

Sangatte

September 2002

Introduction

Sangatte, which was established as an emergency shelter for people sleeping on the streets of Calais, has become a cause celebre of a media hostile to asylum seekers, souring the debate about asylum in both the UK and France. Ministers have been critical of the hostile coverage but have done little to challenge it.

*A consortium of churches,
refugee community groups,
agencies and human rights
organisations*

On 12 July 2002, France and the UK announced a deal which would include the closure of the centre at Sangatte by the first quarter of 2003 at the latest. This, and a previous statement by the two governments on 25 June, announced a package of measures in the context of action to tackle pull factors to the UK. These include the return of failed Afghan asylum seekers and a consultation paper on entitlement cards. On 23 July, referring specifically to pull factors, the Government announced that the work concession, introduced in 1986 for asylum seekers who have not had an initial decision within six months, was to be ended.

Symptom, not the cause

Sangatte is a symptom of the wide disparities in protection afforded to refugees and the rights accorded to them across Europe. It underlines the need for a level playing field in which the highest standards are applied consistently to asylum seekers throughout the EU. Simply closing the centre will force people arriving in the area en route to the UK back on to the streets of Northern France and Belgium and create a new humanitarian and social problem.

Sangatte is also indicative of the absence of a just and workable mechanism for sharing responsibility that is fair to all EU states and fair to asylum seekers. An international treaty, the Dublin Convention, is currently used to allocate responsibility for an asylum claim. It has proved to be unworkable and unfair, taking little account of asylum seekers ties to a particular country and placing responsibility on the country which allowed the asylum seeker to enter the EU. The current proposal for a replacement, known as Dublin II, is based on the same flawed principle. It is not a system for sharing fairly the responsibility for Europe's asylum seekers.

The reality is that Europe's open borders allow people, once inside the EU's 'Schengen' area of free movement, to travel to France, Germany or elsewhere to seek asylum, relatively unhindered and unobserved. The UK has not joined the Schengen area and maintains increasingly stringent border controls; consequently, asylum seekers are held up in northern France. Only a small minority of Europe's asylum seekers wants to cross the Channel to the UK, but it is rendered highly visible by this country's particular geographical and political situation. The trade in human trafficking and smuggling thrives as a result.

Pull factors - myths

Home Office research published in July shows that asylum seekers have valid reasons for wanting to reach the UK, including family, community or historical ties and a positive impression of the country as respectful of human rights. They have little knowledge of UK immigration or asylum procedures before they arrive, nor of entitlements to benefits, the

availability of work or how UK policies compare to those of other EU countries.¹ In this light, measures aimed at deterrence are unlikely to be effective, yet the UK is using Sangatte and the myth of ‘pull factors’ to justify major policy changes.

People in need of protection

Currently about 90% of those in Sangatte are Afghans and Iraqis. The UN has said some groups are still at risk of persecution in Afghanistan and that the country is too unsafe and unstable to start forcing people back. The prospect of war with Iraq is looming and a humanitarian and refugee crisis must be anticipated as one consequence of military action.

Yet, in July, the government publicly linked an announcement on the closure of Sangatte to the return of failed Afghan asylum seekers. The same month, the Immigration Minister told Parliament that the government hoped shortly to be in a position to begin enforced returns to northern Iraq.

Provision of information and assistance to those wishing to return *voluntarily* to Afghanistan is welcome, providing all options are presented and a free choice is made. However, the political imperative to empty the Sangatte centre and the threat of forced return risk undermining the voluntary aspect of any return programme targeted at residents.

The recent rise in the number of separated children in the centre gives particular cause for concern.

The Way forward

The UK and France have expressed their commitment “*to creating the conditions where such a camp will no longer be appropriate.*”² The measures announced so far are unlikely to create those conditions. The Asylum Rights Campaign EU group suggests the following set of solutions:

Short term

- Politicians should take the lead to dispel the myths and take the heat out of the debate.
- France should ensure that all asylum seekers have prompt access to asylum procedures and that all those in need are provided with accommodation and adequate welfare support, throughout the process. Currently, long delays leave asylum seekers in France roofless and destitute for months.
- The UK should strike a balance between the need to maintain the integrity of its border and immigration controls and its obligations to those who wish to seek asylum in the UK.
- France and the UK should agree a clear and transparent mechanism for sharing responsibility for the asylum claims of those currently in the Sangatte centre, according to criteria, such as family ties or other prior links. Meanwhile, residents should be accommodated in smaller, more manageable and more appropriate centres.
- Appropriate safeguards must be incorporated in order to ensure that neither France nor the UK is absolved of any of their responsibilities under the 1951 Refugee Convention, European Convention on Human Rights or other relevant instruments. The UN High Commissioner for Refugees participation in its supervisory role, as well as neutral arbiter would be valuable in this respect.

¹ Understanding the decision-making of asylum seekers, V.Robinson, University of Wales, July 2002

² From Joint Communiqué, 25 June 2002

Medium-term

- EU states must set common standards on asylum at the highest level and establish a just and workable system of allocating and sharing responsibility for asylum applications. As long ago as 1979, France and the UK agreed at the UN that the country responsible for an asylum claim should be decided by taking into account, as far as possible, the intentions of the asylum seeker.
- EU states must balance measures to control their borders and combat illegal immigration by keeping to their 1999 commitment at the Tampere EU summit to “offer guarantees to those who seek protection in or access to the European Union.”

Long term

- To prevent refugee flows, the human rights violations that cause millions of desperate people to uproot from their country of origin in search of safety should be addressed. Research conducted for the French Red Cross by sociologist Smain Laacher³ indicates that most people in Sangatte left their country of origin because of persecution or conflict.

For further information please contact:

Jan Shaw, Amnesty International: tel 020 7417 6356, email Jan.Shaw@amnesty.org.uk

Richard Williams, Refugee Council: tel 020 7840 4405, email richard.williams@refugeecouncil.org.uk

Nicola Rogers, ILPA/AIRE Centre: tel 020 7269 0560, email nicolarogers21@hotmail.com

Dina Rawal, Immigration Advisory Service: tel 020 7967 1215 email, Dina.Rawal@iasuk.org

The ARC EU Working Group includes the following organisations: Amnesty International, Refugee Council, Immigration Advisory Service, Joint Council for the Welfare of Immigrants, Refugee Legal Centre, Immigration Law Practitioners Association, the AIRE Centre and the Medical Foundation for the Care of Victims of Torture.

³ Des étrangers en situation de « transit » au Centre d’Hébergement et d’Accueil d’Urgence Humanitaire de Sangatte, Smain Laacher, Centre d’Etude des Mouvements Sociaux (CNRS-EHESS), June 2002