



Home Office

Alex Norris MP
Minister for Border Security &
Asylum
2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

Rt Hon Lord Goldsmith KC
Chair, International Agreements Committee
House of Lords
London
SW1A 0PW

24 November 2025

Dear Lord Goldsmith,

Thank you for inviting me to give evidence to the Committee on 16 December. Ahead of the session you have raised some points which require clarification, which I have answered in turn below.

1. Definition of “international protection claim”. Art. 3 and Art. 4 refer to persons who have made an international protection claim. This is not defined in the treaty. Please confirm which of the following this covers:

- a) a claim for refugee status;
- b) a claim for humanitarian protection;
- c) a claim relating to modern slavery;
- d) any other claim (please specify).

It includes (a) and (b) as those are the types of claims we can make inadmissible under a) section 80B of the Nationality, Immigration and Asylum Act 2002 and b) paragraph 327F of the Immigration Rules respectively. An asylum claim is defined in section 113 of the 2002 Act. A Humanitarian Protection claim is defined at paragraph 327EA of the Immigration Rules.

2. Art. 4.2.a says the obligation of France to readmit persons does not apply if they have only been “in a transit area of a French border crossing point”. Since the Agreement is targeted at small boat crossings from French beaches, it is not clear what this is addressing and why it is there. All those who cross the Channel seem to be in a transit area of a French border crossing point.

The individual must have been present in mainland France and have travelled through the country at any point prior to making the journey across the Channel.

3. Art. 4.2.e provides that the obligation to readmit may not apply if the transfer process takes longer than the target of 3 months. This seems an unnecessary limitation: why has it been included?

It is in both parties' interests to ensure that returns happen quickly and, as is recorded in Article 1.1 the parties have agreed to work towards a 3 month end-to-end process. There is scope for removals to occur after 3 months if both parties agree to do so.

4. Art. 4.6 says that once France has accepted a person, the UK then has to resolve any pending legal applications (“all outstanding applications”) in order to meet the requirements of Art. 4.1 (d)-(g). This suggests that delays in a court process might mean that a person could not ultimately be transferred given the terms of 4.2.e (3 months). Is this correct?

This would only apply if the person has a suspensive judicial remedy or has been granted an injunction by the court. As these are safe third country removals, it should be noted, that a judicial review challenge will not generally have suspensive effect, unless an injunction is granted. However, it should be noted that France may agree in such cases to accept an individual outside the 3-month period stated in the Treaty.

5. Data protection: Art. 16 prohibits the transfer of personal data to the UK. Please explain the inclusion of this restriction. Art. 6.5 implies that France is not required to provide detailed reasons for rejecting a readmission request, but only “anonymised” information (on request). Could you confirm if the anonymisation is due to data protection issues? Considering that France does not have an obligation to say why it is rejecting the readmission of a person who meets the requirements of Art. 4, have data protection concerns limited the operation of the Agreement?

The UK / European Applicant Transfer Scheme is administrated by the UK in the same way as other immigration routes. There is, therefore, no need for France to share personal data for the purposes within the Agreement – the required data comes directly from applicants. This does not impact the sharing of data for other purposes or other agreements (as is recorded in the preamble: EMPHASISING that this Agreement is without prejudice to applicable agreements on mutual legal assistance and police and national security co-operation arrangements to which the Parties are signatories).

In respect of Art 6.5: There are certain restrictions on both France and the UK for sharing certain types of information for certain purposes. The anonymised information under this Article allows for appropriate monitoring of the Agreement whilst allowing for sharing of any necessary information to take place more appropriately under other arrangements or Agreements. We do not believe that this has limited the operation of the Agreement.

6. Time limits. Art. 8.2 gives France a maximum of 28 days to respond to a readmission request, and if there is no reply within that period the request is deemed declined. Why such a choice?

It is clearly within both Parties interests for readmittance to happen as swiftly as possible. It is also important for individuals subject to removal to have certainty. As such, Article 8.2. clearly stipulates that France will aim to reply within a maximum of 14 calendar days, but this could be extended up to a maximum of 28 days in exceptional cases. It is not expected that any significant issues will arise as a result of this position as both parties are committed to completing transfers as quickly as possible. However, if monitoring identifies issues, the parties can agree to amend the treaty in accordance with Article 20.

7. Art. 9.4 deals with circumstances which may lead to a person once deported (e.g. to France) is being returned (e.g. to the UK). What is the process for a person who, after being deported (e.g.) to France, comes back to the UK on a small boat? (As it has recently happened see here).

Article 9.4 is not intended to cover the circumstances of any individuals who return again to the UK by small boat after being removed. In such circumstances they would remain covered by the Agreement and the UK domestic process. We would seek to expedite examination of their case and remove them again as quickly as possible.

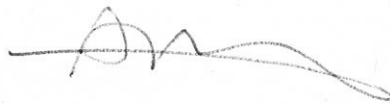
8. Art. 12: It is not clear what process applies to the UK's obligation to admit persons. It does not seem to depend on a French request. Please clarify how this works.

The admittance process is determined through the UK/European Applicant Transfer Scheme. Further information can be found here: [UK/European Applicant Transfer Scheme](#) - GOV.UK

9. Amendments to the treaty: is it intended that amendments will be adopted by the procedure set out in Art. 21? It is not specified in the text.

In accordance with Article 20.4, the Agreement may be modified by the written agreement of the Parties. It is not intended that amendments would be subject to the ratification procedure which applies to the entry into force of the Agreement under Article 21.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'AN', with a long horizontal stroke extending to the right.

Alex Norris MP
Minister for Border Security & Asylum