

Haut-Commissariat Aux Droits De L'Homme
Office of the High Commissioner for Human Rights
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Switzerland

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Thank you for the joint communication of 10 January 2017 from the Special Rapporteur on adequate housing and the Special Rapporteur on the human rights of migrants regarding the recent operation to clear the camp in Calais.

The UK and French Governments worked very closely for many months to address the situation in Calais, and were committed to resolving it together. The French Government, with support from the UK, made clear its commitment to address the humanitarian challenges in the camp and provide appropriate care and support to unaccompanied children in the camp to ensure that no child need remain there.

The August 2015 Joint Declaration between the French and UK governments set out the joint work both the French and UK authorities would undertake to achieve a solution to the situation in northern France and to protect our shared border. This included UK support to the French to boost their efforts to provide migrants, including women and children, with more suitable heated accommodation within the camp, and alternative accommodation in reception centres elsewhere in France.

We have always been clear that no one needs to be in the camps in the first place. Since March 2015, the UK and France have been running regular joint communication campaigns at the camp to help inform migrants of their options and of their right to claim asylum in France. Whilst the protecting and safeguarding of migrants in Calais was the responsibility of the French Government, the UK recognised the importance of ensuring the safety of vulnerable children in the camp, many of who were at risk of sexual exploitation and trafficking. Since December 2015 the UK and French Governments jointly funded a project, run by a French NGO, to identify and direct potential victims of trafficking and exploitation (including children) to protection, support and advice within France.

Prior to the clearance of the Calais camp, the UK Government made substantial efforts to identify eligible children and to encourage the French to make the necessary requests to transfer them to the UK under the Dublin III Regulation. As a result of these efforts, over 80 unaccompanied asylum seeking children were transferred from France to the UK from 1 January 2016 to 1 October 2016. In order to support these efforts, both prior to the Calais camp clearance and during it, the UK seconded staff to the French Interior Ministry.

In the days running up to the Calais camp clearance operation, the French authorities with support from the UK informed migrants of the upcoming camp

clearance and of their right to claim asylum in France. The French-led humanitarian operation to clear the camp began on 24 October. This was a complex but carefully considered and planned operation. Throughout the UK was committed to supporting the French to ensure a safe and lasting operation. UK staff sent to France supported the French operation and any decision to allow entry to the camp was a matter for the French authorities.

A priority for the UK was ensuring the safety of children before, during and after the camp clearance operation. The Home Office deployed a team of officials to work in the Sous Prefecture's office in Calais and within the camp, alongside French officials, to assist with accelerating the process for transferring children who would qualify under the family reunion criteria of the Dublin Regulation, and we remain committed to ensuring the Dublin process is run as quickly and smoothly as possible on a continuing basis. The French authorities had confirmed during the clearance that although children would not be moved to other accommodation ahead of the camp clearance, they would be housed within a secure area of the Calais camp ahead of the clearance operation, and that UK staff would have access to this area to conduct interviews to determine eligibility for transfer to the UK based on the family reunion criteria of the Dublin Regulation or section 67 of the Immigration Act 2016.

At the request of the French Government, we paused transfers from the secure area within the Calais camp shortly after the clearance operation began. This was to allow the remaining children to be moved to more suitable accommodation in France, and to prevent more children being drawn to Calais. UK officials were instrumental in ensuring this process was delivered peacefully by accompanying the children on the buses leaving Calais, working with the Red Cross, and visiting the centres across France to reassure them about next steps.

Over 200 specialist UK staff, including social workers and interpreters, were deployed to over 70 specialist centres for children across France to resume assessments under the Dublin Regulation or the wider criteria of the Section 67 of the Immigration Act 2016. We focused on the youngest children and those children referred to us by the French authorities as being assessed at a high risk of sexual exploitation, as well as those nationalities most likely to qualify for refugee status in the UK. We also maintained the principle that any transfer to the UK must be in the best interests of the individual child, and ensured the appropriate safeguarding checks took place throughout. Any child meeting one of the criteria in relation to section 67 of the Immigration Act 2016 underwent a best interests determination as part of the assessment process. In recognition of the time and operational constraints, Home Office officials operated a simplified best interests determination process, on which UNHCR were consulted.

The camp clearance operation has been a success, with the former camp area now completely empty and declared permanently closed. The French Government confirmed that over 5,000 adults were transferred to reception centres across France, and all remaining children transferred to over 70 specialist centres in France. The UNHCR representative for France shares our view that the camp clearance

operation was reasonably well managed and that the conditions at the reception centres for children in France were “good” and in some cases “very good”.

Since 10 October 2016, more than 750 children from the Calais camp have been safely transferred to the UK, as part of the UK’s comprehensive support for the Calais camp clearance. Over 200 of those children met the published criteria for section 67 of the Immigration Act. The remainder were transferred under an accelerated process based on the family reunion criteria of the Dublin Regulation. This was a one-off process, based on the principles of the Dublin framework but operated outside of it, and was implemented in response to the unique circumstances of the camp clearance operation. The children remaining in France who were not transferred to the UK remain the responsibility of the French authorities and will be looked after within the French care system.

In accordance with section 67 of the Immigration Act, the Government will transfer the one-off specified number of 350 children pursuant to that section, who reasonably meet the intention and spirit behind the provision. This number includes over 200 children already transferred under section 67 from France. We have set out the basis on which future transfers under section 67 will be made, and are working closely with France, Italy and Greece to put in place processes to identify, assess and transfer eligible children to the UK. To be eligible, children must have been present in Europe prior to 20 March 2016, and it must be determined, following individual assessment, that it would be in their best interests to be transferred to the UK. It will be for France, Italy and Greece to decide which children to refer, but we have asked that they prioritise those who are likely to qualify for refugee status in the UK and/or the most vulnerable, according to UNHCR’s *Children at Risk* individual risk factors.

The Government will continue to meet our obligations under the Dublin Regulation and accept responsibility for processing asylum claims where the UK is determined to be the responsible Member State, ensuring that it is in the child’s best interests to come here. We are working closely with European partners to ensure the timely and efficient operation of the Dublin Regulation. The family reunion criteria in the Regulation enables Member States to transfer responsibility for unaccompanied asylum-seeking children where close family or relatives are already legally present. It is not possible for a child in France to claim asylum in the UK, and the Dublin Regulation does not allow for an asylum claim to be made from one Member State to another Member State. It is therefore important that individuals claim asylum at the earliest opportunity in the first safe country they enter to then be able to enter the Dublin process.

The UK announced it is contributing £36 million to support the French-led operation in Calais and a significant proportion of this will be used to help keep children safe in France. This contribution is not made unconditionally and we will continue to work with the French Government to ensure the clearance operation is full and lasting.

On 17 October 2016, the Minister for Vulnerable Children and Families laid a Written Ministerial Statement reaffirming the Government’s commitment to the UN Convention on the Rights of the Child (UNCRC). It stated that both the UNCRC

Articles and the Committee's recent Concluding Recommendations serve as a helpful and important guide to making sure that our policies – whether they hold direct or indirect consequences – consider children.

I would like to reassure you that Home Office Ministers and Officials consider the rights, freedoms, and protections for children throughout the policy-making and legislative process. A recent example is the Modern Slavery Act 2015 which specifically provides additional protection for children. Cabinet Office guidance encourages all government departments to consider, and set out in summary, the anticipated effects of legislation on children and on the compatibility of draft legislation with the UNCRC. This guidance can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450239/Guide_to_Making_Legislation.

I would also like to highlight the wider work being done on providing further assistance and protection to unaccompanied refugee children from Syria, other regions of conflict and for those in transit in Europe. The Government's strategy is to support international efforts to find a comprehensive and sustainable solution to the refugee crisis; we must deal with its root causes, as well as respond to the consequences. That is why the UK has been at the forefront of the response to the events in Syria and the region, pledging over £2.3 billion in aid - our largest ever humanitarian response to a single crisis. We are also one of the few EU countries to meet our commitment to spending 0.7 per cent of Gross National Income on overseas aid.

We have a comprehensive approach to tackling these issues both at home and overseas. By the end of this Parliament, we will have resettled 20,000 people through our Syrian Vulnerable Persons Resettlement Scheme and a further 3,000 of the most vulnerable children and their families from the Middle East and North Africa region under the Vulnerable Children's Resettlement Scheme. The UK has contributed significantly to hosting, supporting and protecting the most vulnerable children affected by the migration crisis. According to the latest EU Resettlement and Relocation report, since July 2015, the UK has resettled more people towards the EU's overall resettlement target than any other EU Member State.

In 2016 the UK granted asylum or another form of leave to over 8,000 children. This includes those who claimed asylum in the UK, those who were brought to the UK through our resettlement schemes, those transferred from within Europe, and those granted a refugee family reunion visa. Of the over 5,000 individuals resettled through the Syrian Vulnerable Persons Resettlement scheme so far, around half are children and last year we welcomed the first families to the UK under the Vulnerable Children's Resettlement Scheme. The UN High Commissioner for Refugees has said the UK has done some "very remarkable things" on child refugees, expressing particular support for our Vulnerable Children's Resettlement Scheme.

Our resettlement schemes help ensure that children do not become unaccompanied in the first place. They allow children to be resettled with their family members, before they become unaccompanied, and before needing to make perilous journeys to Europe. We are fully committed to an effective response in the affected regions

and to resettling the most vulnerable directly from those regions. Within Europe, the UK has also established a £10 million Refugee Children's Fund to support the needs of vulnerable refugee and migrant children arriving in Europe.

As announced on 1 November 2016, the Government will also deliver a safeguarding strategy for unaccompanied asylum-seeking children. This will ensure the Government puts in place a comprehensive safeguarding strategy for unaccompanied asylum-seeking and refugee children living in or being transferred or resettled to the UK.

I hope this reassures you of our commitment to safeguarding the welfare of unaccompanied children. The Government has taken significant steps to improve an already comprehensive approach to supporting asylum-seeking and refugee children. In addition to the tens of thousands of children in conflict regions and in Europe that are benefiting from UK aid and development assistance, we are providing protection to thousands of children in the UK each year.