HOUSE OF COMMONS

# Home Affairs Committee

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

Wednesday 16 September 2020

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Watch the meeting

Members present: Yvette Cooper (Chair); Ms Diane Abbott; Laura Farris; Simon Fell; Andrew Gwynne; Adam Holloway; Dame Diana Johnson; Tim Loughton; Stuart C McDonald.

Questions 172 - 229

### Witnesses

Maddy Allen, Advocacy Manager, Help Refugees, and Beth Gardiner-Smith, CEO, Safe Passage.

Written evidence from witnesses:

- CHA0024 Safe Passage International
- CHA0035 Help Refugees

# Examination of Witnesses

Witnesses: Maddy Allen and Beth Gardiner-Smith

Q172 **Chair:** Welcome to this evidence session for the Home Affairs Select Committee's inquiry into channel crossings. Welcome to our witnesses before us today: Maddy Allen from Help Refugees and Beth Gardiner-Smith from Safe Passage. Also, as a point of information, Beth Gardiner-Smith worked in my parliamentary office in 2016 and also worked on the Dubs Amendment. I welcome both of you to our evidence session this morning.

At the organisations that you work with, who is it that you work with in the work that you do—very briefly—but also tell us what changing patterns you have seen among people who are trying to travel to the UK in order to seek asylum, Maddy Allen?

***Maddy Allen:*** Thank you, and good morning. Thank you for the opportunity to speak today. Help Refugees has been on the ground in northern France since 2015. We are currently supporting over 10 projects between Calais and Dunkirk, providing a whole range of specialist support to unaccompanied children, women and families—food, material aid, shelter and housing, education and integration provisions.

I have been Field Manager for Help Refugees in northern France for over three years, living and working on the ground in Calais. During that time I have seen the situation deteriorate dramatically. At present—and these population figures are estimates because we have not been able to do a recent census due to the coronavirus pandemic, and there are no official figures released by the state—we estimate there to be between 1,900 to 2,000 displaced people sleeping outside in Calais, between 400 to 500 people sleeping outside in Grande-Synthe, and a large proportion of these are unaccompanied children, women and families.

As in August of this year, our partner organisations on the ground met 254 unaccompanied children just in Calais alone. The youngest minor at the moment sleeping outside tonight is 12 years-old, and our partner refugee service is also currently supporting five unaccompanied girls. In terms of women and family members, usually the majority of families are living in Grande-Synthe, in the informal camps there. We have seen this increase in Calais in recent months.

As of last week there were 142 family members in Grande-Synthe, 57 of which were children under the age of 12, and nine under the age of two. In Calais the previous week—obviously these figures fluctuate because of the number of crossings happening at the moment—there were 53 family members, 31 single women and the youngest child sleeping outside was just three weeks old.

As you can imagine, this presents incredibly challenging conditions. The living conditions continue to deteriorate, and I can go into more information further on in the session.

Q173 **Chair:** Beth Gardiner-Smith.

***Beth Gardiner-Smith:*** Yes. I am Chief Executive of Safe Passage International. We are an organisation that provides legal assistance to refugees in Greece and France and across Europe, principally to unaccompanied asylum seeking children who are trying to access the Dublin Regulation to reunite with family in other countries in Europe. We are the largest provider of legal assistance to unaccompanied children in France and over half of the cases of family reunions from France to the UK have been assisted by Safe Passage's work.

Maddy has spoken about the conditions in northern France in quite a lot of detail, and she obviously has very up to date figures on the population there. It does shift and move. In terms of the cases that we work on, what I can say is at the moment the major nationalities of the cases that we are working on are Afghan, Kuwaiti, Bedouin, Iranian, Eritrean and Ethiopian. Those are the main nationalities of cases in France that we are assisting currently.

That has shifted in the last couple of years. I would say we were previously seeing more Syrian and Sudanese cases, but of course you have to factor in that these cases we often work on for months and so there is a time lag between the population shifts and the cases that are then identified and sent to us for legal assistance.

In addition, I would say is Covid has had a huge impact on these children and their ability to access asylum and also safe and legal routes, and that has had knock-on implications for them, their movements, their ability to stay within the legal process as well, and I can come on to that in more detail.

Q174 **Chair:** Can you say why things have deteriorated? I will start with Beth this time.

***Beth Gardiner-Smith:*** Yes. Covid has been a big factor. What happened at the beginning of the lockdown period right across Europe was that the ability to access the asylum process shut down completely. In northern France it was not possible to claim asylum, to register your asylum case for at least two months. After that things reopened but steadily, slowly and we are still seeing the backlog and the impact of that delay. That is the same in Greece as well and obviously right across Europe. Therefore, that has had knock-on implications for refugees and their movements across Europe as well.

What we have also seen is a complete halt on transfers of family reunion cases and any safe and legal routes. There were no transfers happening at all of family reunion cases to the UK for about a period of three months until a special charter flight was put on by the UK from Greece. From France these transfers only started happening again gradually from about June onwards. Again, we are still seeing a backlog of cases as a result of that.

To give you an illustration of what that means in practice for some of the children trying to access these routes, we have a case that is deeply tragic in a way: a 15 year-old Afghan minor who we had been helping to try to reunite with his brother in the UK since February. What happened is we were able to identify him. He got moved to another department in the north of France, near the Grande-Synthe region. There were then delays because of Covid to his age assessment procedure. Everything just basically ground to a halt for this child.

Meanwhile he was waiting in the system. He was in the north. He did not know anybody and he was also hearing rumours about Brexit closing down safe routes for good, so as a 15 year-old child he was distressed. He was worried. He was concerned he would not be able to reunite with his brother. He was age assessed and verified as 15 eventually but unfortunately last week he disappeared. He absconded from the shelter he was in. We have not heard from him since. We suspect he may be now trying to make his own way to northern France. That could be on a boat.

Therefore, you can see the combined impacts that the delays, the pressure in the system, the complete halt of the procedures during Covid have had on people who do have a legal right to come to the UK. It has pushed them further into the hands of smugglers, unfortunately.

***Maddy Allen:*** I would echo everything that Beth has said. Help Refugees works across Europe. We are the largest facilitator of aid to grassroots groups. We currently support over 60 projects in Greece and, as members may have heard last week, there was a horrendous fire in the Moria camp on Lesbos that has displaced a further 12,000 people there.

There are over 27,000 people currently trapped on the Greek Islands. The sea arrivals this year are high into Spain and Italy. As we see that migration route shift, we have an overall picture across the migration route because of the projects that we support through Greece, Italy and the Balkan route. As Beth has said, Covid has had a huge impact on slowing down movement. It is now starting to begin again but the conditions in lots of these camps are incredibly unbearable.

In terms of conditions on the ground in France, the forced evictions that happen are on a daily basis. There is incredibly heavy handed police intervention in northern France. These evictions that take place whereby authorities, police officers will come in. They will secure the area around an informal living space and often make arrests, seize belongings that are inside and move people out of the area that they are living in and then people can return later in the day. These have continued to increase in frequency since 2017 but this year they have continued through the confinement period in France. There were 388 of these police operations in an eight-week period during the confinement in northern France.

Obviously all of the procedures that we have to follow during this pandemic—social distancing, hand washing and improved sanitation—is not possible in a refugee camp. At present there is limited access

particularly to sanitation and water provisions. There is one water tap for 500 people in Grande-Synthe, and there is one 24-hour water point for nearly 2,000 displaced people in Calais.

These particularly large scale eviction operations that happened on 10 and 30 July this year have moved people much further away from that one water point. A lot of people are currently living over a 1 kilometre walk from that water. Therefore, we are seeing populations spread out much further down the coast. It is an incredibly transitory population. There are smaller camps further down the coast from Calais and Grande-Synthe up towards Brussels and down to Paris as well, but we have really seen continued harassment from the police of people that are living in these camps.

Q175 **Chair:** Just a brief point before I go to Simon Fell. What were the French authorities saying to people that they should be doing if the asylum system was closed for several months?

***Beth Gardiner-Smith:*** There was a real lack of information. Actors were informed that if there was an asylum case they should contact their Ministry of Interior directly and then they would deal with it, particularly if it was a vulnerable case—they would then liaise with the department in question. Effectively, there wasn't really a functioning system. It wasn't known and it essentially was not accessible at all at that point.

**Chair:** Thank you.

Q176 **Simon Fell:** Thank you to our witnesses for joining us. Maddy Allen, can I pick you up on one of the points you raised, which was around the nature of the journeys that are being undertaken now? What is your view on how they have changed during the pandemic? Obviously we are focused on the boat crossings across to the United Kingdom but across Europe as a piece.

***Maddy Allen:*** We have seen, as is the nature of this inquiry, obviously a sharp increase in the number of people who are making this crossing by small boats in 2020. That has become the main way that people are crossing. Interestingly, in a previous evidence session, Dan O'Mahoney—the Clandestine Channel Threat Commander at the Home Office—named four main reasons why he believes that that change has happened.

First was the unprecedented weather conditions in recent months; secondly, the coronavirus pandemic halted freight and aviation travel; thirdly, a shift in global migration trends in general since 2015; and fourthly, protective security measures put in place that have displaced people away from where the juxtaposed controls are. Over the last five years, we have seen across Europe a shift in the way that people travel. It is obviously dependent on routes across the Mediterranean and across the English Channel. That is often done by small boat.

I wouldn't disagree with any of those reasons as to why we have seen this shift in the way that people are crossing, but I would maybe attach a slightly longer-term lens, particularly on that last point around protective

security measures. The UK's juxtaposed control agreements, which have externalised the UK's border into French territory, have seen a huge investment in security at the expense of the UK taxpayer in Calais, predominantly at the Eurotunnel and at Calais Port. These measures, where we see additional heat scanners, drones, fencing and dog patrols have closed down what we see as so-called safer, irregular routes.

This policy of border securitisation has had the opposite of what I imagine is the intended effect that the Home Office and their partners in the Ministry of the Interior in France have been trying to do, which is to avoid fixation points. There is a very clear mandate from the state that they do not want to repeat the jungle camp of 2015-16, the Sangatte camp prior to that. What we therefore see is that the UK has built a rod for its own back. In a previous evidence session, a Home Office official actually said that it has driven people to the beaches. This is a situation that has been created over a number of years through securitisation measures that have been put in place.

Q177 **Simon Fell:** Do you feel that the journey across Europe has also become more treacherous during the pandemic or is it just the pinch point across to the UK?

***Maddy Allen:*** We have seen this throughout Europe. There is increasing border violence and the complete closure of borders—not that they were open, but the kind of closure of borders due to the pandemic and obviously the necessary restrictions that were put in place by health authorities. It has become incredibly difficult to make these crossings, whether that is between Italy and France, between all of the internal borders of France. Throughout the Balkan routes we are seeing a heavy far right presence operating but also Covid restrictions on the Croatian border, on the Bosnian border, on the Serbian border, so, yes, this is a journey that has become more difficult.

Q178 **Simon Fell:** Thank you. Beth Gardiner-Smith?

***Beth Gardiner-Smith:*** Yes, I would just add to that. We have seen that the movement of people into Europe through the main migration routes has dropped dramatically, most likely as a result of Covid.

If you look at general population trends, we have seen significant reductions in the numbers of people crossing via the Aegean to Greece from Turkey or via the land border there as well. We have seen an increase in those crossing to Italy but it is not comparable. Therefore, you do see that Covid has had an impact right across the board when it comes to the movement of people.

Maddy mentioned the border between Italy and France as well, which is one of the routes that people take. We have seen illegal push backs in many respects of children who have had their documents taken from them or they are told they are not 18 by border guards who have no professional expertise to determine whether a child is a child or not. There are

challenges for unaccompanied children right across Europe, but in general the general movement of people has decreased because of Covid.

Q179 **Simon Fell:** Is it your expectation that we will move back to the more traditional routes of travel as the impact of the pandemic lowers?

***Beth Gardiner-Smith:*** It is very difficult to say, but what we know is that once a route is established it becomes an established route, and so I wouldn't like to say that once Covid restrictions have been lifted, once we see the movement of freight and lorries across the Channel again, as they were pre-Covid, you will see a reduction in the boats.

As I said before, I do think that the general confinement in France, the lockdown in France, has also had a combined impact on what we have seen pushing people into take these more dangerous journeys. Essentially, the few legal options available to them have been closed down for a period of time.

Q180 **Simon Fell:** Thank you. Maddy, you talked about pinch points being created as a result of Government policy; I am interested in what you think might be a better solution to managing this.

***Maddy Allen:*** Primarily—and Beth will go on to this in more detail—while we have these juxtaposed controls in place and we have placed the UK border on French soil, without a safe or legal route of passage to be able to make that journey, these irregular or illegal journeys as they are described are the only option.

We have to create safe and legal routes of passage. Combined with that, there are a number of things that can be done to work with the French authorities to improve conditions on the French side. The conditions that people are living in; the complete lack of adequate child protection systems, which I can go on to, and the lack of adequate reception centres and spaces in accommodation centres. This can be worked on.

In relation to inadequate shelter, we have a team of human rights observers who are present during these police operations. Just to throw in a few more figures. They were present in Grande-Synthe and Dunkirk — these figures are pre-2019—and they observed sheltering operations. This is where buses arrive to take people off to reception centres where they can initially have respite but then secondarily enter the French asylum system. Out of 148 days per year where that was available 2,453 people presented themselves at the allocated bus stop wishing to be sheltered and over half—1,345 people—were turned away and 53% of those people turned away were families. These are people who want to access accommodation, want to access safety and protection in France and there is inadequate provision in place.

I think there are a number of solutions to this issue. There is no one solution to this. We have to have safe and legal routes of passage but we also have to end the systemic police brutality that we experience and witness in northern France alongside improved accommodation options.

Q181 **Simon Fell:** Thank you. Beth Gardiner-Smith, do you want to come in on that?

***Beth Gardiner-Smith:*** Yes. There are lots of points to pick up on there. One of the interesting things that I think we say, picking up on this idea of safe and legal routes but also encouraging people into the system, is that with the Dubs scheme that closed earlier this year we know from the children centres in northern France—from Saint-Omer, which is one of the main shelters just outside of Calais—that what Dubs did was not just provide a safe route for a specified number of children. It also encouraged children to come into the system. They saw it as really important child protection because so much of the job and the battle is to try to encourage children who have been—

Q182 **Chair:** We will try to fix the technical issues. Try again now.

***Beth Gardiner-Smith:*** I do not know what you heard, but essentially I was saying that actors in France saw the Dubs scheme as an important child protection tool when it was in place. What it did was encourage unaccompanied children to come into the system. Not all of those children would end up being transferred to the UK but they were there in a shelter long enough to be talked to by qualified social workers to, in many cases, be persuaded to stay in France and claim asylum in France. They had long enough with those children outside of the informal settlements, outside of the control of smugglers in many cases, to then do the difficult work of persuading these children and encourage them into a system that they deeply distrust because of their treatment and their experiences along the route.

It is just one example of why safe and legal routes to the UK are important. They are important for those people who have a valid reason to come to the UK but they are also important as a child protection tool, and as an opportunity to encourage people into the system as well.

**Simon Fell:** Thank you.

Q183 **Tim Loughton:** That last point was really interesting about the success of the Dubs scheme. What you are particularly saying, Beth, is that a Dubs 2 and a more elaborate and extended version of it would solve quite a few of the problems, particularly among the most vulnerable children?

***Beth Gardiner-Smith:*** Yes.

Q184 **Tim Loughton:** What most people will not understand, quite rightly, is why so many people are risking the perilous journey across the Channel, why they are prepared in too many cases to live in these horrible, squalid conditions, which we have all seen in the camps around Calais, rather than apply for asylum in France or whichever country they first made into the EU. Why is it? What is the draw? What are the reasons you see for those people who desperately want to come to the UK and are prepared to use these hazardous—if not illegal—routes? Beth, do you want to go first?

***Beth Gardiner-Smith:*** Yes. There is no one answer, no easy answer, to that question is what I would say first. There are multiple factors and there are some important factors at play. Family is obviously one of them. It is a key driver for people to want to reach the UK. Then it is partly because there are too few routes that will enable them to reach the UK. Our family reunion rules under the immigration rules are not broad enough in scope to cover many people. They are broader once you reach Europe but they are still sometimes very difficult to access.

Also, if you think more broadly than that, a lot of these people will have family but it will be distant relatives. It will be a second cousin or it will be somebody who does not currently fit within the criteria of the Dublin Regulation. Yet that is an important link for them. If you are an unaccompanied child and you are making this dangerous journey, you have been forced to leave your home. Where would you try to reach? You would try to reach the country where you knew you had family and community links.

To give you some figures as an example, Maddy was quoting figures from August that the organisations on the ground provided. The Refugee Youth Service I think has current figures in relation to the number of children who have declared that they have family in the UK, who are currently living in these informal settlements. According to the Refugee Youth Service, that is around 11% of the unaccompanied children in northern France. However, they have to discount all those children who tell them that they have extended family in the UK, who are not within the current legal categories and also family in the UK that may themselves be undocumented.

When you look at that broader picture, family is a big driver but at the moment quite a few people do not fit within the rules. If they do fit within the rules they are often very difficult to access and—giving you the example of the story of the 15 year-old Afghan boy before—there are consistent delays within the process that then drives them to seek quicker and alternative routes to the UK that they have been told by many people work.

Q185 **Tim Loughton:** Again, I think we would all agree that there is serious delay and bureaucracy in the system and—having been to Athens and worked with your Safe Passage people there, who do a great job—how long it takes to identify somebody who is eligible to come to the UK and then eventually place them in the UK is really frustrating. That needs to improve.

Maddy, roughly how many do you think of those who are coming across in boats, which is primarily what we are looking into at the moment, genuinely do have either one eligible family connection under the Dubs scheme? We can have another session on post-Dubs, and of course we have worked with the Chair and others to try to get amendments to assure that we do have a post-Dublin scheme, but how many of those who are coming across in the boats genuinely have legitimate family reunion criteria to come to the UK? How many of them have family connections they will

claim but don't count under the current criteria? How many of them just don't have any connections at all but they just want to come to the UK for whatever reasons, because it is better than France for what reason they see?

***Maddy Allen:*** In terms of the figures I would give, they would be the same as Beth in terms of the number of children that have declared to us that they have a family link that would be eligible under the current criteria. It is not for me to assess how genuine—and I find that a concerning term—someone's claim would be to come across in a boat to the UK. There are obviously numerous reasons why people are leaving their countries of origin, why they are travelling to Europe, a lot are settling in other countries that are not the UK.

Those that are travelling across to the UK, a fair and just asylum system would assess whether they have access to protection in the UK. Obviously we know that people are leaving for numerous reasons. The majority population at the moment in Calais are Sudanese, Afghan and Iranian. Eritrean people are leaving due to enforced military conscription, war, civil unrest—

Q186 **Tim Loughton:** I am not trying to press on why they have left their country of origin. That is not the issue. The issue is: why specifically have they gone through such traumatic circumstances and then often at the hands of people traffickers to come specifically to the UK, unless they have a very strong and exclusive link to people already in the UK?

Again, what I do not understand—and you made a comment about reception centres—why would more people not want to go to reception centres where the conditions are clearly better and where the rate of people then properly applying for asylum, I gather, is much greater? We have paid quite a lot of money towards those reception centres. What is going wrong with the reception centres and what is mitigating against people getting into those reception centres? Is it a shortage of spaces or are they being prevented from doing so in some way or what?

***Maddy Allen:*** On that point around reception centres, the figures that I previously gave are in relation to the number of rejection of spaces, so the population is too high for the number of spaces that are available. A lot of these reception centres are far away from the northern France coast, so there seems to be this quite bizarre tactic of trying to move people really far away so they do not have the capacity to be able to travel back again should people want to make that journey. Often people will stay in these reception centres for a short amount of time.

We would advocate for people to be able to be inside and be in safe accommodation. Often with unaccompanied children—and just in the Pas-de-Calais region the main accommodation centre in previous years has been full and there has not been enough space in it. What we have seen—and if I use the example of recent months—is that 68 children were successfully transferred into that centre in August by associations on the

ground; 63 of those children were done by a service that operates predominantly at night time.

The way we can access these children has dramatically changed since these large evictions. There used to be these fixation points around perhaps state food distributions, the water point where people would access showers and the state mandated teams that go out and try to find these children and identify new arrivals were able to know where children would be at certain times of the day. Those staff were not there at 5.30 in the afternoon. In the evening, often when children are arriving and have been dispersed far out of the city centre, it is incredibly difficult to find these children so we have to think how people are accessing these centres.

They can stay in them for five days just as respite care before they then have to enter an age assessment process. This age assessment process then draws them into the French asylum system and if—as you have said and as Beth described—people have either family links that you would describe as genuine or further community links or reasons to come to the UK, people are likely to leave these reception centres within that space of a week to two weeks to begin trying again.

Q187 **Tim Loughton:** The final point is this: we have identified two key things that could improve. One is a new Dubs-type scheme very clearly focused on vulnerable children, and preferably children who have not had to make that terrible journey from camps around Syria or parts of Africa or wherever; and, secondly, to improve access to and attractions of the reception centres.

In terms of the people coming across, we heard from Roger Gough, the leader of Kent County Council, that the vast majority of minors coming across in the boats are teenage young men of around 16 or 17, very few actually below that age interestingly. It is very rare that young children—the babies and others—come across in those boats. You said just now, Maddy, that these illegal routes are the only option for people to come across, so what are you actually advising the people that you come across, those 16 or 17 year-old young men, in slums around Calais or even the reception centres? What are you actually advising them to do?

***Maddy Allen:*** First, we do not provide legal advice. We are not legally trained so we can only provide information about access to asylum in France. It would always be preferable for someone to remain safe. I think we can all agree in this room that these crossings are incredibly dangerous and preservation of life remains key, and Help Refugees' partners are there to provide humanitarian assistance in an incredibly difficult situation.

We would advise the people to be able to access these reception centres, ideally access legal support and legal advice, both of which are incredibly under-resourced and limited, and also for safe and legal routes to exist so that people would be able to make those crossings in non-dangerous ways.

***Beth Gardiner-Smith:*** Yes, I would just add to that, if we are thinking about ways to bring children into the legal system, it is so important to have trained, expert providers of information and support to these children. We have two state mandated organisations working in the Grande-Synthe region and in Calais at the moment, both with a mandate to do outreach to unaccompanied children, as Maddy described, to try to identify them and then encourage them to come into the accommodation centres.

In Grande-Synthe, the organisation involved or mandated to do this work is also present at many of the evictions that happen. In many cases it is not done by social workers, trained child protection workers and, therefore, it is a really confusing message sent to these young people about who these people are and what they are trying to do. You have to remember these that people—not just the young people, not just the children, the teenagers but all of them—most of the people are absolutely terrified of being returned to their country of origin.

Therefore, it is a really difficult job but it is a most important job. It needs trained expert professionals to work with these individuals to encourage them into a legal system, and persuade them that that legal system is not then going to penalise them and send them back to their country of origin but will actually help them regularise their status and come into the system. That is particularly important for children, so one thing that could be improved is that investment in expert, child protection professionals who will go out and do that outreach with children.

**Tim Loughton:** Yes, thank you.

Q188 **Laura Farris:** I would like to pick up on a couple of the things that you said in your answers to Tim Loughton. These are points of clarity that are going to be important because we have to make findings of fact in our report. Last week we had Jenny Coles come and give evidence. She is the President of the Association of Directors of Children's Services. She was asked: how many unaccompanied minors that we see nationally have relatives here in the United Kingdom? Her response was, "In our experience, very few of the unaccompanied asylum seekers we have been talking about today. Some have, but on the whole they are here on their own".

My question to begin with is also for Beth. You cited a refugee group; I am not sure I got the full name. You said that they had identified that 11% of people did have some sort of family connection. That would suggest that 90% don't. Can you help the Committee with why that 90%—if that is indeed the correct statistic, but it would appear to be consistent perhaps with what Jenny Coles is saying—are making the journey?

***Beth Gardiner-Smith:*** Absolutely. Just to qualify that statistic, what I should have gone on to say is that that 90% is based on just the categories that we know would be eligible under the Dublin Regulation. A study that Refugee Rights Europe did late last year of the unaccompanied minor population in northern France showed that around 20% of the

unaccompanied children at that time declared that they had family members, relatives, family connections in the UK, so it is a higher number we suspect and that is consistent—

Q189 **Laura Farris:** Respectfully, it is still quite a big chunk. On the highest figures 80% don't. I am just interested to know why they make the journey on your assessment.

***Beth Gardiner-Smith:*** Yes. First, why they make that journey, the dangerous journey, is because there is no safe way to make that trip. That is very factually why they do that. Jenny Coles would see mostly those children without family connections in the UK, you would hope, because there is no safe and legal route for them, particularly now that the Dubs scheme is closed for them to do so. The children that go into the child protection system that are not then reunited with relatives are the ones without families.

But why do they make that journey, more broadly? We deal primarily with children who are seeking family reunion, but what I would say is it comes back to that point about broader family and community links as well. Also there are issues around: they are often under the control of smugglers and that is the destination. Under the journey they have taken they are expected to reach, and that is why they are then taking that dangerous journey so there is a whole—

Q190 **Laura Farris:** Sorry. Would it not be right to say at the point they would come into contact with an organisation like yours or Maddy's they are beginning to speak to helpful people. Why wouldn't you immediately advise them to claim asylum in France? It is a founding member of the European Union. It is a signatory to the European Convention on Human Rights. It has an established system of human rights and immigration law. It is one of the leading liberal democracies. I know you are not lawyers, but why would you not say, "Claim asylum"?

***Beth Gardiner-Smith:*** I am not a lawyer, but we are a legal organisation, so the majority of our staff are legal providers. We do.

Q191 **Laura Farris:** You do?

***Beth Gardiner-Smith:*** We do, and absolutely what you would want to do is encourage every child to come into the children protection system, to claim asylum where they are. It is a difficult job and it goes back to what I was saying about needing real expert child protection practitioners who are working with these children, because as I said they are often under the control of smugglers where they are. Some may have family in the UK, as we have discussed. Some may have other community links in the UK, which means that the UK is where they feel that they can rebuild their lives in the context of a community that they know and recognise.

If we are to persuade them to come into the system and not take those dangerous journeys, it needs a lot of effort and a lot of investment by expert professionals and also safe routes. The Dubs tool was a really

important tool to provide some of those vulnerable children with a way to come to the UK, particularly from camps such as in Greece where we know they are deeply overcrowded, and there are unsanitary and inhumane conditions in many of them.

Q192 **Laura Farris:** I have to be honest: I still do not understand what reason people have in their minds for making the dangerous crossing if they do not have a family connection in the UK. Is it the case that they get provided with misinformation? The other side of the argument is that they are young people who are economic migrants.

It is just difficult to understand; if you do not have a family connection, why you would take the risk of crossing the Channel, when you are in a country where you could claim asylum with a good prospect of getting it, if there isn't some sort of retail offering almost? That the smugglers are saying, "If you get there, X, Y and Z will happen. It is better than France" and that is why they do it.

***Beth Gardiner-Smith:*** In many cases it is exactly the opposite. That these children are actually forced into exploitation—

Q193 **Laura Farris:** Do you mind if I put the question to Maddy?

***Maddy Allen:*** Just to come in on that. The first point is that I would agree with you there often is misinformation. One of the complex things in this situation—I agree with everything that Beth has said—is that the information is coming from multiple sources. There might be a small number of trained child protection actors on the ground, state mandated or non-state mandated actors. That obviously needs to be increased.

You then have the presence of smugglers or potential trafficking networks. You have peer-to-peer information. You have information from family members or community members, potentially in the UK, potentially in other countries along the route or in country of origin, so you have information coming in from all angles here.

Particularly when you are dealing with children, a lot of the time that peer-to-peer information, what children are telling other children, what community leaders within those groups are saying is incredibly powerful and difficult to override I guess. As Beth has said, if people are forced into exploitative situations to make these journeys and are having these journeys facilitated by smugglers there is—

Q194 **Laura Farris:** My final question—and you may not know the answer and do not worry if you don't—is: what is the nature of the misinformation that you think is being provided?

***Maddy Allen:*** I am not privy to information that would be provided—

Q195 **Laura Farris:** When you meet young people, they would not tell you. They would only say family connection. They would not tell you any other reason?

***Maddy Allen:*** When I meet young people, a lot of the time they are talking about inhospitable and hostile environments throughout Europe, what their experience has been in detention, in Greece and Italy, throughout the journey that they have made, their experience in France, that they are experiencing really awful conditions in France. A lot of them are speaking English. We are having those conversations in English, so that can be a driver as well in terms of what someone's second language would be. Then they might know people. They might have had friends, community leaders. They know that there are groups of people who they can connect into once they get to the UK.

We also have to keep all of these conversations in perspective. These conversations that we are talking about on the UK-French border are a small proportion of the overall refugee and displaced population across Europe. Not everyone who is coming into Europe has a mission to come to the UK.

Q196 **Chair:** Thank you. Beth, do you have any more points you wanted to add to Laura's question?

***Beth Gardiner-Smith:*** The only other thing that I would emphasise again is this idea of a push factor as well, particularly when we are talking about children and what drives them to make that final leg of the crossing. If they have been met with a hostile environment in northern France, if they have been met with actions from state authorities and people that they should be able to trust right across the migration route that they have travelled on, they are just not in a position to want to trust the authorities and to enter into the system without a lot of care and support to do so. It is one of the elements. It is not the only element but it is a really important factor.

Q197 **Chair:** I will bring Adam Holloway in a second just to follow up on that. We are also going to turn shortly to some of the wider issues around the organised crime gangs.

Can I just follow up: you raised the point, Beth, about whether some of the young people were more likely to be vulnerable to exploitation or to what is happening with criminal gangs. Could you just very briefly tell us anything about that, but just in relation to the young unaccompanied asylum seekers? We will come back to the wider issues in a second.

***Beth Gardiner-Smith:*** In terms of general figures, the UN estimates that 77% of refugee children and young people travelling along the central Mediterranean route have been subject to quite severe abuse or exploitation. Those are often the children that end up in northern France as well.

In terms of our work and the cases that we work with, we cannot say that there is a single child that we have worked with that has not suffered trauma and isn't in need of specialist support. In a previous evidence session, there was a discussion around whether these children need specialist mental health support. Every single child we have worked with

and provided legal assistance to is in need of that support and has experienced trauma.

Q198 **Chair:** In terms of the kind of exploitation or criminal gang exploitation you might see, once those young people have arrived in France what is the kind of thing that you are seeing?

***Beth Gardiner-Smith:*** Generally there is sexual exploitation and abuse that is present among unaccompanied children. They will have also often experienced forced labour along the journey as well, but sexual exploitation is something that happens to these children.

***Maddy Allen:*** Yes, I would echo that. We see children that are travelling on their own but also young women, if we go slightly broader than just unaccompanied children. Often young women who are travelling alone it is assumed that it is safer that they are with a man. We see really high rates across all of our projects and safe protection houses that we support for women in Europe, high levels of sexual exploitation and abuse.

Also, with unaccompanied children often—particularly on that UK-French border crossing, but wider as well—children that are ending up in situations of debt bondage, whereby they are making the journey across to the UK and having to work in exploitative and illegal conditions once in the UK to pay back the money for that journey.

Q199 **Chair:** How common do you think that is?

***Maddy Allen:*** I do not have an exact statistic on that but, anecdotally, I am aware and I have met children who are in those conditions.

**Chair:** Thank you.

Q200 **Adam Holloway:** How does a teenager get to Calais? Are they very enterprising or is it that they are relatively rich in the sense that they have the money to pay the people smugglers to make these very long journeys?

***Beth Gardiner-Smith:*** I can attempt to answer that. There are very different levels of a kind of economic profile of young people who make the journey. That is then borne out in the types of journeys that they make and the routes that they take as well. Certainly not every child that we work with comes from a wealthy background.

Q201 **Adam Holloway:** We were told by someone from the National Crime Agency a couple of weeks ago that the vast majority of people, when they arrive in the UK, have no pocket litter, in the sense that they have no identity. Their phones will be wiped of anything that would give any clues to their back story. Why do you think that is?

***Beth Gardiner-Smith:*** Many different reasons. First, we are talking about young people. All teenagers I know lose things constantly, and that is no different if you are a young refugee. The journeys that they have taken and the manner in which they have left their country often means that they have not left with documentation. In addition to that, unfortunately, what

we have seen is when they reach Europe sometimes it can be the authorities that take that documentation away from them, if they do have it.

For instance, to give you one example of a young person that we are assisting, who is currently on Lesbos, who lost all of his documentation in the fire in Lesbos. He called us the next day. He said, "How on earth am I going to reach my family in the UK now? I don't have any documents". He was absolutely distraught.

Because of the journeys that they take, because they are young people, because they are children they will often not have the full suite of documentation that means that they can present themselves and their identity immediately. That is why the work that we do is often very difficult, to try to piece together the documentation of these children and also to make sure that we can verify the family link in the UK and other parts of Europe.

Q202 **Adam Holloway:** One of the things that Maddy's impressive organisation does to help people is to charge their mobile phones. Why is there nothing on their phones, according to the National Crime Agency?

***Maddy Allen:*** Yes, as you have stated it is really critical. While people are making these dangerous journeys having a phone and having a charged, working phone is often a lifesaving way for people to be able to call for emergency support.

As Beth has said, a lot of people are not carrying their documentation but also one of these reasons that we see is that there is real fear of being returned to their country of origin. Also, a lot of people have been in the system for a long time, have been bouncing around Europe for a long time and have claimed asylum in multiple countries, been rejected and may have their fingerprints elsewhere. The real fear when arriving in the UK—and obviously we know that this is something that happens—is that people are returned through the Dublin procedures to another country where they would have their—

Q203 **Adam Holloway:** May I ask you both, what percentage of the population of, say, Iran or Afghanistan would you like to help get asylum in the UK?

***Beth Gardiner-Smith:*** In what respect? Do you mean those who are currently in Afghanistan or Iran?

Q204 **Adam Holloway:** Just say hypothetically that tens of thousands of people came from a relatively safe part of Afghanistan—Herat, say—and got to Calais. What percentage of those would you wish to get asylum in the UK?

***Beth Gardiner-Smith:*** I would wish that every individual would have their asylum claim properly assessed to determine whether they were in need of humanitarian protection or not, whether that be in northern France—hopefully they would not make that dangerous journey across the Channel and they would stay in France and claim asylum—or whether that be in the

UK because that is what the refugee convention asks of us and that is what we are signed up to do. It is not about—

Q205 **Adam Holloway:** Yet throughout this session you have referred to these people as refugees.

***Beth Gardiner-Smith:*** Yes. It is not for us. We do not determine somebody's asylum status, so it is not for us to determine whether they are in need of humanitarian protection or not.

Q206 **Adam Holloway:** Just a final question, Chair. Would your energy be better spent helping people in real need, in poorer or unstable or war torn countries, rather than helping relatively wealthy people who have paid large amounts of money to travel across safe countries, in order to reach illegally their country of choice? In a way, it makes a mockery of our asylum laws and my constituents who have come to the UK legally.

***Beth Gardiner-Smith:*** I do not think where a person lives determines whether they are in need of support or not; I think it is about their vulnerability and their specific circumstance. The reality is that we have unaccompanied children in northern France currently who are in urgent need of protection and support to enter the legal process, to reunite with family in some cases, and to access a place where they can rebuild their lives. Certainly, the proximity to the UK of those children and the fact that they wish to make a dangerous journey to the UK actually increases the importance of some of us providing that support.

***Maddy Allen:*** I would just jump in to echo that it is not an either/or situation in terms of where support is needed. This is clearly a very complex situation that requires a global response to both why people are leaving their countries of origin and to support people while they are on those journeys.

For us as Help Refugees we are primarily providing emergency humanitarian assistance to the population of people that are living in northern France, are homeless, are rough sleeping. As with any homelessness outreach service that you would have here in the UK, we provide blankets, water and food. These are very basic services that we strive to have a wraparound approach with more specialist support, whether it is legal information, trying to get people into accommodation, it requires a multifaceted approach.

**Adam Holloway:** They are refugees, not economic migrants. Okay.

Q207 **Andrew Gwynne:** Thank you both for giving evidence today. Earlier you outlined to the Chair and to other members some of the current conditions in northern France. I am particularly interested in looking in a bit more detail at your experience of the response of the French authorities.

Maddy, you talked about the dispersal of people over a wider geographic area and the securitisation measures driving people to the beaches. We have heard that Covid-19 has made conditions worse for migrants in

northern France, supermarkets reportedly turning migrants away, the police removing their tents. Is this what you have seen and what is your assessment of the physical conditions that people are currently living in?

***Maddy Allen:*** Thank you, Andrew. These conditions are unbearable. They are completely inhospitable and have deteriorated dramatically. If we look at the period during Covid—and I have already spoken about the lack of access to water and sanitation provisions—the UK operates a detention regime in northern France. They have continued to operate those four short-term holding facilities in northern France contrary to international public health advice during the coronavirus pandemic.

These evictions and really heavy-handed police presence is disproportionate to the number of people who are living on the ground, living in these camps. The number of evictions—we are talking multiple times a day often with the use of chemical agents involved, where arrest is used. There is a policy of exhaustion, continually displacing displaced people, scattering them far along the coast, ironically making it far harder to police any groups that are around, the removal and confiscation of bedding, arbitrary arrest, removing people's tents and taking people's documents—as we have already discussed—and smashing of people's phones.

We have evidence and testimony from people of continual police brutality. The Home Secretary herself said that the people in France are arriving and saying that they are fleeing racist conditions. They are experiencing treatment that is tantamount to psychological abuse by the authorities and this is continuing.

Q208 **Andrew Gwynne:** In dispersing the problem, making it more difficult to police, opens up the opportunities for criminal gang exploitation. What evidence do you have that the French authorities are adequately tackling that side of the equation?

***Maddy Allen:*** We know that there are organised crime gangs that operate in this area. Everyone who is living outside is incredibly vulnerable to exploitation. It is not as simple, when we dismantle these complex webs, of how these organised crime gangs work. I do not doubt that there are joint collaborative forces from both the UK and French authorities working on this but it is not as simple as one individual making money from another individual. It is also not as simple as criminalising any person who is involved.

A lot of the people who are wrapped up in these webs are also very vulnerable themselves and are being exploited to have to make money for regular crossings in the absence of safe and legal routes of passage. We see that the conditions on the ground and the heavy securitisation of the border leaves a wide, open space for this exploitation. There is a direct correlation between the intensity and frequency of police operations and evictions that we have seen over the last three years with the level of risk that people are willing to take when making these crossings.

Q209 **Andrew Gwynne:** Beth, you talked about the fixation points to find unaccompanied children. It is worrying what you said about their dispersal now and the potential for them to fall into the control of smugglers. These are safeguarding issues. Separate to the actual applications within France, what measures are the French authorities currently taking to safeguard unaccompanied children?

***Beth Gardiner-Smith:*** There is outreach within the Calais area by FTDA, which is the state-mandated authority, on a daily basis to identify children to try to encourage them to come into the state protection system. But we know that still there are unaccompanied children living outside of that protection system.

In terms of other issues within the system that add to the problems here, because the procedures are devolved to each department we see quite differing levels of protection and procedures across from Grande-Synthe in the north department to Calais, for instance, and that mirrors right across France.

You have one process in Calais that may be working okay but then you have a completely different process in Grande-Synthe and the north, where these smaller settlements are, where you see some real systemic issues around the number of child protection actors there are, the number of legal guardians there are. We routinely have issues trying to find a legal guardian to be appointed to a child who is in the protection process. It is just one of the key stages to apply for asylum or to apply for a family reunion request.

It is devolved to departments, the child protection procedures, and that does also create issues in terms of the support to children that is provided.

Q210 **Andrew Gwynne:** There is a bit of frustration throughout the general public, and I do not know whether it is a misperception that they have and a myth that we have to debunk or whether it is factual and things need to change on the ground. But with the heavy-handed tactics that we heard of today by the French authorities with the dispersal, potentially pushing people into the hands of the organised criminals, it does seem that there is a degree of the French authorities washing their hands of the problem.

What evidence do you have that the French authorities are actively encouraging people—not just minors but adults—to claim asylum there, which are the actual rules of the game? Do you have evidence that they are actively encouraging people to claim asylum in France?

***Maddy Allen:*** It is minimal and there is a failing of the French authorities. Specifically, if we are looking at when people—the police have a responsibility to signal children—I know we are not just talking about children—to the state if they come into their care. We have evidence that that does not always happen. That is not always the case.

In terms of the adult population, there is no presence of French authorities; there are no legal teams on the ground, there is no widely available legal

information or legal advice that is available to people to explain the French asylum system. Just touching back briefly on conditions, the European Court of Human Rights is making the French Government pay damages this year to three people who have gone through degrading treatment as a result of being within the French asylum system. This is not a super-functional system.

I know ours also in the UK has a lot to be desired, but the French system—a lot of the people who are sleeping outside in Calais and Dunkirk tonight have claimed French asylum. Some people will be waiting for accommodation for up to six months. They are sleeping outside while they are in this process because there is a real backlog with access to accommodation. During that process—we are about to head into another dark, horrible, difficult winter—it leaves people again open to be able to make those crossings. People become more desperate and will attempt to make those crossings to the UK in the absence of protection in France.

Q211 **Dame Diana Johnson:** I wanted to go back to a point that you made, Beth, when you were being asked about why children were travelling to the United Kingdom and you said that some of them were under the control of smugglers and the UK is the destination. There is a route that those children have been on using smugglers or human traffickers to get them to the UK. What would you think about the percentage of those children crossing in these small boats who may not want to be in the UK but that is where the smugglers are bringing them to?

***Beth Gardiner-Smith:*** I could not give you a percentage on that. I do not have a figure.

**Dame Diana Johnson:** But do you think it is a large number or do you think it is just a few of the children that are arriving in the UK?

***Beth Gardiner-Smith:*** I do not think all of the children trying to reach the UK are doing it completely unwittingly or unknowingly, no. A lot of the children in northern France have a clear desire to come to the UK and it is for the reasons we discussed; they are complex reasons, family, extended family, community links, language. It is those reasons.

Q212 **Dame Diana Johnson:** Can you just help me to understand? If a children is travelling from some of the countries that you have talked about, is it that they are part of or are being transported by smugglers for the whole of the route or are they using multiple smugglers to get through the different countries? Then when they get to northern France, are they then using a different organised crime or smuggling operation to get them across? Or is it all connected up?

***Beth Gardiner-Smith:*** In many cases it is multiple different links across the route. It is not one destination that you get on at one point and you arrive at the other point: absolutely not. It is a multiple of different actors, some of whom may themselves be under exploitation, so it is a very complex route and process.

Q213 **Dame Diana Johnson:** Are you able to tell us anything about how payment is made? If it is not end to end, if there are multiple actors in this, how do children, particularly, and adults as well, make payment? How does that work?

***Beth Gardiner-Smith:*** The children that we work with, when we work with them, are not doing that because they are in the legal process so we do not ask many of those questions. But I do know the exploitation is sometimes a factor and a feature of these journeys and essentially part of the payment.

Q214 **Dame Diana Johnson:** You are saying sexual exploitation, sexual abuse could be part of what children have to do in order to move along through countries. Is there anything you would like to add to that, Maddy?

***Maddy Allen:*** Not at this stage, no. I would also not be privy to that information but—even someone from the National Crime Agency previously gave evidence on this—it is an incredibly complex web. They are having to try to detangle it right back from people's country of origin, and it is not a simple hierarchal structure.

Q215 **Dame Diana Johnson:** Can you say something, Maddy, the migrants you are dealing with, what their views are about having to use smugglers or people traffickers? Do they talk to you about that and tell you how they feel?

***Maddy Allen:*** I don't ask questions around how people or why people are crossing when primarily they are there to provide assistance on the French side. One of the key issues, people are forced into these incredibly vulnerable and often exploitive situations and it is through lack of other options. If we look at the increase in risk that people are willing to take, at the UK-French border there have been numerous deaths over recent years and just look to at a small number of those deaths that have happened in the last year. One was a man who died attempting to swim to the UK with a lifejacket made of plastic water bottles; one in August last year was a woman who fell out of a dinghy; obviously just last month a young man died while trying to get to the UK with spades instead of oars in his boat.

Look at the type of risk that people are willing to take along those journeys and often undertaking them themselves through the complete absence of safe and legal routes of passage. It sounds like a stuck record but there is nothing enticing about making that crossing to the UK. Once you are stood on a French beach—I have stood on many beaches in Calais and Grande-Synthe—and there is nothing enticing about that bit of water. But we have to think about what would initiate that journey and the level of desperation and lack of other options that would be available at that stage.

Q216 **Dame Diana Johnson:** We have heard some evidence in previous sessions that these people who are smuggling migrants to the UK, on the whole, are fulfilling their contract and there is not abuse or anything untoward, they are doing what they are being paid to do. Do you think that is right?

***Maddy Allen:*** Whenever a vacuum is opened up with the absence of a legal alternative, where there is money to be made, people will make money. Human beings are enterprising in this way. That gap for exploitation is absolutely huge among forced displacement and migration.

***Beth Gardiner-Smith:*** I can't give you representative figures, but we know from our work and the young people that we have assisted—not talking necessarily about northern France but just about the route that these children take—we often come across cases where there has been forced labour involved at a certain point in their journey, and other forms of exploitation and also sexual exploitation along the route.

I would not say that is the majority of cases in terms of sexual exploitation but it is a factor. I quoted you figures before from the UN about the vulnerability and the experience of unaccompanied children across the Mediterranean and Central Mediterranean route to differing forms of abuse and exploitation.

Q217 **Ms Diane Abbott:** Earlier our witnesses said something that I thought was interesting. There have been particular circumstances that caused the rise in people crossing the Channel in small boats. But what our witnesses said was when a new route like that is established, even when the initial circumstances that caused it have changed, that route becomes established and continues. Is it realistic to say that Her Majesty's Government can eliminate these crossings by small boats across the Channel?

***Beth Gardiner-Smith:*** I would hope they could. We do not want to see people crossing by boat. I am not sure it is realistic without a serious investment in many of the things that we have talked about: more support on the ground in northern France, more support to get people into the system and more safe and legal options for people to be able to come to the UK in limited circumstances. I don't believe it is realistic at this point.

***Maddy Allen:*** I would also hope that these crossings can stop, as I have just explained, from the deaths that we have seen in recent years. This is an incredibly dangerous journey but realistically, as the Home Office and their French counterparts at the Ministry of Interior strive to make this route unviable, blocking access to beaches, increasing securitisation, making further investments, there is probably a number of options that could play out, particularly if we look with a post-1 January, end-of-the-Brexit-transition-period lens on it.

First, people will begin to make these crossings from further afield. We are already seeing this and it is going to spread out further up and down the coast. That will directly result in an increase in deaths in the water because you are crossing a larger body of water to make that journey.

Secondly, and I am not in a position to be able to pre-empt any Brexit negotiations, but dependent on customs regulations or any bilateral agreements that are in place, any blockages at the port as freight traffic

increases, how that is processed, will have an impact on how people are crossing. It sounds like a very simple thing; we have discussed weather today. Discussing traffic is another one. How traffic operates around that port has an impact on how people make that journey.

Thirdly, we will see people making more dangerous routes. I would remind all members today of the 39 people who lost their lives in a lorry just last October. That journey came through northern France but then onwards to Ireland and through to the UK. We will start to see different and more dangerous routes created if, as we have already seen, other existing established routes start to close down.

Q218 **Ms Diane Abbott:** Beth, just to pick up on the point of what happens at the end of the year. Obviously one of the things is the Dublin Regulation will cease to apply. Safe Passage has been reported as saying that international asylum law is not an effective substitute for existing family reunion provisions. What would be an effective substitute?

***Beth Gardiner-Smith:*** We need to see a replacement mechanism international multilateral agreement with Europe that would replace Dublin. Our family reunion rules or our immigration rules would currently—we have worked out from the cases that we support, 95% of the cases that we support would be problematic when it comes to our immigration rules, that is probably many of them would not be eligible. All 95% of those cases will then have no legal way of reuniting with family in the UK.

It is a serious impact that having no deal would have and it has to be in agreement with the EU. It has to be consistent across the EU. We do not believe it is sufficient just to have bilateral agreements with France and other countries or just simply amend our domestic legislation, although that is important. The reason for that is this is an end-to-end process. The way that Dublin works currently, it is absolutely critical that you have obligations on the sending country—France or Greece—and also on the UK to work together to co-operate within certain very specific timeframes to reunite children with their family or other family members with their family.

If you just leave the obligation on the UK or on the child to do that, which is what would happen under our immigration rules currently, that we suspect will result in many children just simply losing access. We want to see a replacement, we want to see an agreement reached with the EU and it is not sufficient, in our opinion, just to fall back on domestic legislation.

Q219 **Ms Diane Abbott:** If we fall back on domestic legislation then the majority of children will lose access?

***Beth Gardiner-Smith:*** Yes. Under our assessment of the cases that we work with, yes, absolutely. That is because of the categories of family members that they are seeking reunion with in the UK and also the legal status of that family member. Many of the children that we reunite with family members are reuniting with, say, a British citizen rather than a refugee. Currently the only option may be for them to use the refugee

family reunion routes, but you have to have refugee status in the UK to sponsor that child and reunite with that child. There are multiple factors but, yes, we believe the vast majority of children would lose that safe and legal route overnight.

Q220 **Ms Diane Abbott:** The Committee has heard that in 2019 one reason young people are risking the Channel crossing is because of the delays in negotiating family reunion. In your experience, how long does that process take and what difference would it make if the process could be sped up? How could you speed it up?

***Beth Gardiner-Smith:*** Covid has had an impact in terms of delays, obviously. It has had quite an extraordinary impact and resulted in a child absconding last week from a shelter. There are systematic delays in the system and in the process. They are improving but there are still delays in the Dublin process.

Unfortunately, we have recently seen the Home Office introduce new guidance around Dublin that we believe is a step backwards when it comes to making this work effectively and efficiently. Without going into too much detail around that, some of the things that that guidance now says include that if a decision cannot be made within the two-month deadline then the Home Office should simply just reject that application out of hand because they have not met the deadline.

Under the Dublin Regulation currently, if you do not make a decision within that two-month deadline of receiving an application for family reunion the responsibility for that child defaults to you. But in an effort not to take responsibility for those children with family here, the guidance suggests that they should dismiss that application out of hand and require another application to be made.

There is sufficient guidance at the moment in the Dublin system that the UK has. We think there are significant improvements that can be made to that guidance that would then speed up and make more effective that process.

Q221 **Ms Diane Abbott:** Just recently the Home Secretary was complaining about activist lawyers. Is it the lawyers that your organisation works with that she is talking about?

***Beth Gardiner-Smith:*** I very much hope not. I am not a lawyer myself but I am extremely proud to work with the legal professionals that I do. They are deeply committed to providing access to legal support and justice for the very vulnerable people that we work with. Yes, they are activists in the sense that they are actively seeking every opportunity to support these children and to provide them with access to safe and legal routes. But that is about it.

**Chair:** We are going to run a few minutes over—we were due to finish at 12.00—so that Stuart McDonald can ask his questions, if that is okay.

Q222 **Ms Diane Abbott:** Quickly, to give Maddy a chance, is it your activist lawyers that the Home Secretary is talking about?

***Maddy Allen:*** Again, the Home Secretary is talking about lawyers that we work very closely with and are very proud to work very closely with. These are people who are defending fundamental human rights, which should not be up for debate, and are ensuring that people can have fair access to the justice system.

Q223 **Stuart C McDonald:** You have explained why a multilateral successor to the Dublin Regulation is so important but is it not looking an increasingly unlikely prospect? Obviously there were questions about the UK Government's commitment to negotiating that but it now appears that the European side does not see this as part of the negotiations at all. Have you had any discussions or made any representations to the European side of negotiations as well?

***Beth Gardiner-Smith:*** Yes, and it is very disappointing to hear that news. We are often critical of the UK Government and the Home Office's approach to this issue. But we can also be critical of how the EU is acting in this as well. Yes, it does appear that currently there is no appetite to deliver a mandate to the Commission to negotiate on this issue. We believe privately that the French is very keen to see that happen but there are other countries across Europe who are not or simply see it as not an important issue. Therefore there is disagreement among the EU member states on this.

Q224 **Stuart C McDonald:** Why would some countries not want it to happen?

***Beth Gardiner-Smith:*** I simply do not know. Across Europe we have seen an increasingly divergent approach to the issues of migration and in refugee protection unfortunately. We are seeing states take a very differing view in relation to location and support for refugees. There are some countries that take a very hard-line view on this.

Q225 **Stuart C McDonald:** If the worst comes to the worst and there is no multilateral arrangement, what is it we have to look to, to try to at least avoid the worst outcomes?

***Beth Gardiner-Smith:*** It is critical to put something in UK legislation at least because currently UK legislation is deficient; 95% of our cases would not have eligibility under our current rules. We have to provide that protection within our domestic laws absolutely and then continue to seek an agreement with the EU on this issue, in view of that.

Q226 **Stuart C McDonald:** Maddy Allen, do you want to come in on any of that?

***Maddy Allen:*** Beth is definitely the expert in relation to family reunion, but we are losing time basically. I am sure as all members are aware, we are deeply concerned that the time window is running out for multilateral agreements to be able to be made. But to comment briefly on the global resettlement scheme that the UK has pulled together and combined all of our existing resettlement schemes into, this is an impressive thing to exist

in the UK and something we should be proud of but it is something that instantly needs expanding and needs securing.

There is no predicted figure of how many people will go through that resettlement scheme in 2021. There is no commitment specifically to unaccompanied children and how those transfers will work and also specific commitment for transfer from within other member states.

We need to look at how the existing resettlement schemes have worked, where the failures and gaps have been over the last few years and ensure that we are working with teams on the ground. I am thankful to be able to give evidence today to be able to ensure that there are sufficient legal routes in place moving forward.

Q227 **Stuart C McDonald:** The global resettlement scheme is very welcome but it must make life very difficult for all the partners involved in making that work if you do not have any information about its long-term future. Has the Home Office given any indication about when it will make an announcement about the programme's future?

***Maddy Allen:*** Not that we are aware of at the moment. We have very limited information about how this programme is running and also obviously the reality of that is on the ground when we are talking, as we have spoken about many times during this session today, how information is shared and the importance of correct legal information and legal advice.

This has to be coming straight from Government to the people that are able to distribute it on the ground, whether that is through to UNHCR in camps in Greece, or grassroots and civil society organisations that we are supporting on the ground. We have to have that information ahead of time to be able to make those routes viable and work.

Q228 **Stuart C McDonald:** You both also made a point of case for Dubs and the beneficial impact of that scheme, including and encouraging people to get into the system in France. Looking back at how it operated in practice, what would you flag up as having worked particularly well and what were the challenges involved in it? For example, did Dubs itself work fast enough with the capacity issues, were there resourcing issues, and how could we learn from that experience?

***Beth Gardiner-Smith:*** The UK was attempting to do something that had not been done before in Europe, in recent memory at least—obviously we had the Kindertransport 80 years ago—so in that respect you have to understand that it was a new process that had to be set up from scratch. That was going to take a little bit of time.

The problems were that the guidance was changed. At first the guidance for the scheme was very restrictive, then it broadened it out to mean that more children qualified. We saw huge delays then in the effective communication with that and the setting up of the process that would effectively identify children who could be eligible and bring them through to the point of transfer.

Also there was not perhaps as good working with local authorities in the UK who perhaps wanted to take children under the scheme. Because of the delays that it took to transfer these children across—in some cases it was two years, three years later—that they were then being asked whether they could take in children, obviously capacity and the situation had completely changed.

If we contrast this with what is happening in Europe at the moment in relation to Moria and Lesbos; there has been a recent initiative around relocating unaccompanied children from the islands. That has been hugely welcome. We have seen Germany and France in the last week pledge to take the majority of those 400 unaccompanied children who have been relocated from Lesbos, who have lost everything in the Moria fire. That will happen within a couple of weeks because we have seen that happen in the last few months in respect to other children.

To contrast that scheme with the Dubs scheme, it is disappointing that it took so long for the UK to take relatively few amount of children.

Q229 **Stuart C McDonald:** Finally on the issue of Lesbos. You have spoken about France and Germany taking unaccompanied minors but, in the grand scheme of things, are other European countries offering to assist? It was an emerging disaster anyway prior to that fire. Is there any sign of a coherent European response to that and has the UK made any indication at all that it would be willing to play a part?

***Beth Gardiner-Smith:*** Not beyond the countries that we have discussed at the moment. I know there is an initiative by Europe to try to encourage other countries to take in children and families as well. Germany has indicated it may take in quite a large number of families.

Setting aside the issue of unaccompanied children right now, you have extremely young children who currently have nowhere to sleep. There has been a temporary camp set up in another area on the island but the capacity for that is reckoned to be around 3,000. Some 13,500 people were made homeless in this fire and you have very young children, families and adults sleeping out without any kind of shelter at the moment, all dispersed across the island with rising temperatures. We would encourage the UK, as part of a collective effort across Europe, to offer to take in some of these very vulnerable individuals in this emergency circumstance because it is an emergency situation.

**Chair:** Thank you both for the evidence that you have given us today. We have come to the end of our session.