access a shower or a meal. These difficulties, combined with the risks incurred during repeated attempts to hide in vehicles, or cross the sea, contribute to high levels of stress and anxiety. Conditions remain below global minimum standards for emergency settings, despite the efforts of an active and diverse group of nongovernmental and civil society groups, in addition to agencies mandated by the state.<sup>88</sup>

The majority of people in transit in Belgium are in Brussels, and can access short-term stays with private hosts and in shelters run by a citizens' platform.<sup>89</sup> Seven NGOs opened a "Humanitarian Hub" in the city in 2017 to provide meals, showers and other services tailored to the needs of migrants in transit.<sup>90</sup> Groups of volunteers across the country also support smaller numbers of refugees and migrants, notably in areas where trucks stop overnight on their way to the UK. In addition to staying in private homes, people in transit stay in a range of disused buildings and self-managed houses.

## 4.1 Inadequate access to shelter and survival needs in a context of regular evictions

#### Shelter

Refugees and migrants do not have consistent access to adequate shelter, even in winter. All refugees and migrants interviewed in Calais, Grande-Synthe and Brussels had been sleeping rough, in small clusters of tents or under tarpaulins, in stations, on patios and outdoor areas of private and public buildings, or on the streets.

<sup>88</sup> This analysis is based on direct observation by the author and relates to common humanitarian standards such as in Sphere (2018) Sphere Handbook.

<sup>89</sup> The citizens' platform was formed in response to the increased arrival of refugees and migrants into Belgium in 2015 and consists of a large and active network of individual volunteers who offer housing in their homes.

<sup>90</sup> InfoMigrants, The Brussels humanitarian hub: a respite for stressed migrants. 23 February 2018.

In Belgium, Fedasil is supposed to provide accommodation for asylum seekers but does not have enough spaces for all new arrivals. <sup>91</sup> In March 2023, a waiting list for asylum seekers entitled to accommodation held over 2,000 names. As a result, the limited accommodation for migrants in transit is used as alternative shelter for asylum seekers, extending the average waiting period at one such shelter in Brussels from ten days to five weeks. <sup>92</sup>

In the Hauts-de-France region, very few people stay at official Reception and Assessment Centres (CAES). The CAES are located inland, in areas without bus or rail connections to the Coast, and are primarily intended to channel people into the French asylum system.<sup>93</sup> "Forced sheltering operations" are sometimes carried out in Calais, during which people evicted people from makeshift camps are transferred to a CAES without information on where they are going—contributing to negative perceptions of the centres.<sup>94</sup> A shelter for foreign unaccompanied minors is located in St Omer, some 30 km from the coast. Two initiatives provide limited shelter for women: one is a charity and the other a private home.

#### Food, water and sanitation

In Hauts-de-France, organisations providing food cannot cover all meals. Not all respondents had access to a meal every day and 35% of respondents in a previous study conducted in the area said they regularly went to bed hungry. Some respondents interviewed for this study had access to pots and pans for cooking on campfires: these are precious and are carefully stored and handed over when people leave.

Water is provided by (volunteer) aid groups who truck water to tanks or supply jerrycans. Showers provided by the state can be accessed by bus in Calais and in Grande-Synthe, and an NGO runs a truck with a shower in it. Many respondents described structuring their day around accessing a shower.

Sanitation is extremely poor, with open defecation reportedly the norm. According to a women's organisation interviewed as part of this research, one of the priority requests they receive from women is for adult incontinence products, so that they do not have to risk going to the toilet in the open at night. In Calais, the state maintains a cluster of 26 public portable toilets (two are marked female) in the vicinity of the hospital. In Grande-Synthe, NGOs and longer-term residents have set up a few makeshift squat latrines using plywood and blankets.

In Brussels, the lack of shelter implies inadequate access to sanitation. One respondent accessed public toilets in a nearby shopping centre. Others used the Humanitarian Hub to shower. In Tournai, refugees and migrants can get a ticket to use the public baths, though not every day, and NGOs distribute a map of free water points in the summer.

#### Service providers

Governments provide part of the material and financial support to meet the urgent needs of refugees and migrants, many of whom arrive in poor physical condition. Key informants reported that in Belgium, funding has traditionally been provided by regional governments and supports the main actors involved (NGOs, civil society groups, the Red Cross). In France, there is a greater distinction between activities funded by the government through state-mandated agencies and the efforts of NGOs and civil society, which are supported by appeals to the public, volunteers and in-kind contributions.

The level of involvement of volunteers and civil society groups from France, Belgium and the UK is notable. One key informant in Belgium noted that when governments announce more restrictive measures they see an increase in the number of citizens signing up to volunteer or even opening their homes in solidarity.<sup>97</sup>

<sup>91</sup> Asylum seekers are assigned shelters specific to their Dublin status. See: Fedasil, Séjour en centre d'accueil, accessed April 2023.

<sup>92</sup> A shelter for foreign unaccompanied minors was set up 2021, but closed in 2022. Funds are available for a new shelter to open in 2023.

<sup>93</sup> La Cimade (2018) Hébergement des personnes migrantes. An assessment has to be done in a matter of days, in order to reorient refugees and migrants to other types of centres, or send them back to their home country or the country in which they entered the EU. They can also be referred to a detention facility.

<sup>94</sup> Human Rights Observers (2022) Annual Report 2021. Observations of evictions of informal living sites. Calais & Grande-Synthe.

<sup>95</sup> Lotto, M. (2021) op. cit.

<sup>96</sup> Federal funding has more recently started to be mobilised, but most of the effort has until recently been supported by the Brussels-Capital Region, one of three federal regions in Belgium.

<sup>97</sup> Over 10,000 hosts have been active on the citizens' platform, hosting a migrant in transit on at least one occasion.

The few showers and latrines provided in Calais were set up as a result of a warning issued in 2017 by the French Conseil d'Etat—a high court that serves as an advisory body to the government—based on its assessment that living conditions for refugees and migrants in Calais revealed a "failure on the part of the public authorities" that was likely to "expose the persons concerned to inhuman or degrading treatment and (...) a serious and manifestly unlawful interference with a fundamental freedom". 98

#### 4.2 Impact of living conditions on health

When asked about difficulties faced in the Hauts-de-France region, respondents initially only wanted to talk about the police. They did not complain about living conditions, until asked directly where they were living and how they fulfilled their basic needs. This revealed feelings of indignity and insecurity experienced as a result of rough sleeping in the winter months. Respondents in Brussels mentioned the lack of shelter and the cold as the main difficulties, resulting in similar impacts.

"Here it is very cold. Life in [the] jungle is so hard, cold, [I am] freezing under [a] tent. I hear children crying at night and it keeps me awake thinking about my children."

42-YEAR-OLD IRAQI MAN, INTERVIEWED IN GRANDE-SYNTHE

Poor living conditions, such as lack of sanitation and shelter, and inadequate access to food and water, lead to physical and mental health impacts. Perhaps linked to their young age profile, migrants and refugees do not generally request treatment for chronic illnesses. However, more acute health concerns are prevalent: one medical NGO estimates that over 40% of people seeking their medical services in Calais have scabies. <sup>99</sup> Migrants also seek treatment for infected wounds from injuries sustained while trying to hide in trucks and lorries. Both scabies and diphtheria have been a challenge in Belgium. <sup>100</sup>

Pregnancies occur, sometimes after rape. 101 Female refugees and migrants can and do access medical services to terminate unwanted and/or unplanned pregnancies in both France and Belgium. Key informants reported that miscarriages caused by harsh living and travelling conditions are common. Many women and girls also carry their pregnancy to term.

Physical and mental health impacts also result from experiences in countries of origin (which often are the reason for leaving) as well as experiences en route. Thirteen respondents mentioned a traumatic experience before or during the journey. Among these, one man was imprisoned for a year in a cell so narrow that he "could not lie down or see daylight" before he left Eritrea; one respondent had a foot injury from a landmine or improvised explosive device and had being mistreated and beaten on the journey due to his inability to walk; one person was still recovering from frostbite resulting from traveling through the Balkans in winter; and a 20-year-old from Iraq had left home weighing 75kg and arrived in Grande-Synthe at just 59kg.

Such pre-existing impacts are often compounded by physical conditions in France and Belgium, as well as the mental stressor of the uncertainty caused by lack of status and protracted asylum processes. Respondents expressed the distress and suffering resulting from not having a clear path forward.

"I need shelter to access treatment. [I am under] a lot of mental pressure – [I] don't know what to do. It's a struggle – [my] family is back home with no income."

33-YEAR-OLD AFGHAN ASYLUM SEEKER, INTERVIEWED IN BRUSSELS

<sup>98</sup> See Conseil d'Etat (2017) Conditions d'accueil des migrants à Calais : le Conseil d'État rejette les appels du ministre de l'intérieur et de la commune. The Defender of Rights (Défenseur des Droits) and the National Consultative Commission on Human Rights (CNCDH) have also examined living conditions and carried out investigations into the impact of government policy on fundamental rights in northern France, and on the France–Italy border. See for example Défenseur des droits (2018) Exilés et droits fondamentaux, trois ans après le rapport Calais or CNCDH, https://www.cncdh.fr/publications/avis-sur-la-situation-des-personnes-exilees-calais-et-grande-synthe. 11 February 2021.

<sup>99</sup> Médecins du Monde France, personal communication, also reported in The Conversation (2018) <u>Migrants' latest health challenges: Scabies.</u>
100 MSF conducted a vaccination drive in 2022. MSF, Croix-Rouge Francophone de Belgique, personal communication, also reported in InfoMigrants (2023) <u>Asylum seekers in tents on the streets of Belgium and the Netherlands.</u>

<sup>101</sup> Refugee Rights Europe (2016) Unsafe Borderlands. Filling data gaps relating to women in the Calais Camp.

This is consistent with the findings on mental health at the Brussels Humanitarian Hub described by MSF in a 2019 report: 25% of mental health problems were directly linked to conditions in Europe or in Belgium specifically, including being in limbo related to Dublin status, sleeping rough, and feelings of exclusion. The study found that much of the suffering described related to respondents' current conditions and that sleeping rough was a major risk for reactivating previous trauma. Key informants underlined the impossibility of assuring psychosocial follow-up to people living in suspended and insecure conditions.

According to data shared by the Hub, in 2022 the trigger for refugees and migrants accessing the facility's mental health service was most often homelessness (for 39% of people), ahead of physical violence (23%).<sup>103</sup>

"I had [a]good job, good pay, people worked for me back home, now I don't even have a place to shower [...] [there are] lots of noises outside, I get lots of problems from the cold."

28-YEAR-OLD AFGHAN ASYLUM SEEKER, INTERVIEWED IN BRUSSELS

Harsh living conditions and police brutality compound the stress for people who had hoped to find safety and dignity in Europe, and who are instead living in a constant state of suspense.<sup>104</sup>

"You need documents for peace of mind, I am waiting for that. My mind is not quiet, if [my] mind is free it will be easy."

28-YEAR-OLD ERITREAN ASYLUM SEEKER, INTERVIEWED IN CALAIS

#### 4.3 Access to information and legal advice

The research for this study indicated the importance of understanding how refugees and migrants access information, and their preferred sources. Refugees and migrants rely heavily on accessing the internet via their smartphones, which is why access to phone charging and a Wi-Fi connection are important needs. (These services are provided at the few day centres indicated in this study). They may join relevant Facebook groups or access messages on WhatsApp for migration information. However, they do not necessarily use their phones for this purpose, and refugees and migrants often are unfamiliar with aid organisations and ignorant of available services.

A group of Afghan asylum seekers who were attending a legal aid clinic when interviewed already said that they were aware of a good acceptance rate for Afghans in Belgium (although at 37.8%, perhaps this information is not very accurate). Several revealed that the sources of this information were TikTok and YouTube videos of refugees celebrating when they receive their papers. Fewer had done their own research using Google, YouTube and official websites. This is supported by MSF's 2019 study, which found that people in Belgium need legal support, but do not always use the legal advice services offered, instead trusting their peers and other connections both off- and online.<sup>105</sup>

Moreover, respondents to this present study in Brussels usually referred to assistance received at the "Red Cross" centre. This is an older name of the Humanitarian Hub, and it suggests that the respondents had received information about the centre indirectly, from older arrivals or from social media. The Hub in Brussels reports that 20% people it met on "walkabout" didn't know about its existence.<sup>106</sup>

<sup>102</sup> MSF (2019) op. cit.

<sup>103</sup> Humanitarian Hub 2022 data, shared with the author.

<sup>104</sup> The stress caused by waiting and uncertainty has also been found in other studies. See for example Lotto, M (2021) op. cit.

<sup>105</sup> MSF (2019) op. cit, p. 14.

<sup>106</sup> Humanitarian Hub 2022 data, shared with the author.

According to a report by the Danish Institute for International Studies, "In general, people tend to have more trust in fellow nationals with successful migration experiences than in international organisations and governments": migrants are highly dependent on their social networks of family and peers in their home communities and the diaspora, as well as other migrants they meet en route. 107

However, some of the difficulties and disappointments that migrants and refugees encounter are a result of "trusted" sources providing incomplete and/or inaccurate information, in particular regarding the challenges in destination countries. The complexity and unpredictability of the Dublin system, acknowledged by experts working on asylum and legal aid, contributes to this. 108 Furthermore, advice from friends and other connections can be out of date.

Access to information, legal aid and essential services in safe locations supported by cultural mediators and interpreters, and reinforced by outreach, can mitigate vulnerabilities and support more informed decisions. While such facilities exist in Brussels, Tournai, Calais and Paris, they are somewhat lacking in Grande-Synthe, according to key informants.

The essential services provided in Calais and—to a lesser extent—Grande-Synthe, including information and legal advice, are described in a document called the NAG ("New arrivals guide"). This two-page document is regularly updated and printed in several languages, for each of the two locations. Aid groups interviewed use the NAG to conduct outreach activities, visiting different locations, walking around talking to people, and explaining the services.

Respondents in Calais seemed better informed and willing to discuss their own plans in the light of European asylum policies or the UK-Rwanda plan, compared to those in Grande-Synthe. This is likely due to the regular legal aid and legal information sessions organised at the Secours Catholique's day centre in Calais, and the type and quality of relationship-building based on regular outreach. In Grande-Synthe, written information is available in several languages on noticeboards, but there is no place for people to gather and receive information verbally. The camp's security situation hampers access and outreach activities.

While some migrants spontaneously seek information on voluntary repatriation, and have been supported in the process, this is a very small minority. Most remain uninformed about the options, or are unwilling to consider returning, in some cases because of a fear of incarceration, in others because they are not ready to consider that they have failed and turn back. This applies especially to those wishing to cross to the UK, who feel they are very close to their goal.

<sup>107</sup> Vammen et al (2021) <u>Does information save migrants' lives? Knowledge and needs of West African migrants en route to Europe</u>, Danish Institute for International Studies (DIIS), Copenhagen, p.18

<sup>108</sup> Watizat, ACF, France Terre d'asile (2022) L'accès à l'information des personnes exilées à Paris, p.39.

#### 5. Protection: risks of violations and abuse

#### **Key findings**

- Respondents experienced excessive force, threats and coercion, detention, and inhuman and degrading treatment during their journey, primarily perpetrated by police and border forces encountered in earlier stages on their route in the Balkans, or by a variety of actors in Libya. They are subjected to repeated identity checks and harassment in France.
- Sexual exploitation and sexual abuse are known to occur. Women and girls and boys are less visible to assistance providers, and their specific needs and vulnerabilities are easily overlooked.
- The lack of effective legal routes to the UK for children with close family members residing in the UK may push them to embark on risky irregular journeys. The risk of prosecution, and of loss of access to asylum and modern slavery protections, may also be higher for younger travellers.
- Since 1999, 364 migrants and refugees have reportedly lost their lives on or near the borders between the UK and France and Belgium. With the increased number of small boat crossings in risky conditions, more deaths in the Channel can be expected.

#### 5.1 Death and serious injury

The Observatoire des Migrants Morts à Calais (Observatory of migrant deaths in Calais) maintains a map and interactive timeline—based on news articles, blog entries and other reports—of people who have died on or near the borders between the UK, France and Belgium.<sup>109</sup> These fatalities associated with mixed migration across the region extend far beyond the better-known locations (Map 3).

Map 3. Deaths on the border (1999-2023)



<sup>109</sup> Observatory of deaths at the borders: France – Belgium – UK accessed April 2023; Tiki-Toki, Deaths at border France/Belgium/UK accessed April 2023; Gallison, M. (2020) op. cit..

According to the Observatory, between 1999 and May 2023, there were 364 such deaths, with fatalities occurring on land and at sea, in all three countries and their territorial waters (with 63 deaths in Dover and 40 in Essex), but with a greater frequency in France. During one incident on 24 November 2021, an inflatable dinghy travelling from France to the UK sank in the English Channel, causing the deaths of at least 27 of the 30 people on board: 17 men, seven women, a 16-year-old and a 7-year-old. No rescue effort was mounted, despite distress calls to both French and British emergency services. This was the deadliest incident at the border since 2019, when the bodies of 39 Vietnamese migrants were discovered in a refrigerated lorry in the English county of Essex. The lorry had crossed the Channel by ferry from Zeebrugge. With the increase in the frequency of crossings in unsafe conditions, and from more distant beaches, more fatal incidents can be expected.

A 2021 study conducted on the French coast found that 35% of those interviewed had been injured since arriving in northern France, most often when falling off trucks or getting caught in razor wire.<sup>114</sup> Two thirds reported having survived a risk to life or limb during their attempted crossings. Study participants referred only obliquely to the risks involved with crossing to the UK: one respondent acknowledged that "others get hurt".

Aid organisations provide information on safety measures at sea and numbers for distress calls. One key informant described a protocol of follow-up calls and emails to French and British emergency services, to ensure that distress calls are logged, and to verify that a rescue is mounted. Interviewees highlight the risk of hypothermia while waiting for rescue, or even after safely reaching land. The risk of suffocation and/or hypothermia is also a reality for those tempted to hide in refrigerated trucks.

There are risks in living spaces too. During data collection for this study, a violent incident occurred in Grande-Synthe, resulting in injuries. A fatal incident occurred on 15 February 2023, when a man was shot dead while sleeping near Loon-Plage. According to key informants, several others were also injured in the same incident. This underlines the insecurity and limits to volunteers', aid organisations' and state actors' access.

#### 5.2 Detention, physical and psychological abuse

Respondents reported experiencing excessive force, threats and coercion, detention, and inhuman and degrading treatment during their journey, often by police and border forces. Eight respondents experienced detention or periods in custody (including stays in closed centres) during the journey. One said he had been detained for a year as a minor in Malta. Three were detained in Libya and only released after paying a ransom. Four were in police custody or closed centres for periods ranging from seven hours to 1.5 months in Greece, Bulgaria, Austria or France.

Interviewees described beatings and threats from border forces and police in Greece, North Macedonia, Serbia and Bulgaria. An Afghan asylum seeker interviewed in Brussels, who left home at the age of 17, was intercepted ten times while trying to cross the border from Serbia into Romania. On the 11th attempt, he and a travel companion were injured falling out of a moving vehicle while being pursued by the police; he subsequently witnessed the death of his companion from those injuries. A 21-year-old Syrian asylum seeker interviewed in Brussels described crossing nine times from Türkiye into Greece. On one occasion he reported being beaten and locked in a bathroom for two days, before being returned across the border to Türkiye without his clothes, money or mobile phone. On another occasion he was detained and had money taken.

A 35-year-old asylum seeker from Palestine explained that he "faced death twenty times on the journey". One respondent detained in Libya witnessed the deaths of other detainees; another described having to travel through tunnels in Libya to avoid being shot while trying to reach the shore of the Mediterranean.

Respondents mentioned police harassment in France (discussed further below) in the context of evictions and identity checks. However, none reported physical abuse by law enforcement in either France or Belgium. Key informants in both countries reported that victims of police violence rarely make an official complaint, and that in general migrants prefer not to have any contact with police, even to report a theft. Key informants also referred to dangers related to

<sup>110</sup> AFP, France formally identifies 26 of the 27 people who died in Channel tragedy, The Guardian, 14 December 2021.

<sup>111</sup> Walawalker, A. et al. (2023) Horror beyond words": how Channel distress calls were ignored 19 times before 2021 disaster, The Guardian.

<sup>112</sup> BBC News (2021) Essex lorry deaths: Men jailed for killing 39 migrants in trailer.

<sup>113</sup> Dheedene, H. (2021) La Manche devient un cimetière, L'Echo. A fact-finding mission on Channel deaths by the Council of Europe has been proposed (personal communication).

<sup>114</sup> Lotto, M. (2021) op. cit.

<sup>115</sup> See also Utopia 56 Twitter Feed, 19 March 2023.

<sup>116</sup> InfoMigrants (2023) Camp de Loon-plage : un exilé tué par balles.

policing on the beaches, where restraint in the use of force is not always exercised.<sup>117</sup> There are instances of police, gendarmes, border officials and riot police (Compagnies Républicaines de Sécurité) having been prosecuted and found guilty of misconduct. It is notable, however, that among the few reported cases, one victim was a British volunteer and another a British journalist.<sup>118</sup> In Belgium, a study conducted by Médecins du Monde in mid-2018 reported that 25% of migrants interviewed said they had been victims of police violence in Belgium, including being hit, deprived of sleep or food, and strip searched without a clear explanation.<sup>119</sup> The same study also found that property such as telephones, medication and other medical necessities was confiscated.

#### 5.3 Sexual exploitation, sexual abuse and genderbased violence

Sexual exploitation and abuse by local residents were mentioned by respondents in both France and Belgium. Respondents reported that female refugees and migrants in Belgium had been reluctant to stay in private homes. For fear of abuse, they only reported their presence to aid providers after a dedicated women's shelter was opened in Brussels.

The risk of gender-based violence, exploitation and abuse affects decisions about how to travel, particularly for women and girls. According to key informants, women often keep a low profile, sometimes even travelling as men, or among groups of men who help render them invisible. Young women and girls choose not to stand out, often preferring to pass for adults, and/or opting to stay among adult women. Data from the UK Home Office suggests that women made up for 13% of overall arrivals on small boats since 2018, 120 yet they represent only 2.3% of visitors to the Brussels Humanitarian Hub. 121 As a result, specific experiences and needs of this minority of women and girls are easily overlooked.

#### 5.4 Vulnerability of minors and youth

Many key informants note that younger refugees and migrants take much greater risks than their older peers, for instance through travelling in refrigerated lorries, which carries a lower risk of detection and a high risk of hypothermia or suffocation. Travel by boat is also more expensive, and some of the younger respondents interviewed in France were also trying to conceal themselves on trucks for that reason. Minors are also particularly vulnerable to trafficking. Respondents shared stories of solidarity with young refugees and migrants, recognising these vulnerabilities. For instance, some Eritreans in the parking lots in Belgium give up their spot in the queue to get on a truck if a minor arrives, letting them go first and thus reducing children's transit time and potentially their exposure to harm.

Not all minor refugees and migrants declare themselves as such in northern France and Belgium. According to key informants, this is partly out of fear that they might be reported to child protection services, taken to a closed centre, and/or subjected to an age evaluation, or simply because they wish to be treated as adults.<sup>123</sup> Whatever the reason, this can increase the risks of violations and abuse.

Legal routes to the UK for children with close family members residing in the UK are extremely limited. One key informant reported that in 2020 about 100 children successfully legally reunited with family in the UK from northern France; two applications were unsuccessful. In contrast, between January 2021 and December 2022, only 5 received entry clearance. Lawyers in France are reluctant to entertain the hopes of these children given the drop in success using this legal route. As a result, some of those who started the process become discouraged and cross irregularly anyway.<sup>124</sup>

<sup>117</sup> See for instance Utopia 56 Twitter feed, 28 March 2023 alleging the use of teargas on the beach, which they refer to the police watchdog (IGPN) and Defender of Rights.

<sup>118</sup> Gisti (2021) <u>Violences policières : à Calais, Darmanin ment</u>.

<sup>119</sup> Médecins du Monde (2018) <u>Violences Policières envers les migrants et les réfugiés en transit en Belgique. Une enquête quantitative et qualitative.</u>

<sup>120</sup> Home Office (2023) op. cit.

<sup>121</sup> Humanitarian Hub 2022 data, shared with the author.

<sup>122</sup> An expert informant in Calais described receiving distress calls from young men trapped inside a refrigerated lorry. They were rescued by emergency services. Another reported a similar incident in Tournai.

<sup>123</sup> Age and minority is a complex issue. Some seeking international protection are also thought to be older than the age they claim: one interviewee attributed his long asylum journey to the fact that he was carrying identity documents stating he was 17 whereas a bone density test placed him well into his twenties.

<sup>124</sup> Département du Pas-de-Calais & ECPAT, personal communication.

The lengthy travel and asylum process are particularly hard for younger travellers. While most young people interviewed did not want to engage on the question of whether their families had contracted debt to pay for their passage, they demonstrated an anxiety about being able to support family back home through remittances.

#### 5.5 Harassment

In the Hauts-de-France region, refugees and migrants live under constant pressure of eviction as a result of the "zero fixation point" policy, and the sense of being harassed by the police permeated through almost all interviews. This sense was fuelled by incidents such as: removal of tents; destruction and confiscation of belongings during evictions; frequent identity checks, sometimes accompanied by administrative detention; and being served with opaque and threatening documents.

Human Rights Watch has documented repeated mass eviction operations, near-daily police harassment, and restrictions on provision of and access to humanitarian assistance in northern France.<sup>125</sup> The authorities carry out these practices with the primary purposes of forcing people to move elsewhere— without resolving their migration status or lack of housing—and of deterring new arrivals.

"Police trouble me every day. They don't let you pass."

20-YEAR-OLD SUDANESE MAN, INTERVIEWED IN CALAIS

"I sleep in a different place every day. Because of police."

28-YEAR-OLD IRAQI MAN, INTERVIEWED IN CALAIS

"Here it's difficult, I have no rights. I always stay here in the same spot, in a tent, hiding from police. Police remove my tent three times per week. This morning they came very early."

21-YEAR-OLD MAN FROM SUDAN, INTERVIEWED IN CALAIS

In Calais, evictions are routinely carried out without the required court order, explaining their significantly higher number and frequency compared to those carried out in Grande-Synthe (where court orders are first secured), see Table 3.<sup>126</sup> During these evictions, sleeping bags, blankets, tents and tarpaulins are seized and/or destroyed. Phones are confiscated. The loss of phones exacerbates vulnerability, as phones are an essential tool for keeping in contact with family, orientation (via GPS), and accessing help.

Table 3. Incidents observed during evictions in 2021

Incidents in 2021	Calais (Pas de Calais)	Grande-Synthe (Nord)
Evictions of informal settlements	1,226	61 (12 settlements)
Sleeping bags and blankets seized / destroyed	2,833	918
Tents and tarps seized / destroyed	5,794	4,327
Arrests during evictions	141	64

Source: Human Rights Observers<sup>127</sup>

<sup>125</sup> Human Rights Watch (2021) Enforced Misery: The Degrading Treatment of Migrant Children and Adults in Northern France.

<sup>126</sup> Human Rights Observers (2022) op. cit.

<sup>127</sup> Human Rights Observers (2022) op. cit.

Refugees and migrants interviewed for this study described being subjected to repeated identity checks, for instance while moving to and from the site of the informal camp in Grande-Synthe. Many are then taken to the police station and issued with an order to leave the country. Sometimes these interactions involve incomplete interpretation over the phone, whereby the interpreter does not always speak the relevant language well or speaks a different dialect. One respondent carrying a document issued by the police had understood it to be some kind of "safe conduct", relating that he thought the police officer had told him that "he was safe" and "with this you don't have to worry". In fact, he had been issued a document in which he declared that he was aiming to reach the UK and that he did not wish to exercise his right to claim asylum in France, even though this was now his intention. This police pressure extends to volunteers and aid groups, who face legal and practical restrictions, recurring fines, and intimidation.<sup>128</sup>

#### 5.6 Prosecution risk

Interviews indicated that refugees and migrants could pay less (or nothing at all) for their passage across the Channel by playing a role in the crossing, such as steering the boat. A report by Myria, the Belgian Federal Migration Centre, also outlined the role that some migrants and refugees are required to play during their journeys: "a young transit migrant may be required to close the door of the lorries for several nights after others have climbed in, before acquiring the right to climb in the lorry themselves". 129

Key informants expressed concern that such actions would result in refugees and migrants being prosecuted for assisting unlawful migration, incarcerated and barred from making an asylum application.<sup>130</sup> In July 2021 the UK's Crown Prosecution Service issued guidance stating that asylum seekers entering the UK irregularly would no longer be prosecuted for assisting unlawful migration unless they had been involved in other criminal activity, yet cases have continued to be brought.<sup>131</sup>

<sup>128</sup> Human Rights Watch (2021) op. cit.

<sup>129</sup> Belgian Federal Migration Centre – Myria (2020) op. cit.

<sup>130</sup> Grant, H. (2021) Legal challenge seeks to end UK's jailing of asylum seekers who steer boats, The Guardian; Spaggiari et al (2022) op. cit: "European countries have increasingly prosecuted asylum seekers and migrants using laws intended to combat people smuggling".

<sup>131</sup> Human Rights at Sea (2021) UK Crown Prosecution Service takes Compassionate Stance for Migrants and Refugees crossing English Channel.

#### 6. Conclusion

While this study attempts to fill information gaps in understanding the mixed migration dynamics in northern France and Belgium, some key gaps in data, both quantitative and qualitative, emerged during the research, some of which impact on access to protection. There is no consolidated, comparable data on nationalities, profiles and specific needs of refugees and migrants in northern France and Belgium; there is no easily accessible information on essential services provided by state and non-state actors, gaps and funding; and there is also no regular protection monitoring or consultation process.

Nonetheless, this study finds that migration journeys to and through Belgium and northern France are made of many stages and multiple readjustments, with few having followed the path they initially planned. Few set out on their journey with a comprehensive understanding of conditions at destination, at least partly because of the time and energy that is required in planning the journey itself. In particular, people lack information about asylum processes in potential destination areas, and the choice of destination is shaped by the journey, as well as the people, information, and (lack of) protection encountered along the way. Lacking formal migration and resettlement routes, refugees and migrants tend to use smugglers to cross borders irregularly, and these smugglers also become sources of information, information that can be partial, incomplete and/or biased.

People's decisions to stay in Belgium or France, or to move onward to the UK, are based on factors perceived to facilitate their social integration and economic stability. The most important are the presence of family, community and social networks, language, and opportunities for work. Some believe that travelling to the UK is their only remaining option, as they fear they will not be able to access asylum in a location of their choosing in the European Union.<sup>132</sup>

High-level migration and asylum policies seek to control and reduce mobility, and to refuse asylum seekers a choice in deciding on a country or location of refuge, but key informants questioned whether a deterrence strategy can be effective for people who are so close to their goal, and who have already invested all their resources. Migrants and refugees highlighted the importance of their own agency and decision-making over their destination. Respondents expected to find dignity after their journey to Europe, and many expressed disappointment at having to navigate and sometimes try to circumvent a complex administrative maze, often in a language they did not understand, while living in poor and often degrading conditions, after having experienced long, arduous and often traumatic journeys. These factors all contribute to very poor conditions for the refugees and migrants "in transit" in northern France and Belgium.

<sup>132</sup> As previously noted, the research for this study began before the Illegal Migration Bill was introduced to the UK parliament. If it passes into law, entering the UK irregularly (including via a small boat) will make it virtually impossible to claim asylum there and will likely lead to detention, if not deportation.

#### **Annex 1. Interview guides**

#### Interview guide: Key informant interviews with subject experts

Interview					
Q#	RA	Interview Question	Follow ups/ probes		
0	Introduction	Can you tell me about your own (years) of experience in the job/region/sector?  What initiatives/projects is your organisation/ are you engaged in that relates to refugees, asylum seekers, migrants, people in exile or in transit in Belgium and northern France? (programmes, advocacy, networks, research etc).	<ul> <li>Do you work directly with people in transit?</li> <li>What partners do you work with?</li> <li>What activities do you do?</li> <li>What are the main locations in [country/region]?</li> <li>How do you manage language dynamics?</li> </ul> (Note down gender/demographics)		
1	Who	Can you tell me what you know about who is undertaking these mixed migration journeys in [country/region]?  Have there been any changes over the past 6-12 months?  (if not) what was the last time something significant changed?	<ul> <li>Origin, nationality or community</li> <li>Gender: men, women, families, children</li> <li>Age</li> <li>Socio-demographic profiles</li> </ul>		
2	Where	Could you describe any trends regarding people on the move to and through northern France and Belgium?  Are there established routes that people tend to travel along? Any changes over the past 6-12 months?  (if not) what was the last time something significant changed?	<ul> <li>Major routes – countries, hubs, choke points</li> <li>Modes of transport, costs</li> <li>How long do people spend here overall, how long do they stop for and why?</li> <li>High level numbers and sources, key changes</li> </ul>		
3	How	What else can you tell me about how people are organising their journeys, their intermediary stops and their destination.  How do migrants procure travel?	<ul> <li>Are they accessing livelihoods opportunities, engaging with the asylum system, or just regrouping to rest and prepare the next leg of the journey</li> <li>How variable is this? What are the main factors?</li> <li>To what extent do they rely on smugglers, brokers, facilitators, members of their social networks?</li> </ul>		
4	Intentions	Do you have a sense of what factors influence migrant decisions in routes and destinations? In particular, what is the impact of social, demographic, and other characteristics of migrants?  What do you think motivates people to stay in a certain location or keep moving?  Do they try to return? What influences this decision?	<ul> <li>Differences between men, women, children, migrants with families; or between communities.</li> <li>How spontaneous are these decisions? Who influences these decisions</li> <li>How much information do you have about assisted voluntary returns?</li> <li>How much information do you think migrants have about assisted voluntary returns?</li> </ul>		

5	Policies	To what extent are their travel and destination intentions shaped by migrant's understanding of country policies or conditions?  What nuance do you think this question deserves?	<ul> <li>Experience and understanding of registration (Dublin) and asylum processes</li> <li>Family reunification; return</li> <li>Extent to which others influence choices</li> <li>Compare between nationalities, demographics (eg Afghan, Iranian, Iraqi, Pakistani)</li> <li>Compare points in time/ policy changes.</li> <li>What misconceptions are there?</li> </ul>	
6	Protection risks	What challenges do migrants face in staying safe while on the move in northern France and Belgium?  What information do migrants need to stay safe?  What information sources are available?  Which ones are mostly used? Is this because they are seen as trustworthy?  And how do they access it? Where are the gaps?	<ul> <li>Men, Women, families travelling with children, unaccompanied minors.</li> <li>Differences between routes (nationality, ability to pay, whether they enter reception centres or not).</li> <li>Where do most risks occur?</li> <li>Differences by nationality/ language, socio-economic status, demographics.</li> </ul>	
7	Conditions & services	Can you describe the conditions in [country/region]?  What challenges do migrants face in accessing basic services in northern France and Belgium?	<ul> <li>Which basic services are available, who provides these?</li> <li>Which groups are most/least effectively reached by humanitarian or state services?</li> <li>How much is language a barrier?</li> </ul>	
8	Organisations	Which NGOs or community organisations are well connected with migrants en route and might be able to facilitate follow up studies or interviews?	<ul> <li>Particular demographics they would be good at facilitating introductions to.</li> <li>Access to interpreters / language barriers.</li> <li>Any caveats.</li> </ul>	
9	Data / Gaps	What data sources or publications are you aware of that might further support the study objectives?	<ul><li>Published/ unpublished studies</li><li>What are main gaps in information or analysis?</li></ul>	
	Close	Is there anything else you'd like to add that we haven't covered already?	Who else do you think I should speak with.	
Clo	Closing			

#### Interview guide: Semi-structured interviews with migrants

Introduction					
Interview					
Q#	RA	Interview Question	Follow ups/ probes		
1	Who	Can you tell me about your background, where are you from, how old are you, when did you leave home, how many years of school did you attend, what language you speak, what occupation did you practice before leaving home.	<ul> <li>Age, marital status</li> <li>Language, community</li> <li>Education, qualifications, stable job / prospects</li> </ul>		
2	Why	Do you mind telling me a bit more about your decision to leave your home? How long ago was that?	<ul> <li>Pull/ push reasons for departure, probe beyond basics ('jobs'), people who were influential in the decision, getting funds</li> <li>Did you have an idea of where you wanted to travel to and why?</li> <li>How did you access information, and where?</li> </ul>		
3	Where	Would you be happy to share more about your journey, in particular once you crossed into Europe? Did you stay elsewhere before reaching here, or perhaps even try to settle elsewhere?  Where did you cross the border? How/ did you use any transportation? Did you have to pay anyone to cross?  How long ago was that? How long have you been in Europe altogether?	<ul> <li>Routes, time since departure, places, travel companions.</li> <li>Choices made, i.e., one route over another.</li> <li>Were your fingerprints registered at any point? Did that change your decisions?</li> <li>Did you ever take steps to seek asylum? What happened?</li> <li>How long ago did you arrive in Belgium/ France, have you been mostly traveling or had long stops? How did you decide where and how long to stop?</li> </ul>		
4	How	I am interested in learning more about how you arrange your travel. Could you tell me how you got to this place?  Did you have enough money to make it all the way here? [if not: what happened? to you/ your friends/ family?]  How do you access information, and where?	<ul> <li>Did you pay anyone money to come here?</li> <li>Did you pay for your own travel? If not, who else supported you?</li> <li>To whom? Just one person/ organisation or several?</li> <li>Did you pay at once, or several times, did this create challenges (for you/ others)?</li> <li>Where did you pay this money and how?</li> <li>Did you travel alone, or with others? Who else travelled with you? How/ why did you decide to travel alone/ together?</li> </ul>		
5	Protection risks	If you are happy to share, could you tell me about any difficulties you faced?  Did anyone help you/ try to address the situation? (Only if good rapport has been established)	<ul> <li>Difficulties accessing food, shelter, medicine, logistics.</li> <li>Treatment by police, other migrants, smugglers, locals.</li> <li>Any experience of detention</li> <li>Awareness of media, policy, risks, danger</li> </ul>		

6	Conditions & services	Where do you live/ can you show me where you live? Do you have a kitchen/ toilets? Are these sufficient? Do you have to pay someone to stay here? How much? etc  Did any individuals or organisations provide basic services here? Along the way? Did you receive any other assistance here or along the way in France and Belgium?	<ul> <li>Type of assistance: information, food, shelter, health services</li> <li>Who do you trust to provide services, do you avoid certain types of assistance?</li> <li>How do you manage with language?</li> </ul>
7	Intentions	Do you have any plans to move further? Where to?  (if not already addressed: Was that always the plan?)  What do you know about [intended destination] and do you think this will help your access/ stay there?  Is this your first attempt?	<ul> <li>Do you know how to get there? Obtain refugee status/ visa?</li> <li>Is there a specific place you are trying to get to?</li> <li>Do you have family or friends there? Who? How old are they? Are they also refugees? If so, how did they travel there?</li> <li>Are you in regular contact? How do you know them?</li> <li>Has anything changed your mind regarding destination location/ travel mode while you were on the way to/ in Europe?</li> </ul>
8	Close / Returns	Is there anything else you would like to share?  If I may ask, do you know anyone who has returned home? What influenced their decision? Have you ever thought about returning home yourself?	Are you aware of any programmes to help people get home?
Clo	sing		



MMC is a global network engaged in data collection, research, analysis, and policy and programmatic development on mixed migration, with regional hubs hosted in Danish Refugee Council regional offices in Africa, Asia and the Pacific, Europe and Latin America, and a global team based across Copenhagen, Geneva and Brussels.

MMC is a leading source for independent and high-quality data, research, analysis and expertise. MMC aims to increase understanding of mixed migration, to positively impact global and regional migration policies, to inform evidence-based protection responses for people on the move and to stimulate forward thinking in public and policy debates on mixed migration. MMC's overarching focus is on human rights and protection for all people on the move.

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