

Home Affairs Committee

Oral evidence: [Channel crossings, migration and asylum-seeking routes through the EU, HC 705](#)

Wednesday 30 September 2020

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Dehenna Davison; Ruth Edwards; Laura Farris; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Stuart C. McDonald.

Questions 230-277

Witnesses

I: Rossella Pagliuchi-Lor, UNHCR Representative to the UK; and Vincent Cochetel, UNHCR Special Envoy for the Central Mediterranean Situation.

Written evidence from witnesses:

– [CHA0040](#) UNHCR

Examination of witnesses

Witnesses: Rossella Pagliuchi-Lor and Vincent Cochetel.

Q230 **Chair:** Welcome to this evidence session of the Home Affairs Committee as part of our inquiry into channel crossings, migration and asylum-seeking routes. We welcome our witnesses, Rossella Pagliuchi-Lor, the United Nations High Commissioner for Refugees' representative to the UK, and Vincent Cochetel, the UNHCR's special envoy for the central Mediterranean. You are both very welcome this morning.

To start, we have obviously been looking at the issues around the increase in the dangerous small boat crossings of the channel. Could you tell us your assessment of the reasons behind the increase in the crossings that we have seen, Ms Pagliuchi-Lor?

Rossella Pagliuchi-Lor: First, I would like to place that in a slightly broader context, in the sense that the increase in the number of crossings of the channel has corresponded to a decrease in the number of arrivals through other routes, so the overall number of arrivals up to this point is actually lower than in the same period last year. That shift is most likely

due to the fact that other routes have become less available, either because of covid, which has of course stopped air travel, for example, and reduced overland transport, or possibly because there has been a significant increase in the securitisation of, for example, transport over road. I am afraid it is a fairly constant phenomenon that when you block one route, there is a movement towards new routes. Of course, it is a very worrisome route because of the inherent danger to life it implies.

Q231 **Chair:** Mr Cochetel?

Vincent Cochetel: I think the UK is not the only country in terms of new routes. We have seen arrivals recently to Portugal by sea, which is totally new. We have seen departures from places such as the Western Sahara territory south of Morocco towards the Canary Islands. That points to the fact that human traffickers and smugglers have been adapting their offer to the new situation caused by the closure, soft or hard, of many land borders on the African continent and on the European continent at some stage.

Q232 **Chair:** Your assessment is that, overall, the number of people arriving in the UK has fallen, but clearly there is a concern about the dangers attached to this particular route. What is the UNHCR's assessment of the main things that need to be done to address the risks from those dangerous crossings?

Rossella Pagliuchi-Lor: I will start by addressing a somewhat different kind of risk, which is the one that is generated by the sort of narrative that we are seeing in the media and elsewhere suggesting that the arrivals by boat represent an almost existential danger or threat to the UK. In fact, as I said, it is simply a different route and the people who you will find on the boats are pretty much the same as you would have found otherwise in the back of a lorry. There is no real difference in that. The main risk is to themselves in relation to the danger of the crossing.

That being said, the UNHCR definitely supports the fight against smuggling rings, and we support and are thankful for all the measures that have been taken to ensure, to the extent possible, the security of the people who are already in the Channel, in terms of search and rescue operations and all the rest. At the same time, we are very well aware that this is a very complex phenomenon that does not have a single answer. While the police response has its place, it has to go hand in hand with perhaps a greater effort in France to ensure that people have access to proper information about opportunities and options, and access to the kind of support that they might need.

That is extremely important, because as long as there is demand, there will always be an offer of these kind of services by smugglers. The only way of reducing the demand is by making sure that people are aware that there are alternatives to this dangerous crossing, and making sure that they can easily access what might in fact already exist.

We know, of course, that a number of those who are trying to come to the UK do so in order to join close, or perhaps more distant, family members. In some cases, they could be people who could actually come here legally

but are frustrated by either a lack of information on how to access the procedures or by the length of time that it takes.

It is however obvious that that would not be a solution for all of them, because only between—we do not know, really—maybe 10% and 20% of those in the Calais Grande-Synthe area have family links in the UK, but clearly if the legal pathways were more easily accessible, if there were greater information and if they were faster and more efficient, that would at least reduce the risk for a number of those who we may otherwise find in the boats. Likewise, if there are ways to increase complementary pathways—ways to facilitate arrival in the UK for certain categories of people who may have other links—that again would be a way to reduce the pressure to use the services of smugglers.

There will still be people who want to come, because I think we know very well that there are people who, despite everything, will still believe, rightly or wrongly, that their best chances are in the UK, but I think that the more we can chip away by offering legal alternatives whenever that is possible, the better off we will be.

Vincent Cochetel: A lot will depend also on what will come out of this new EU pact on asylum and migration, and on what sort of agreement will be reached among European member states to address the situation of individuals on the European continent who are moving around without trying to seek asylum in any of the countries that they have crossed through. This situation is abnormal. It is not a new situation, but people cannot remain like that, in limbo. At some stage, they have to choose whether they apply for asylum, and there have to be certain rules. We should remember also the mess that was in Europe, before we had the common European asylum system under the Dublin convention in place, in spite of all its challenges.

In terms of looking beyond Europe at Mediterranean crossings in general, the numbers have reduced. If we are looking at arrivals in Southern Europe Mediterranean countries, such as Greece, Malta and Spain, arrivals have decreased since last year. But there has been an increase in Italy in 2020. It is important to look at those trends and to continue building proper asylum and migration management systems in north African countries. The UK has been engaged in those efforts. It is crucial because, if something has been clear during the pandemic periodic in those countries, it is that a large population of migrants and refugees living in those countries are not included in any social safety networks, in terms of access to hospitals and education, and possessing legal documentation in those countries. That has been a really serious push driver during this period for some third country nationals living in those countries who have decided to take to the sea.

Q233 **Chair:** Ms Pagliuchi-Lor, you mentioned at the beginning the perceptions and attitudes towards the boats, even though overall numbers have declined. If overall numbers have declined, why do you think there has been more alarm raised about boat crossings?

Rossella Pagliuchi-Lor: I could probably opine that boats are so much more visible, and they therefore tend to attract attention far more than an

individual in the back of a lorry. We have seen that not only in the UK, by the way; we have also seen it in other countries, including my own. There has been far greater attention on certain types of transport and certain kinds of boats than there has been on others. They lend themselves well to messaging and communication, but, as I said, I don't see how they can be construed as representing a greater threat than anything else. They are not a threat. They are a few thousand individuals who are risking their lives to make it to the UK. If we look at things in the context of the number of asylum seekers that have been registered in other countries in Europe, one could probably suggest that the UK, thanks also to its geographical position, is controlling its border a lot better than others.

Q234 **Chair:** We have seen reports in the newspapers this morning that the Home Office has been exploring sending asylum seekers 5,000 miles from the UK to an island 1,000 miles off the coast of Africa, which has a population of about 800 and has no substantial healthcare system, no support system and no administrative system in place. Does that strike you as a remotely practical, responsible or ethical proposition?

Rossella Pagliuchi-Lor: This is the Australian model. I think we have already seen that the Australian model has brought about incredible suffering on people who are guilty of no more than seeking asylum. It has also additionally cost, and continues to cost, an incredible amount of money. It seems to be both extremely inappropriate, in terms of the commitments that the country should have to human rights and to asylum, and an incredibly impractical and expensive way of doing so. I hope that the UK will not choose to go down this way. I am saying this also because going down this way would mean something even more fundamental than just a question of practicalities and finances. It will really change what the UK is—its history—and the sort of values that it stood for up to now. The UK has a proud reputation in providing asylum and refuge to people across the centuries. This would be a very significant departure from that approach.

Chair: I will briefly bring in Ruth Edwards and then go to Diane Abbott, who I hope is on audio; we cannot see her on the electronic system at the moment.

Q235 **Ruth Edwards:** Thank you very much for coming in this morning. On the issue of offshore processing of asylum claims, you make it sound like it is a very strange aberration, but it was in fact considered by the EU in 2018. I believe it was proposed as well by Tony Blair for discussion at the European Council in 2003. Are there any other countries or states that have considered that model?

Rossella Pagliuchi-Lor: I certainly don't know of any country that has actually been able to implement it, which I guess also speaks to the fact that, aside from what we can say about its impact on the people who are eventually put through the system, it is clearly not a very easy one even to manage. That is indicative by itself. I understand that what the European Union had in mind was somewhat different from the entire offshoring to a place 5,000 km away, but it was eventually not done. There would be processing. That would then be followed, however, by departure and arrival in the European Union, but even that was not

possible. My colleague Vincent may have more on this, because north Africa was one of the areas that was being considered for this.

Q236 **Chair:** Mr Cochetel?

Vincent Cochetel: In June 2018, we tabled with European countries the idea of a regional disembarkation mechanism to make sure that states would understand their responsibility equally, in terms of rescue at sea and disembarkation on both sides of the Mediterranean, and it was discussed at the European Council. Unfortunately, the way the European Union communicated the conclusion of the presidency to the north African countries was clearly misunderstood by those north African countries, who thought that Europe was attempting offshore processing somehow—an extraterritorial approach to its own responsibility. In the meantime, we have been working with north African countries to try to capacitate them, in terms of rescue at sea, disembarkation and post-disembarkation processing, but it is a very slow process. It cannot be done only in north Africa and not in southern Europe; it has to be an equal approach to the same responsibilities.

Q237 **Ruth Edwards:** One could conclude, then, that far from being something described negatively in terms of the UK's character, it is a perfectly sensible solution to consider, although obviously there may be lots of practicalities that make it not viable, such as those you have set out, Ms Pagliuchi-Lor.

Rossella Pagliuchi-Lor: If I may, I believe we are talking about two different things altogether. The notion that my colleague has described was that there should be some places where the refugees were and the processing would take place, followed by departure towards the countries where they would be able to claim asylum. If you were to take people to an island, entirely out of the way, you would be taking responsibility for these people, taking them to an island 5,000 km from here, and—what then?

It is important to look at the whole sequence and how the whole procedure would play out, because what has happened in the case of Australia is that people have been festering for many, many years in terrible conditions, as has been documented by the media and by the doctors working there. There have been several cases of suicides, including suicides by children, and there has been a very high rate of mental problems, so we are looking at a situation that any Government considering it would have to think about very carefully.

Ruth Edwards: I appreciate that. Thank you.

Q238 **Chair:** So the distance and the lack of services then become very significant factors in this.

Rossella Pagliuchi-Lor: Yes, they certainly are very significant factors. The isolation, the lack of services, and the fact of being essentially farmed out to the other side of the world would certainly be part of the issue.

Chair: And also, presumably, at a time when the overall numbers have gone down.

Q239 **Ms Abbott:** Our witnesses will know that there has been a lot of debate about channel crossings here in the UK, and most of the people taking part in the debate do not want the same number of would-be asylum seekers, just coming in through safe and legal routes; they do not want them to come at all. One of the solutions has been turning the boats—the rubber dinghies and so on—around and back to France, possibly using the Royal Navy. Are there any circumstances under which migrants in the channel can be legally returned from UK waters to French waters or mainland France?

Rossella Pagliuchi-Lor: Let me start with a very practical statement here: turning around boats in the channel would probably increase the risk of incidents occurring. At sea, the primary responsibility that all countries have is that of securing life and ensuring that people's lives are not put at risk and that, if they are in jeopardy, they are saved. That would be my first answer. It is very difficult to turn around the boat of somebody who wants to go ahead, even if you have the Navy there.

Moving from that to whether or not people could be turned around, I would say people who were intercepted in French waters could be directly turned around towards France, but people who were intercepted in British waters would, by definition, be under the jurisdiction of the British Government and therefore their responsibility.

Now, at this point, the next question one would ask is, "Are all those coming from France entitled to seek asylum in the UK?" The answer is, probably not. At that point there has to be a system that establishes whether or not there are reasons that suggest that that person should instead have sought asylum in France, but this is a different kind of argument, and it applies equally to those who have been stopped in the channel, in British waters or on British territory. I hope that was clear.

Ms Abbott: Yes, that was clear. Does our other witness have anything to say?

Vincent Cochetel: Not on this point, thank you.

Q240 **Ms Abbott:** Can I ask, then, whether the UK's obligations under international maritime law change after the UK leaves the EU at the end of this year?

Rossella Pagliuchi-Lor: No, they will not, because the UK's obligations under maritime law are not linked to its membership of the EU. The UK is bound by both customary law and by a specific UN convention that concerns exactly that, so no.

Ms Abbott: Thank you very much.

Q241 **Andrew Gwynne:** My question follows on nicely from what Diane Abbott has just said, because we have heard a lot of rhetoric from Government Ministers here in Britain about the Australian model when it comes to policing the channel. Of course, the key difference is that Australia is surrounded by international waters and can try to prevent the boats from entering Australian waters, because they have a legal responsibility for migrants if they pass over that line. What conversations have you had

with the British Government? They do seem to think that they have the legal right to turn boats away once they have reached British waters.

Rossella Pagliuchi-Lor: First, I would say that the law of the sea, particularly the obligation to rescue persons in jeopardy, applies also in international waters. It is not necessary to have reached territorial waters in order for that country's responsibility to be engaged. In response to your specific question, we have not had any such discussions with the Government.

Q242 **Andrew Gwynne:** Going back to one of your earlier answers, you mentioned that many of the migrants would not necessarily have the right to claim asylum in the United Kingdom. How does UNHCR define a safe first country, and what do you think are the benefits and shortcomings of that definition?

Rossella Pagliuchi-Lor: Let me start by saying that the 1951 Convention does not require asylum seekers to apply for refugee status in the first country they find. Nor, however, does it allow them, in effect, the unfettered right to choose where to do so. International law essentially requires that everybody should be able to have access to an effective procedure and obtain protection, if qualified, and to decent standards of treatment thereafter in that connection.

Coming to the question of what a first safe country is, obviously, by reason of the UK's geographical position, anybody who gets there must have passed through another country unless they came directly by air. A safe country is one that a person has already been in and in which they could or should have applied. While I say that, it is not enough that there is a theoretical possibility to do so; there has to be a practical ability to do so, and that the person, upon their return, would be able to access the procedure. There should furthermore be access to an acceptable standard of treatment. That would be the first requirement to consider in terms of whether a country is a safe country.

The other thing that also needs to be considered, particularly these days, is a question of capacity. That harks back to one of the objectives of international refugee law, which is that of encouraging collaboration between states on what is a quintessentially international problem. There are questions of capacity, as well. An automatic and—if you like—blind application of the principle of first asylum essentially would require that every single asylum seeker remains in the countries at the border of the EU, with no one ever being allowed to move beyond that, and that seems incredibly impractical and probably impossible. It is also important to consider at that point whether there are other reasons—to do with capacity or other factors; there must be a measure of burden sharing—that the sending country might want to consider.

Finally, there is the question of the intention of the asylum seekers which ought to be taken into account as far as possible, particularly when those intentions are grounded on what I think we would consider very reasonable reasons, such as the presence of family members, communities, culture or language—the kind of things that would normally facilitate integration.

The quick answer to what you asked is, yes, it is possible for the UK and for any other state in Europe to consider returning somebody to a first safe country within Europe, but, first, that should not be an automatic pushback, because it is necessary, first, to find out whether there are reasons that make it more reasonable for that person to stay in the receiving country rather than in the first country, and, secondly, this should be considered in the wider context of international co-operation.

Q243 **Andrew Gwynne:** Thank you. Lastly from me, to return to the issue of the channel crossings, what obligations do states have when receiving refugees who have been rescued at sea, and can you give the Committee any examples of where those obligations have not been met and the reasons why?

Rossella Pagliuchi-Lor: I am sorry—are you talking about the UK?

Andrew Gwynne: The UK, absolutely.

Rossella Pagliuchi-Lor: The obligations are exactly the same as if the person had arrived in any other possible way. It is a question of providing access to a procedure—a fair and efficient refugee status determination procedure—to decent reception facilities, and to health and so on, unless, of course, it is found that it makes more sense for that person's claim to be examined elsewhere, in which case there is an obligation on the receiving state to ensure that that person, upon return to the first country, is able to access a similar standard of treatment.

Q244 **Chair:** Mr Cochetel, do you want to add to any of those points?

Vincent Cochetel: There is a big question mark, which is the elephant in the room, about what happens at the end of the year if the UK is no longer part of the Dublin regulation—that is the key question. The issue of return to France or any other country of first asylum will be on the table.

Chair: We want to explore that issue shortly. Let us go to Diana Johnson.

Q245 **Dame Diana Johnson:** Can I take you now to the issue of safe and legal routes to the United Kingdom? We have already heard you say that in order to reduce demand, you need to have alternatives to these crossings, and legal pathways would reduce the risk. You talked about increasing complementary pathways. Could you say something about what safe and legal routes are available to refugees, asylum seekers and people seeking family reunion in the United Kingdom? What is currently in play? Also, could you say something about how covid-19 has affected those opportunities and routes?

Rossella Pagliuchi-Lor: The first legal pathway that exists into the United Kingdom is through its resettlement programme, which is an extremely successful programme. It brings about 5,000 people a year, more or less, into the country in a perfectly legal manner. Those people have been selected by UNHCR within countries of first asylum—in the developing world mostly. This gives me an opportunity again to provide a context to our discussion. Some 85% of forcibly displaced persons remain in their regions, often in countries neighbouring their own.

This has been, as I said, an incredibly successful programme. This year, we have seen a fall in the number of arrivals because of covid. In fact, we are talking with the Government because we would like now to see how we can restart the process as quickly as possible, considering that 11 out of the 23 resettlement countries have already been able to do so. There are challenges. There is no need to talk too much about that, but we also believe that it is possible to restart the process.

This has sometimes been placed against the spontaneous arrivals, to almost suggest that the resettlement of refugees applies to “good” refugees and the other ones are somehow morally defective in trying to come on their own. We should remember that less than 1% of the refugees that are found to be in need of resettlement are actually ever able to be resettled. That is because there is a massive disproportion between quotas available and the actual number of people in need of resettlement, so this is something worth considering.

Moving forward to other legal pathways, you mentioned family reunion. UK legislation on family reunion is quite restrictive, in that it limits it to members of the nuclear family: minor children, elderly parents and, of course, spouses¹. We have been advocating for a somewhat broader definition of family. We think that the key element should be that of dependency and that, for example, children who are above 18 but are unmarried and are still part of the family ought to be reunited and able to join their families. This is important, because, sometimes, for those who feel obliged to come irregularly to join their families, I think it would make perfect sense, to be honest, for them to be able to do so legally. If you are leaving, say, Lebanon, you can take your minor children but not your 19-year-old daughter. This is clearly a somewhat broader definition, including other dependent members of the family—brothers or sisters who are married and living at home—but it would make sense and would not constitute a massive burden on the country.

There are other pathways that can be added and operated. This, for example, might include labour, study or scholarships, and other ways to provide a legal pathway into the country. As I said, we would like to be able to see a greater number of people having access to legal and safe pathways. However, we are also very aware of the fact that this is not going to solve the problem of a world where forced displacement is increasing, so we need to be realistic about what we can ask for and obtain, taking into account that we need to be compassionate and humane but also practical. The notion that any individual country can seal itself off from what is happening in the world seems, frankly, impractical and unrealistic.

Q246 Dame Diana Johnson: Thank you for that very full answer. Can I ask you a specific question? The House of Lords suggested that children and young people being able to sponsor family reunion in this country should be looked at again, because clearly at the moment that is not able to happen. I think they were talking about young people up to the age of 25 for whom that should happen. I just wondered: are we, as a country, out

¹ Correction from witness: elderly parents should not have been included in this list.

on a complete limb on this? Do most other countries that have good asylum regimes in place allow children and young people to have family reunion?

Rossella Pagliuchi-Lor: Thank you very much for saying that, because I have realised I forgot something important. First of all, when it comes to children being able to sponsor their parents, the UK, I'm afraid, is a bit of an outlier. The overwhelming majority of countries do allow this for children who have been found to be refugees and for whom, of course, it is in their best interests—their best interest may be, in some rare cases, not to be with their family. They would allow family reunion.

Because we are talking about children, I wanted to mention in particular the fact that the UK has actually managed a programme, such as the Dubs scheme, that has allowed unaccompanied children elsewhere in Europe to come to the UK, and that has not only been life-saving; I would say it has really given them an opportunity to re-establish and build a meaningful life here in the UK. These are definitely programmes that have been successful, have been very much appreciated and have really raised the global leadership of the UK in this area and that we would definitely like to see resuming.

Q247 **Dame Diana Johnson:** I think Mr Cochetel wishes to comment.

Vincent Cochetel: Yes, I would like to add a bit of dimension on the impact of covid. When we are looking at the situation in many African countries today, we are very concerned that we see smugglers and human traffickers advertising on social media proposals to attract children. They say, "There is no legal pathway. Follow us. Trust us." We are trying to counter that narrative also, in engaging in dialogue with diasporas in Europe by saying, "No, these are dangerous journeys. You will end up in jail in Libya or you will lose your life in the desert."

The reality is also that access to protection is not gender-equal in Europe. If you are the spouse of, let's say, an Eritrean refugee in the UK and you live in a camp, in Shagarab, in eastern Sudan, you will never get permission to go to Khartoum to approach the UK embassy. There are real obstacles, serious obstacles, in terms of administrative barriers and financial cost, to making access to this right a reality for people who would normally be entitled to family reunion if they had the possibility to move and access embassies.

So I think it is important that the UK, as well as many other countries, make much serious effort to facilitate family reunion. One, it's a right. Two, it's a gender corrector in terms of access to protection. Three, it provides better integration: communities in the UK prefer to see families than to see young single men—if I can simplify this—in their neighbourhood. Four, it provides a credible counter-narrative to reduce the perceived attractiveness of the offer from the smugglers; otherwise, we have nothing to offer. So any effort that the UK could make in that direction would be extremely helpful.

Dame Diana Johnson: Thank you very much.

Q248 **Chair:** Can I follow up the point that I think you just made, Mr Cochetel? Did you say that the trafficking and smuggling gangs were particularly targeting children on social media?

Vincent Cochetel: Yes, they do. We cannot monitor social media everywhere, but we have a project around Egypt, Sudan, Ethiopia and Somalia, and that is a clear trend. I mean, traffickers are the first provider of family reunion. It is costly, and risky, but out of despair communities sometimes prefer to opt for that solution, because they think that the people will be moving. Otherwise, you can end up stuck with absolutely no access to that right if you live in some parts of those countries.

Q249 **Chair:** Would you be able to provide us with some examples of the kinds of social media images or communications that you have seen traffickers use?

Vincent Cochetel: Yes, I will share that with you. We are sharing that with your colleagues in the Home Office. The UK has been engaged with us and supported us, as well as some other countries, on a project that we call "Telling the Real Story", which connects the diaspora to the people who are likely to be on the move, to try to demystify the narrative of the smugglers and the traffickers. We can indeed share some examples.

Chair: That would be very helpful. Thank you very much.

Q250 **Dehenna Davison:** Thank you to both witnesses for being with us today. You mentioned that the UK is an outlier in not allowing children to sponsor their parents to come over here safely. Is there not a danger that if that was to be introduced in the UK, children could be sent ahead, going through the danger of being put in the hands of the people smugglers and the really dodgy folk that we do not want our children, or any children, to be in the hands of, and then be used to provide a safe route for their parents to follow later?

Rossella Pagliuchi-Lor: This year, the UK had a larger number of unaccompanied minors than other countries, yet it is not a country that allows that. The link is not necessarily there. Otherwise, you would expect more children to be sent to countries where family reunion initiated by a child is possible. That being said, I do not think that I can also say that this never happens; of course it does happen as well, or it can happen as well. That is one of the reasons why it is important that any action that concerns children is subject to the filter of the determination of best interest. But yes, I do not think that we can deny that this can happen.

Q251 **Dehenna Davison:** Thank you. Mr Cochetel, anything to add on that point?

Vincent Cochetel: As my colleague said, I think we need to make sure that we do not skip that important step of determining what is in the best interest of the child. It might be that in some circumstances, yes, the best interest will be to bring the family, but in other instances the best interest will be to reunite that child with their family where their family is. If the family is living safely and legally in another place, the family reunion should work in multi-directions, not only towards industrialised countries. I think that possibility should exist in the legislation of European countries—

to bring parents over under family reunion, as is the case in several European countries—but there should be absolutely no automaticity here.

Rossella Pagliuchi-Lor: If I may, I think that in the UK it is potentially possible, but through a somewhat special procedure, which is obviously more complex and requires additional hurdles.

We did a study by talking with a number of children who are here in the UK and with people who have been involved in their care. It was quite interesting because—in some cases, these were children whose parents had already died, or they had lost contact with them many years before, and all the rest—many of them were not seeking family reunion with their parents. The few who were, however, were really broken up at the idea of not having their parents with them as they were going through this very complex and very difficult time of their lives. I think it is very important to listen to children and to be able to examine what is in their best interests. Indeed, as my colleague was saying, family reunion does not necessarily have to happen here; it might be appropriate for it to happen elsewhere.

Q252 **Dehenna Davison:** On a slightly different point, we have heard in earlier evidence sessions, and it has sort of been touched on today, that some people arriving in the UK have already applied for asylum in other safe European nations. Why do you believe that people risk the hazardous journey to the UK?

Rossella Pagliuchi-Lor: There may be any number of reasons. In some cases, the application in another European country is somewhat forced by the fact that they have been arrested and had to provide fingerprints and apply, even though that was not their intention initially. In other cases, it may have to do with the length of the procedure, or with information that they may have received about the possible outcome of the procedure in question. A lot of it has to do with the marketing of smugglers, who of course have an interest in people travelling as much as possible. Sometimes it is simply the fact that they actually have relatives or other people who they believe will help them settle down in the new country, and therefore they may have chosen the UK as their intended destination.

There are really any number of very different situations in this. The UK does have a couple of things that many find incredibly attractive. Language is one. You will see that, for example, people coming from Francophone Africa tend to go towards France, and people who tend to be more on the Anglophone side tend to go towards the UK. It is kind of a DIY relocation system, in which people try to find the place where they believe they will be better off, in terms of their ability to integrate.

Q253 **Dehenna Davison:** Mr Cochetel, do you have anything to add?

Vincent Cochetel: We see it through the profile of the nationalities of people embarking on those Channel crossings. Some of them have, let us say, some natural or historical links with the UK. The UK in general, as a strong and vibrant democracy, is attractive for many people around the world, especially those fleeing persecution and wars. It is also a champion of multiculturalism.

One aspect that we need to take into consideration is the role of the diasporas. We should not ignore that. We need to work with diasporas in UK territory to make sure that they send the right message to communities that may be out there in transit countries or in countries of origin. Again, the difficulties in accessing legal pathways, such as resettlement or family reunion, lead to a situation where sometimes diasporas are financing those journeys. There is a need to reflect on what Canada has been putting in place, as will Australia at some stage: community sponsorship programmes, properly vetted by the ministry of home affairs, that give a positive and legal role to play to diasporas. It is about having an integrated package to make sure that other legal pathways exist, which would also cut irregular movement to Europe and the UK.

Rossella Pagliuchi-Lor: Last year, the Home Office announced that a community sponsorship programme that been piloted with great success would be part of the new resettlement programme, as an additionality. It would allow communities to sponsor refugees and bring them to the UK.

Q254 **Dehenna Davison:** Do you find that people seeking asylum have a better chance of being granted that asylum in particular countries across Europe?

Rossella Pagliuchi-Lor: There is a certain degree of variance in the granting of asylum between different countries. That being said, it is very difficult to actually make a comparison because of the mix of nationalities that different countries receive and also, within the same nationality, the mix of ethnicities or religious communities or other, which tends to vary. Of course, depending on the kind of applicants that you get, the rate of success may be greater or lower. So yes, there is a difference, indeed. There have been various attempts, at the European Commission and on our side to try and have discussions between states to ensure a common understanding of certain situations in countries of origin.

Q255 **Ruth Edwards:** Which European countries is it most difficult for people to be granted asylum in, and what are the additional barriers that people face in those countries?

Rossella Pagliuchi-Lor: I think probably eastern European countries, central eastern European countries.

Q256 **Ruth Edwards:** Any in particular?

Rossella Pagliuchi-Lor: I do not know whether I can say, really, which one is the hardest, but certainly there are countries that have very clearly made the point that they did not intend to participate in any relocation system, and who have placed barriers to people entering their borders and even applying for refugee status. There are some countries that have been, I would say, extremely difficult in this sense.

Q257 **Ruth Edwards:** Mr Cochetel, I saw you nodding vigorously there. Was there anything you wanted to add?

Vincent Cochetel: You want names, you look at Eurostat, and it is quite clear that access to asylum, access to the territory and access to

protection is very difficult in some of the so-called Visegrad countries so, yes, central Europe is very difficult.

Q258 **Ruth Edwards:** This Committee has had evidence that some people cross the channel from France because they believe that it is easier to be granted asylum in the UK than it is in France. Do you agree with that statement, and why do you think it is that they are getting this impression? Are you able to shed any light on it?

Rossella Pagliuchi-Lor: I guess it depends on who those people are, because as I said there are some differences, but they can play in either direction. People on the move do not have access to a great deal of proper, confirmed information, so these are communities that live with a wildfire of rumours, of exchanges, of what somebody may have said. Smugglers are very much behind all of that, because of course the more asylum seekers, or even migrants, move, the more they earn, so there is a definite encouragement in that. Then there are literally all manner of rumours sometimes that tend to suggest that somebody will receive status more easily, or not obtain status, in a country, and they might be entirely false. People tend to take very rational decisions, but they take rational decisions on the basis of the information they have, and that information may sometimes be completely unfounded.

Q259 **Ruth Edwards:** From your experience, in your assessment, is it generally easier for people to be granted asylum in the UK than it is in France?

Rossella Pagliuchi-Lor: Not necessarily. It depends greatly on categories of people. I do not have it to hand, but I can share with you statistics about France in particular. If you compare, for example, grants, in the UK with those in the European Union—of course this would be an average—for example, for Syria the recognition rate is pretty much the same. In the UK it is 90%, in the EU as a whole 85%. If you consider some countries where it is very, very low—and they are probably the same countries that we are talking about—others will have it higher. For Iraqis the recognition rate in the UK is far lower than the average European rate. For the Iranians it is higher. So it really depends on nationalities.

Q260 **Chair:** Mr Cochetel, do you want to add to that?

Vincent Cochetel: I do not think there is any perceived attractiveness of the UK asylum system compared with other European asylum systems. People do not come to the UK because they think they will enjoy more rights than in other European countries. I think we need to be clear on that. From what I remember, there is indeed some variation in terms of a grant of protection in Europe, but the figures are not significantly different between France and the UK, if my memory serves me right. We can look at that and provide it to you.

What matters for some people on the move is the perception that if there are large communities in the destination country, or in the destination country in their mind, those communities will help them during the process. The presence of certain diasporas constitutes some sort of attractiveness for people of the same nationality to move in one direction

or another. It is not specific to the UK; we see that phenomenon all over Europe.

Rossella Pagliuchi-Lor: If I may, since we are talking about France, part of the Channel boats narrative is that France is somehow merely a staging post, and that everybody in France is there in order to get to the UK. By comparison, in the year ending June 2020, the UK had 40,591 applications; that includes dependents. In France, there were 117,225, so far greater. In Germany, there were 133,280; in Spain, 107,000; and, in Greece 72,000. If you look at it in this context, you can see that what is sometimes considered as a sort of an invasion, with everybody trying to get to the UK, is not the case in reality. Far more people apply and integrate in France, Germany, Spain and elsewhere.

Q261 **Laura Farris:** Mr Cochetel, in your experience, are people who make the journey to the UK in the hands of smugglers from the minute they leave their country of origin?

Vincent Cochetel: Not all of them. Some of them only find the smuggler or the trafficker in the first country they arrive in. As soon as they have left their country of origin, that is where they connect to the network.

Q262 **Laura Farris:** When does the UK become the destination, in the majority of cases? If it is not possible to say that there is a majority that is fine.

Vincent Cochetel: I am not able to provide you with any statistical evidence here; it is just anecdotal. Certain nationalities, particularly those from east Africa, are pretty determined as to where they go, because of the presence of distant relatives or a large diaspora community. How long will it take and where will they find the right connection? You have different schemes in place. You have smugglers² in Spain that are offering packages that are pay as you go, so you have to make remittances at each step of the journey. In the past, you had some smugglers that asked you to pay upfront, so families from the diaspora had to make the payment upfront. Because many people disappear on the routes leading to Libya or in Libya, there has now been a reset, let's say, in the discussion between diasporas and traffickers in general. The new offer that is out on the market is go now and pay later. That is incredibly attractive for many people, including children, who think it is free and that they will never have to pay something back, but then traffickers follow those people and make sure that they continue to ransom them when they arrive in Europe, wherever they go in Europe.

These are large transnational criminal enterprises that operate some of those rings. We have recently seen some progress in terms of combatting that. There is a major trial going on in Ethiopia these days, which provides lots of information on how those groups are operating. This sort of scheme is very dangerous.

Q263 **Laura Farris:** That is very helpful. I want to ask a bit more about demographics. These are short questions. If you were to look at the

² Correction from witness: the smugglers referred to are in East Africa, not Spain.

people who make it to UK shores via the small boat crossing, do you know what proportion are male or female, roughly?

Rossella Pagliuchi-Lor: To be honest, I do not have those figures, but certainly there are many more males than females.

Q264 **Laura Farris:** One thing that we have seen is issues around people's age. We heard evidence that in the UK, if the age of the person appears to be below 25, there is no verification process that is universally accepted, so they are treated as a child. We heard that the Merton test delivers clear results only above the age of 25, so there is a slightly grey area. Do you know how many children who are classified as such are clearly children and how many fall into the grey area where they are given status as a child, but it is not really clear one way or the other?

Rossella Pagliuchi-Lor: , I do not have them at hand. I wonder whether we might have them from the Home Office. I will look for them. Generally speaking, I would say it is extremely difficult to be entirely precise about somebody's age. I would also add that many of the young people come from countries where the registration of births does not happen with the same kind of rigour that happens here. So you may know that you are 15, but you are not exactly sure when you were born.

Q265 **Laura Farris:** But there is a different status for asylum purposes if you are 16 from the one that applies if you are 23. I want to ask if you know—again, do not worry if you do not—whether that is used by smugglers as a kind of tool for the crossing: "You won't have any papers. You'll arrive. You're young enough." Is that part of the offer?

Rossella Pagliuchi-Lor: I do not know that that is the case, but I would not be surprised if it were because, of course, smugglers try what they can to convince people to travel with them. They are very determined service providers. That being said, I believe that the majority of children are more or less the age that they claim to be. It is unavoidable that some people may try to perhaps misrepresent.

Sometimes, by the way, we also have misrepresentation in the opposite sense—that they are children who pretend to be adults because they believe that otherwise they will not be able to receive the assistance that they need. You have to consider that so much rides on it. It is difficult for us, with the lives we live, to even begin to understand that kind of anxiety.

You are basically betting your entire life, so obviously there is huge pressure on all that, and you listen to all these people telling you all manner of things, some of which may not be true. They will try to pull you in all directions. From the point of view of a young person who is there without family or anyone they can truly trust, it is an almost impossible place to be mentally to make decisions, in many ways.

I believe that the vast majority of those who claim to be children are indeed children, and I believe that everybody would agree with me. There are a few cases, of course, where age is disputed. Such disputes can be best solved with a multifunctional team that looks at the various aspects

of child development—mental, social, physical and so on. So in some cases, of course, decisions have to be taken—hopefully the right ones.

Q266 **Laura Farris:** We have heard a lot about the limitations of Dublin III. Without getting into all that, would a fairer or more efficient way of handling it—I think you used the expression of fairness between countries—be to have an alternative model where, at the first point of entry, the person could decide which country they wished to claim asylum in and put in a written application to the domestic Government of that country, and there would perhaps be mechanisms to ensure distribution and so on? Would that be a better mechanism than this rather crude: “You landed here; you ended up here; you’re going back there”?

Rossella Pagliuchi-Lor: It would be a very interesting mechanism. Clearly, the gold standard would be something in which everybody can obtain asylum where they actually want to be, but realistically I do not think that that stands many chances of going anywhere. You know the challenge that this has proved for the European Union. The UNHCR has been encouraging the European Union’s member states to find predictable ways of, for example, relocating people who arrive by boat, or in whatever manner, to ensure that there is a certain degree of fairness in distribution among member states, and similar standards of reception and all the rest.

It remains a massive challenge. As you know, the European Union has just unveiled a new pact that we have not yet had the time to fully digest. It is a pretty hefty document. That pact will succeed or not on the basis of the support that it manages to find among member states, and there are huge differences between them.

Q267 **Chair:** Do you want to add anything to that, Mr Cochetel? May I also ask you to follow up on the point that you made about young people who work on the “go now, pay later” approach from traffickers? You talked about them being ransomed while they were in Europe as well. Could you describe a bit more what kinds of things tend to happen to young people in those circumstances?

Vincent Cochetel: The first thing would be that those people would be ransomed on the way to Libya, or in Libya. The way it happens is that normally those kids are tortured in front of a camera, then the video clip is sent to the relatives asking them to pay, normally using this wireless money transfer known as the hawala system. Payments are made in different places, normally in the Middle East but sometimes in Europe, and then the kids are released until they are ransomed again. It is not always clear what is going to be the full amount to be paid because people end up again being ransomed in some cases in Europe. There have been numerous complaints in front of prosecutors in Italy, France and the Netherlands about people who are approached by individuals working for those human trafficker rings asking them to pay. The family can suffer consequences in the country of origin or in the third country if the money is not paid.

I do not have the statistics about the number of women on the Channel crossing, but we have the statistics about women in the boats crossing the Mediterranean. Currently, it stands at 14%, so it is very low. When I am

talking about gender inequality in terms of access to territory to seek protection, we really need to use those legal pathways to compensate for that aspect.

Q268 **Stuart C. McDonald:** Thank you to both our witnesses for their evidence so far. Can I take you back, Ms Pagliuchi-Lor, to something that you said about the resettlement programme? You described it as extremely successful, which I totally agree with, but sometimes I think MPs get frustrated when they call for the UK to play a greater role in taking responsibility for refugees who have arrived in Europe because the Government tend to hide behind the resettlement programme.

I want to read a quote from the Minister responsible for asylum and ask for your comments on it. He told the House of Commons: "The UK focusses on resettling vulnerable refugees through our refugee resettlement schemes and we rely on referrals of recognised refugees from UNHCR, who do not currently prioritise resettlement for refugees already in Europe." Is that fair, or should the Government be playing a greater role in terms of taking responsibility for asylum seekers in Europe as well?

Rossella Pagliuchi-Lor: We would not call the relocation of refugees from Europe resettlement. We absolutely welcome the resettlement programme that is meant to support those countries that bear the brunt, usually in the region where the refugees originated. In the case of others, we are quite particular in keeping them out of resettlement quotas but none the less encouraging countries such as the UK, like others, to participate in responsibility-sharing mechanisms. The latest is in relation to the burning of the Moria camp, when a number of states stepped up to accept children and other vulnerable persons affected by that. We are talking to the British Government to see whether there might be some opening in that sense as well.

Q269 **Stuart C. McDonald:** That is very helpful. I suppose another example of that would be the Dubs scheme. Do you have a view on the success of that scheme and whether it should be repeated? If it were repeated, what lessons could we learn and what improvements could we make to it?

Rossella Pagliuchi-Lor: The Dubs scheme was a success. It has really made a huge difference to the lives of vulnerable kids in France, Greece and Italy, and we would definitely like to see it repeated. All schemes can be improved upon in terms of timeliness, and sometimes in terms of the efficiency of the system and so forth. What we would really welcome would be the resumption of the scheme.

Q270 **Stuart C. McDonald:** Can I come to you now, Mr Cochetel? You mentioned the fact that, obviously, the UK will cease to be party to the Dublin regulations from the start of next year. Can you tell us what you foresee the impact of that being, and what you would like to see the UK and our European partners try to put in place in its stead?

Vincent Cochetel: In the post-Brexit situation, the UK will have to find some sort of arrangement, either with European Union member states at large or with individual European Union states, in order to maintain that option of return to a country of first asylum. If no agreement is found, the

UK will have to examine on its territory the claim of every asylum seeker, even if we think they should have asked for asylum elsewhere.

Q271 **Stuart C. McDonald:** In terms of family reunion, and the fact that this will close another possible safe legal route for people to reach the UK, I take it that there is a danger that it will just encourage more people to look to smugglers and other unsafe routes.

Vincent Cochetel: I do not know what the impact could be, in terms of the dynamics, on irregular arrivals in the UK. I do not want to pronounce on it myself at this stage, but obviously some sort of arrangement needs to be found, even if one could regret that some aspects of the Dublin agreement never really worked—for example, the part that consists of the country of arrival looking at whether the individual meets the criteria for transfer to another European state. In general, it did not work very well. Dublin is always believed to be an agreement that is just about return; in fact, Dublin has take-back clauses, but it also has take-charge clauses, which were not really always implemented.

Q272 **Stuart C. McDonald:** Why don't the take-charge clauses work? Is the proposed Dublin IV scheme any better in that regard?

Vincent Cochetel: I have not studied it in detail. It is supposed to draw lessons from the dysfunction of Dublin III, but it requires states to have a lot of frontload capacity to conduct that screening within the context of the new proposed border procedures. Theoretically it can work, but it will really depend on the capacity that states put in place at points of arrival at the European borders.

Q273 **Stuart C. McDonald:** Have you been able to look at the proposed agreement that the UK Government have drafted as a replacement for Dublin, and are you able to share your thoughts on that proposed text?

Vincent Cochetel: No, I am sorry. I have no knowledge of that, so I will hand over to my colleague Rossella.

Rossella Pagliuchi-Lor: I am afraid I have no knowledge either. I read about it the other day.

Q274 **Stuart C. McDonald:** Okay, no problems. Any other comments on why Dublin III, and in particular the take-charge aspects, do not work, and why that needs to be improved on?

Vincent Cochetel: Many countries did not, as I said, front-load that capacity of screening when people apply for asylum. The result has been that we have seen significant, very quick secondary movement out of Spain, Greece and Italy. Of course, that has been much more difficult during the closure of the internal borders in the European Union as a result of the spread of the pandemic, but before that, we have seen significant secondary movement from those countries.

Those individuals involved in channel crossing do not only come from France. They were coming from Spain, Italy and Greece before, so I think the perception of the authorities in some of the first-line countries was "Since we do not have predictable solidarity in terms of the relocation

mechanism, and since we do not have an effective return policy at the level of the European Union, we will let those people move”, and people continued to move onward towards other countries. Then, what did the traffickers advise them next? Well, the traffickers normally advised them to remain underground for six months, because if they remain underground for six months, they are not returnable under Dublin. Everyone has played against the system to make sure it does not work, unfortunately.

Stuart C. McDonald: That is helpful. Thank you very much.

Chair: Thank you. Adam Holloway.

Q275 **Adam Holloway:** Thank you very much, Chair, and thank you very much to our witnesses. This is very interesting, and obviously the resettlement programme is quite excellent. Can I just ask whether we have an idea of the cost per person of the people who have entered the UK illegally—the relatively privileged people who have the money to pay the people smugglers—and, from a UNHCR perspective, what could you do with all this money to improve the lives of many refugees in places like Lebanon and Turkey, who do not have the money to pay people smugglers and enter the UK illegally?

Rossella Pagliuchi-Lor: We do not really know how much the people who arrive here cost, except that, of course, you also have to put that in the context of how much they will eventually contribute through taxes and the rest once they integrate. It would be incorrect just to stop at the cost of reception when this is normally a lifelong process of integration. I believe that there are figures on that to show that, at least for migrants—the figures do not distinguish between refugees and migrants—overall, people contributed to the community more than they took in services.

As to your second question about how much that would help people in developing countries, if you do not mind me saying so, it is a bit of a false comparison. We are talking about two very different sets of issues. The reason why many people feel obliged to move onward is partly issues of assistance, but not just that. We should not forget that traditionally, assistance programmes are geared to take care of a temporary period of a person’s life. It should be a gap, something in between while this person manages to either go back home or get integrated somewhere else, but the reality of the matter is that for the majority of refugees these days, if they are refugees for five years, they are statistically likely to be refugees for almost 20 years. That means that many of those people are practically marooned in countries that are already under pressure for their own reasons and are often unable to provide sufficient services and opportunities to their own citizens.

What you will sometimes find is real situations of despair in which people feel that their children will not be able to get an education and that they will not be able to get a job—or a job that is sufficient for keeping their family. When you put all that together, it is why, sometimes, there is no integration in those countries, and in many cases, return is not possible. Many Syrians were hoping to go back to Syria within a very short period and were very keen to remain close to the borders. Ten years on, they

have finished their savings and do not know what to do with themselves and their families anymore. Those are the reasons why, often—

Q276 **Adam Holloway:** I absolutely get that, having spent considerable time in refugee camps in the middle east and indeed during the Balkan wars. Is that not the point, though? Shouldn't civilised countries be really supporting Governments such as those in Lebanon and Turkey to provide civilised environments for people? We cannot take the entire refugee population from Syria. Surely we should be concentrating on helping the many rather than the relatively privileged few.

Rossella Pagliuchi-Lor: First, they do not all want to come; most of them remain where they are. The UK is in fact a very generous humanitarian donor, so it has contributed greatly to supporting refugees in many countries, for which we are, of course, very grateful. What I am trying to suggest is that even with all the best support in the world and despite the generosity of donors, the needs vastly, vastly surpass the available resources. These are countries whose situations are already so complex and, without going into too many details, speak often to more than just financial issues. Indeed, money certainly helps, but it does not solve all the problems.

Countries such as Lebanon have something close to 1 million refugees for 4 million or 5 million of their own population. The impact that those refugee populations have can be lessened, for sure, by humanitarian assistance, and it is. It is a massive help and is something that, again, we encourage all countries to be generous about, but it still does not meet all the needs. At this point, there are about 26 million refugees in the world—20.4 million if we take aside the Palestinian refugees in the UNRWA region, which is a somewhat specific population. That number is huge. Most of them—85% of them—are sitting in countries where, often, there are ongoing conflicts. Many of them are in countries that are themselves countries of origin of refugees. It is not an easy answer, and although money is certainly very necessary, it does not answer all the questions.

Vincent Cochetel: It is an interesting question. If I may, I will offer an example from the country where I am technically based, Tunisia, a country with a low refugee population—3,000 refugees—at the crossroads of many movements from the Sahel and from north Africa. The vast majority of people leaving Tunisia by boat are Tunisians. They are not refugees; they are migrants, who go to Italy and are returned from Italy. If we look at the situation of refugees here, they do not have any legal documents. We provide them with papers, but they have no legal value for the Tunisian Government. They do not have the right to work. We have resources to assist only about 20% of them. Even if we had resources to assist 100% of them, they still would not have the right to work. It is not just money that will change the paradigm in some of those countries; it is about convincing them to develop proper asylum systems that give a future to refugees and their children where they are, because if they perceive at some stage that they cannot stay in that country, cannot advance, and cannot work or study, they are likely to move, unfortunately.

Q277 **Chair:** Unfortunately we have reached the end of our time. I want to ask a very brief final question to clarify. When you were referring to the issues around the Dublin regulations and their ending at the end of the transition period, were you saying that if there is no replacement for the Dublin agreement, and if there is no additional bilateral agreement in place, there is no legal basis for the UK to return anybody who arrives via a European country?

Rossella Pagliuchi-Lor: I should think that that would be the case, unless, of course, bilateral agreements are signed in the meantime.

Chair: Thank you very much to both our witnesses for their evidence, which has been immensely helpful.