



September 2008

The Law of the “Jungles”

The situation of Exiles on the shore of the Channel and the North Sea

Conclusion

Existence is a right

Many migrants and asylum seekers in the world come up against borders and see their human rights violated because of the strong determination of States to control better access to their territory. There are numerous examples of this on all continents, particularly in the European Union because of actions among Member States to harmonize their policies. The situation of exiles on Channel and North Sea coasts reveals loopholes and dysfunctions in national as well as in European legislation (the Dublin and EURODAC regulations).

What conclusions can be drawn from this study (the first of its kind ever) about the presence of exiles all along the coasts of the Channel and the North Sea, and in their Parisian stopover?

- Most of those exiles today are Afghans, Eritreans, Ethiopians, Iraqis or Sudanese; their nationalities vary with time according to the current tragedies and crisis on the planet and the list demonstrates that the quest for protection is central to all these people.
- Exiles are much more numerous than public authorities care to admit, from 1,000 to 1,500 in total, although this figure is small compared with the number of refugees in countries neighbouring their countries of origin, for example in Pakistan, Kenya, Jordan or Syria;
- Over the last two decades they have been washing up relentlessly in small regular waves against this European “Finistère” or land’s End, towards which they were pushed by the lack of hospitality or even hostility in countries crossed, as also by the intricacies of the unfair European legislation that designates a Member State of the European Union to examine their asylum application without caring about the possibility of them finding protection or their desire to live there;

La Coordination française pour le droit d'asile rassemble les organisations suivantes :

ACAT (Action des chrétiens pour l'abolition de la torture), **Act-Up Paris**, **Amnesty International** - section française, **APSR** (Association d'accueil aux médecins et personnels de santé réfugiés en France), **CAEIR** (Comité d'aide exceptionnelle aux intellectuels réfugiés), **CASP** (Centre d'action sociale protestant), **Cimade** (Service oecuménique d'entraide), **Comede** (Comité médical pour les exilés), **Croix Rouge Française**, **ELENA**, **FASTI** (Fédération des associations de soutien aux travailleurs immigrés) **France Libertés**, **Forum Réfugiés**, **FTDA** (France Terre d'Asile), **GAS** (Groupe accueil solidarité), **GISTI** (Groupe d'information et de soutien des immigrés), **LDH** (Ligue des droits de l'homme), **MRAP** (Mouvement contre le racisme et pour l'amitié entre les peuples), **Association Primo Levi** (soins et soutien aux victimes de la torture et des violences politiques), **Secours Catholique** (Caritas France), **SNPM** (Service National de la Pastorale des Migrants), **SSAE** (Service social d'aide aux émigrants).

La représentation du **Haut Commissariat pour les Réfugiés** en France est associée aux travaux de la CFDA

- The legitimacy of their arrival is such that European States tolerate their presence, without quite acknowledging it and giving them the possibility of being granted legal stay and integration opportunities;
- For those States, exiles are a kind of « hot potato » which they send back and forth to each other, either making them flee through all kinds of deterrence measures (poverty, police harassment, detention, etc.) or using legal means (particularly the Dublin regulation) to exchange them among themselves;
- Therefore these exiles live and survive everywhere in an unacceptable situation of destitution and insecurity that condemn them to endless roaming.

Almost everything in this report points to their “invisibility”: exiles themselves seek to be “invisible” in order to escape as much as possible the harassment they are subjected to by the authorities in order to force them to go into hiding. Once they have virtually disappeared from sight, their existence can be denied or downplayed. The question of their rights hence hardly arises. A few humanitarian concessions are just enough to ensure their survival, instead of the existence they are deprived of.

Banished in an unprecedented way that forces them to hide their presence in woods or sordid squats, forbidden to stay where they are while prevented from going elsewhere by border controls, exiles are constantly accused by States of being responsible for the thriving of mafias and traffickers. Without doubt they would love to be able to escape this additional scourge against which they actually organize themselves as soon as they can. In that situation where the authorities are both firefighters and arsonists, the solution lies in the respect of the right of exiles to apply for asylum or stay permits in the countries of their choice.

The issue of the invisibility of exiles is not going to go away. It is not merely a trick to prove right an ex-interior minister who, after the raising down of the Sangatte camp in 2002 had imprudently announced the end of the arrival of exiles in the Calais area. Beyond this particular objective appears the much more fundamental intention to try and exclude them from the rights attached to each person and the mere fact that they are alive.

This issue is even less likely to disappear since it does not only concern France. It is an European issue. If exiles run aground on the Channel and North Sea coasts, it is essentially because all along their European itinerary, different States have deemed their rights to be negligible. The Dublin regulation, which ignores the individual wishes of exiles as to the country where they would like seek protection, in turn avoids considering them as full-fledged persons.

Denying the existence of those exiled is no solution. It is a tragic pretence which, if one is not careful, leads to a weakening of fundamental rights at the expense of all.

Such are the findings; such are the explicit and implicit questions which CFDA is asking of political decision-makers in this report at a time when France, where exiles are particularly numerous, has taken over the Presidency of the European Union and can hence finally invite it to tackle this issue seriously.

These findings, and these questions are all the more important since similar situations to the one found in Calais tend to multiply along the internal and external borders of Europe: in Patras in Greece, in the Spanish enclaves of Melilla and Ceuta in Morocco, the Canaries, Malta, Lampedusa, the South of the Italian peninsula and the island of Mayotte...

Ever since the 1990s, the strengthening of European migration controls had not broken the determination of those women and men, most of whom are seeking protection. During their time on the coast of the Channel and the North Sea, all of them live in informal camps or in places where they are kept out of the way or “out of sight”. In all these cases, exiles live in an uncertain legal framework in very precarious conditions and in permanent fear (arrests, difficulties to cross...). Because of the migration situation at the sea border between Great-Britain and the Schengen free-circulation area, bilateral agreements between countries have reinforced the position of the British police on the continent. Great-Britain has seconded police officers in neighbouring transit countries where the exiles come from - for example Belgium and France - hence taking advantage of the organisation of migration controls on its border with the Schengen area as if it were not a member of the European Union. Whilst controls at external border posts of the Union (particularly in the Mediterranean) are to be developed, the border areas on the shores of the Channel and the Schengen area can be considered as foreshadowing what happens or will happen elsewhere. The organization of this European border is probably the most sophisticated system of “delocalizing” migration controls set up by European States.

These exiles must be taken into account and acknowledged in their rights; their bravery and their sufferings - which speak for the legitimacy of their presence - must be taken into consideration. The recommendations in this report must be given careful attention by national, European and local authorities; France must also seize the opportunity of the Presidency of the European Union to make sure the rights of those people are respected on the common territory.