

Migreurop - Country Sheet - Northern coast of France
Franco-British border
May 2022

Investigation from September 2021 to April 2022

General context in Northern France

Northern France is a historic gateway for people wishing to travel by rail, sea or road to the UK. The northern coastline of France overlooks the North Sea and the English Channel separating the two countries, ranging from 250km to 34km wide at the Pas-de-Calais Strait, between the towns of Calais on the French side and Dover on the British side. A maritime zone of exchange and dense circulation of goods, capital and people, it has been the site of numerous migrations from the continent to the British Isles, and to a lesser extent in the other direction. For example, in the 16th century many French, Walloon and Dutch Protestants fled to England during the Wars of Religion¹. During the First World War, 250,000 Belgians left their country to escape the conflict ravaging the continent².

2021 was no exception to this reality, despite the Covid-19 pandemic which has slowed down tourist-related movements: 28,395 exiled persons crossed the Channel in small boats, outside "regular channels", in order to reach the British side to apply for asylum or not, according to the Home Office³. While the UK Conservative government is constantly trying to drastically reduce the number of exiled people wishing to come to the UK to apply for asylum, it is clear that the situation has remained more or less the same for more than two decades on the northern coast of France. In spite of the ever-increasing means of control, surveillance and repression, put at the service of a dissuasive migration policy exercised on French territory by the authorities of both countries, the migration of people seeking to reach the United Kingdom is not decreasing, particularly those who have decided to leave their country and cross borders whatever the cost, even when the borders are closed. The right to seek asylum is recognised by the 1951 Geneva Convention⁵, which has been ratified by France and the UK.

All along the northern coast of France, from Cherbourg to Dunkirk, via Ouistreham, Dieppe and Calais, exiled people, mainly from Africa and Asia, and to a lesser extent from other European countries, live in informal settlements, commonly known as "camps"⁶, while waiting to be able to continue their journey to their desired destination. Although attention is often focused on Calais, the nearest crossing point where the presence of exiles is the greatest, the geographical reality is wider than just Calais, and many smaller inland settlements have existed for years. However, it is in this city that the most famous camps have marked the history of the border.

The first major movement of exiles seeking to go to the UK that brought the politics of migration issues to the fore was in the war in Kosovo in the very late 1990s. In 1999, the Sangatte camp - the common name for the Red Cross emergency reception centre - was opened by the French

¹Thom Davies, Arshad Isakjee, Lucy Mayblin & Joe Turner "Channel crossings: offshoring asylum and the afterlife of empire in the Dover Strait", *Ethnic and Racial Studies*, vol. 44, no. 13, 2021, p. 4 §1.

²Ibid.

³[Euronews, "English Channel: Number of migrants rescued off Calais coast trebled last year says France", 10 January 2022](#)

⁴Home Office is the British equivalent of the ministry of the Interior in some countries.

⁵[United Nations High Commissioner for Refugees \(UNCHR\), "Convention Relating to the Status of Refugees"](#)

⁶Term theorised by Michel Agier, see "Campement urbain, Du refuge naît le ghetto", Editions Payot, 2013.

state before being closed and destroyed in late 2002 by Nicolas Sarkozy, then Minister of the Interior. 63,000 people transited through it during this period⁷. Subsequently, living quarters were formed here and there in and around Calais. Following the violent evictions of a first "jungle" in 2009 and the squats in the town centre, the State opened the Jules-Ferry Centre in the North-East of the town in January 2015, which served as a day centre, and pushed the exiles to settle opposite it, on an 18-hectare plot of land: this is the "Great Jungle" of Calais. A fixed informal living area with numerous camps, the Great Jungle housed up to 10,000 people in September 2016 in unsanitary conditions⁸. It was destroyed in October 2016 during two operations (South zone then North zone), after just over a year of existence. Since then, people have found themselves in small camps scattered all around the city, far from its centre. They have been subjected to a policy of segregation and repression by the French authorities, as a result of the many agreements between the French and British governments for over thirty years. The authorities, through this policy, do not just restrict the mobility of exiled people and their right to dignity, but are making decisions with deadly consequences.

The year 2021 was no exception to the deadly mechanism implemented at the Franco-British border. 39 exiles died in northern France or in the Channel⁹ in 2021, which is almost 12% of the documented deaths at the border since 1999, an increase compared to previous years. These deaths are largely the result of Franco-British cooperation that has been in place for over 30 years.

The Franco-British border: a succession of bilateral agreements

The exchanges between France and the United Kingdom concerning the management of their border are not new. Since the signing of the Treaty of Canterbury in 1986, which formalised the construction of the Channel Tunnel, 23 treaties, agreements, arrangements and joint declarations have been concluded to govern the border area between France and its British neighbour¹⁰. For the year 2021 alone, two joint declarations between Gérald Darmanin (French Minister of the Interior) and Priti Patel (British Home Secretary) have been made public.

It was with the Sangatte Protocol - which introduced on-board controls on trains - signed in 1991 that concerns about 'irregular' migration between the two countries became more explicit. Since then, various agreements have established the existence of a singular *de jure* and *de facto* state: the British government has gradually succeeded in imposing a shift of the border on French territory. Since the Le Touquet Agreements in 2003, the UK Border Force has been operating legally in railway stations, ports and maritime stations within the framework of "juxtaposed controls" - i.e. a control of entry into the territory of arrival operated by the authorities of that country from the country of departure. This means that at each point of departure to the UK (e.g. the Ouistreham ferry terminal, the Eurotunnel site or the Gare du Nord in Paris), British officers are present and carry out upstream screening of individuals according to their nationality and documents. For almost 20 years, this presence has meant that people wishing to travel to the UK without authorisation are forced to take alternative, more dangerous routes.

⁷Violaine Carrère, "Sangatte, un symbole d'impuissance", *Plein droit*, n.58, December 2003, pp. 4-8, §1.

⁸[Le Monde, "De Sangatte à la Jungle, comment Calais s'est retrouvée au coeur des enjeux migratoires ?", 21 October 2016](#)

⁹Source: interactive map created by Maël Galisson, updated by the "death group", gathering citizens and members of associations: <https://neocarto.github.io/calais/>.

¹⁰For treaties between 1986 and 2020: Maël Galisson. "Calais ou l'escalade répressive", *Plein droit*, no.129, June 2021, pp. 7-10.

The cooperation between the two states concerns not only border control issues, but is also manifested in the fields of political and police cooperation (sharing of information and coordination of personnel). From the Besson-Green agreement of 2010 onwards, the border has gradually become co-managed. The police forces of both countries work together in different structures: the Joint Information and Coordination Centre (JICC) created following the Sangatte agreement in 2018, composed of the Gendarmerie, the French Border Police (PAF), the UK Border Force and Kent Police¹¹; joint debriefing teams following the joint action plan of January 2019; Joint Intelligence Centre following the joint declaration of July 2020, composed of six officers from each country¹². Little information exists on the functioning of these units, their scope and the information that is exchanged between the French and British officers making up the units, particularly concerning the personal information of exiled persons.

The United Kingdom is paying a high price for its migration policy of control and repression. Since the Le Touquet Agreements, the majority of meetings between the two countries often aim to recall the need to make the border 'impermeable' to crossings of all kinds, to reinforce the technological and human means and to share information. The latest agreements are a continuation of this political-discursive set. The 2018 Sandhurst Treaty provides for the payment by London of €50 million for border reinforcement, supplemented by €31.4 million from the joint declaration of 29 November 2020, then €62.7 million from the joint declaration of 20 July 2021. In total, since 1998, the protection and surveillance of the Franco-British border has cost France and the United Kingdom more than €1.28 billion, of which €483 million was spent on investment and one-off security costs, and €796.8 million on the running costs of the security services¹³. €425 million was spent by the French state on "video surveillance devices, private security contracts in ports, anti-intrusion walls, drones, control centres [...]"¹⁴. Much of this money is used to purchase new and increasingly expensive technologies that are supposed to stop so-called irregular immigration.

Technological and security overkill

Both the UK and France have been acquiring new and advanced technology over the past two decades to make their deterrence, surveillance and control policies more effective.

Fences and means of surveillance

The northern coast of France - especially in the port cities of Calais, Ouistreham and Cherbourg - has been equipped over time with several kilometres of fences and several hundred security cameras. The port of Calais and the Eurotunnel site near the city are the best examples of this frontierisation, or "rebordering"¹⁵ process: this involves increasing controls in areas close to the

¹¹[Quest France, "Calais: un centre de coordination franco-britannique inauguré \[...\]", 25 January 2019](#)

¹²[France 24, "France and Britain agree to form joint unit to fight migrant traffickers", 12 July 2020](#)

¹³Pierre Bonneville, "L'Etat français et la gestion de la présence des personnes exilées dans la frontière franco-britannique: harceler, expulser et disperser", la Plateforme des Soutiens aux Migrant.e.s, 4 February 2022.

¹⁴[Basta Média, " L'État dépense un demi-milliard d'euros d'argent public par an pour harceler quelques milliers d'exilés", 4 February 2022](#)

¹⁵Stéphane Rosière, "Les frontières internationales entre matérialisation et dématérialisation", *antiAtlas Journal*, no. 2, 10 December 2017.

border but also further away, by multiplying defence and protection infrastructures, and by putting in place means of recording movements, facial recognition and detecting individuals.

More than 70 km of security barriers and walls have been built in Calais to prevent exiles from accessing the port and the Eurotunnel¹⁶. Running along the railway tracks for several kilometres before reaching the Eurostar terminal and freight station, the fences surround the port ring road leading to the port. Along many stretches, double and even triple rows of these impassable barriers have been erected, topped with coiled, extremely sharp barbed wire, the so-called "concertinas". The port site, already heavily equipped with video surveillance cameras (160 before 2021), now has more than 200 cameras inside the complex, on the fortified roads leading to it, as well as in the surrounding industrial wastelands¹⁷. These surveillance and confinement systems are partly funded by the UK as part of its anti-immigration cooperation with France¹⁸. Recently, the "Terminus" project, initiated by the French state to better detect boat departures and "smugglers" on the coast, and entirely financed by the British, plans to install cameras along the entire coastline of Hauts-de-France¹⁹. Although in the first half of 2022 only the Calais area will be covered by this project, it is planned to eventually include the Boulonnais area as well as some inland municipalities²⁰.

¹⁶[La Voix du Nord, "Calais: comment 70km de grillages ont poussé passeurs et migrants à prendre la mer", 27 November 2021](#)

¹⁷[La Voix du Nord, "De nouvelles caméras, des grilles, des murs: suffisant pour sécuriser le port de Calais ?", 1 November 2021](#)

¹⁸The UK spent €31.4 million under the Franco-British agreement of 29 November 2020, and €62.7 million under the subsequent agreement of 21 July 2021, respectively, on human and material security arrangements on France's northern coastline: cf. supra Pierre Bonneval, p. 250.

¹⁹[Huffington Post, "Le Royaume-Uni va installer des caméras en France pour surveiller les traversées de migrants", 9 February 2022](#)

²⁰[La Voix du Nord, "Projet Terminus: il n'y aura aucune caméra anti-passeurs sur le littoral excepté dans le Calais", 5 April 2022](#)



Three rows of fences topped with razor wire and accompanied by surveillance cameras, Ouistréham port (photo credit: Pierre Menzildjian)

Technology investments

Far from investing solely in immobile devices, France and the United Kingdom are spending lavishly on numerous means of detection and mobile control. They are accumulating according to the various agreements signed between the two States, which often do not add anything to the substance but participate in the technological overkill deployed in the North of France, under the pretext of an ever more relentless fight against human trafficking and smuggling networks. Following the joint declaration of July 2021, London promised to release €63 million over two years to finance human and technological means, and the French government invested €11 million of this in November of the same year, thus acquiring new vehicles - both on ground and at sea - as well as state-of-the-art detection equipment²¹: 4x4 vehicles, Zodiac boats, night vision binoculars, thermal cameras, etc. Calais and the other cities from which exiles leave are privileged places of experimentation for the public authorities and companies specialised in the sale of these devices, sometimes manually piloted, but more and more often directed by artificial intelligence. Drones are one of the most emblematic examples of the increasing security of the Channel. Used mainly by the UK Border Force, these drones pose a multitude of ethical problems, in that they allow for the surveillance of increasingly large areas, and that they can incorporate artificial intelligence, which can lead to accountability issues between the State and

²¹[20 Minutes, "Quads, drones, 4x4 et technologie de pointe pour empêcher les migrants de traverser la Manche", 22 November 2021](#)

the private companies in the event of an incident. Under the Sandhurst Treaty, the United Kingdom financed the purchase of drones and the training of gendarmes on the French side to fly these devices²². But in the long term, it is planned to make their use increasingly autonomous: the British government wishes, in line with the political and rhetorical rhetoric of Brexit, to make its borders "highly digitised and automated"²³, in order to make it an ultra "secure, resilient and efficient" area, and even "the most efficient border in the world" by 2025. Since 2019, the Border Force has conducted numerous drone flight tests, contracted to private companies. In total, the Home Office has invested over €1 billion in these devices since 2017²⁴, in conjunction with no less than five different security companies: Elbit Systems, Kongsberg Norcontrol Ltd, 2 Excel Aviation Ltd, Bristow group, but above all the Portuguese group Tekever, which has received £1 billion over this period. This desire to create a smart border is not just a British policy. The French government also has ambitions to create a "smart border" and uses this term in its communication²⁵. This would be based on the principles of automated processing of information about people, goods and vehicles crossing the border²⁶.

The British government is not only investing in its aerial capabilities. It has also partially renewed the naval fleet of the Border Force, the British Navy and the coastguard - buying faster ships equipped with advanced detection devices - and wants to equip the navy with high-definition radar and cameras that will allow British agents to monitor the French coast from the sea or air.^{27 28}.

This reinforcement of controls, through the multiplication of walls and the acquisition of ever newer technologies, does not dissuade exiles from attempting to cross the Channel by boat, lorry, or any other means. On the contrary, these policies have the effect of creating new "illegal" and dangerous routes for exiles, who have no choice but to bypass the now closely monitored routes, leaving them little chance of success.

Crossings, shipwrecks and push-backs

As a result of the different security configurations put in place at the border and the juxtaposition of new means of control and surveillance, exiled persons, having no possibility of reaching the United Kingdom by so-called "safe and legal" means, have no choice but to take unofficial routes, "illegal" under British law, and above all potentially deadly.

The history of the Franco-British border is a succession of measures of continuous externalisation of the border onto French territory, its materialisation by the presence of British law enforcement, immigration and customs officers becoming present in more and more places and contexts. Travelling by Eurostar has become impractical due to the strict Border Force and PAF controls on people without travel documents at departure stations, following the Sangatte Protocol of 1991 and its Additional Protocol of 2000. Exiles have had to find other ways to get to the UK, mainly by ferry or in lorries and cars - whether the vehicles get on a ferry or go through the Eurotunnel. With the Le Touquet and subsequent agreements, crossing by these routes has gradually become more difficult, if not almost impossible. While some people now manage to reach their destination by train

²²[Drone Wars, "Crossing a line. The use of drones to control borders", 26 December 2020](#)

²³[GOV.UK, "2025 UK Border Strategy", 17 December 2020](#)

²⁴[Tech Monitor, "The UK has spent up to £1bn on drones to prevent migrant crossings", 4 April 2022](#)

²⁵[Twitter, Gérald Darmanin, 12 September 2019](#)

²⁶[Douanes.gouv, "Brexit, The smart border", 25 November 2021](#)

²⁷[UK Parliament Committees, "Operation Isotrope: the use of the military to counter migrant crossings", 26 January 2022](#)

²⁸Interview with Channel Rescue member, 16 February 2022.

or lorry - for example, those seeking to leave by ferry from Ouistreham²⁹ - these solutions are less favoured by those primarily concerned and by the smuggling networks. In recent years, crossing by small boat has become the main way to reach the British coast.

The sea route is not new: people have been attempting the crossing since the early 2000s on several types of boat, and deaths have been documented at sea since 2002³⁰. With the increasing number of obstacles put in place on land, making travel by train and lorry ever more dangerous and risky, the number of crossings has increased tenfold over the last four years, and with it the number of deaths in the Channel. While the exact number of successful and unsuccessful crossings is difficult to assess, the number of boats and people intercepted gives an idea of this development. In 2021, at least 28,526 people crossed the Channel, compared to at least 8,466 in 2020, 1,843 in 2019 and 299 in 2018 according to Home Office figures³¹. If Calais and its surroundings represent a privileged departure zone, due to its proximity to the United Kingdom, the repression and the strong police presence in the Calais area push exiles and smuggling networks to move the departure points, greatly fuelling the risks of serious accidents. In 2021, a number of boats left from the Boulonnais, Dunkirk and further afield as far as the Bay of the Somme on the French side, or from the Flemish coast in Belgium³².

Push-backs at sea as a deterrent

Faced with the large number of crossings by sea, the British government is seeking to legalise the return of exile boats to French territorial waters. This practice, known as refoulement (or push-back)³³, which has already been implemented in the Mediterranean and Aegean Seas, is contrary to international maritime law, which requires the rescue of any vessel in distress at sea, and to the 1951 Geneva Convention³⁴. Push-backs can be deadly, and many boats have suffered from it in the Mediterranean. Despite this, Boris Johnson's Conservative government intends to give the Border Force the power to push back people, as part of the Nationality and Borders Bill, which has been debated in Parliament since July 2021, considering France a safe country for people seeking protection. The government is facing strong internal opposition. For example, unionised members of the Border Force have already protested jointly with non governmental organisations (NGOs)³⁵, and the British Navy has indicated that it does not want to participate in such operations³⁶. Despite this opposition, the government continues to promote this solution, and there are regular scandals about the means envisaged to carry out these refoulements, such as the use of sonic cannons³⁷. There are indications that the UK Border Force may already be ready to carry out such operations, having acquired new, faster vessels, and having already operated in the area of the Vessel Traffic Separation

²⁹[InfoMigrants, "À Ouistreham aussi des migrants invisibles tentent leur chance pour le Royaume-Uni", 9 February 2022](#)

³⁰To see a collaborative and interactive timeline of deaths related to the Franco-Belgian-British border: [Deaths at the French-Belgian-British Border](#).

³¹[InfoMigrants, "Home Office report confirms record number of UK migrant arrivals via the English Channel", 25 February 2022](#)

³²Discussions with members of associations present in Calais and Grande-Synthe (Utopia 56, Secours Catholique).

³³Refoulement can be described as "measure that consists of prohibiting, at the border, the entry into the national territory of a foreigner who is not already legally established there" (Bouchet-Saulnier 2013: 660), personal translation.

³⁴cf. infra, UNHCR.

³⁵[The Guardian, "Border Force staff union joins fight to block Priti Patel's pushback plans", 27 November 2021](#)

³⁶[Reuters, "British navy rejects plan to push back Channel migrant boats", 2 February 2022](#)

³⁷[The National News, "UK government considered using sonic weapons to deter migrants reports say", 17 January 2022](#)

Scheme - part of which is largely outside UK territorial waters³⁸. Despite the non-compliance of pushbacks with international law, London continues to press its French counterpart, which has announced that it does not want to participate in such practices, even though it is itself implementing them on its borders with Italy and Spain³⁹.

The sinking of 24 November 2021, which led to the death of 27 exiled persons, was a direct consequence of the refusal of the British coastguard to launch a proper search and rescue operation⁴⁰. Although the boat was close to the line delimiting French and British territorial waters, it was in the intervention zone of the latter, which ignored repeated calls for help in the face of the boat's imminent sinking. The French coastguard, on the other hand, simply passed the buck, claiming that the position of the boat did not allow them to move in that area⁴¹.

In total, at least 52 people have lost their lives at sea trying to cross the Channel between 2018 and 2021, including 37 in 2021 alone⁴².

These crossings in makeshift boats should not obscure the fact that people continue to try their luck overland. Since October 2021, several people have died trying to board trucks or trains, mowed down by vehicles or electrocuted on railway tracks⁴³. Far from being confined to the city of Calais and its surroundings or to other coastal cities used as departure points, many people have died well upstream on French territory: Valenciennes, Metz, Paris (at the Gare du Nord), etc⁴⁴. Living in informal settlements concentrated in the Hauts-de-France but also present elsewhere along the coast, exiled people suffer inhuman living conditions while waiting to cross.

A "zero permanence points" policy becoming more and more intense

In the north of France, in Hauts-de-France for the most part, but also along the Normandy coast and even in Brittany, exiles seeking to reach the United Kingdom have no choice but to live in "camps", or informal living areas, in the absence of "safe and legal" solutions promoted by the French and British authorities to meet their needs. People are most concentrated in Calais and Grande-Synthe near Dunkirk since the dismantling of the Great Jungle and the closure of the Jules-Ferry centre, smaller camps have formed on the edges of the cities, on the fringes of residential areas, where wasteland and woodland begin. As of the end of 2021, there are about ten camps around Calais, and fewer in Grande-Synthe. Unlike the Great Jungle, where fixed makeshift dwellings were built, these camps are made up of tents, and for good reason: as part of the Franco-British bilateral relationship to block 'illegal' migration to the UK, the French authorities apply a 'zero-permanence policy, which is manifested in daily evacuations and dismantling. This is intended to prevent the re-establishment of a permanent, fixed living space along the lines of the Great Jungle. The objective behind this policy is to dissuade exiles from attempting the crossing to the UK, through an offensive policy of destruction and confiscation. These deportations are in line with the "hostile environment" policy implemented

³⁸Interview with Channel Rescue member, 17 February 2022.

³⁹French Senate: "[Situation dramatique des personnes exilées à Briançon](#)", 20 June 2022

⁴⁰[Calais Migrant Solidarity, "Deaths and Pushbacks through calculated non assistance in the Channel", 30 November 2021](#)

⁴¹[France Inter, "27 migrants noyés dans la Manche: les secours français avaient bien été alertés", 15 February 2022](#)

⁴²[Selon Missing Migrants Project](#)

⁴³[Le Parisien, "Valenciennes: un migrant meurt électrocuté en montant sur un wagon de fret", 25 March 2022](#)

⁴⁴To see a collaborative and interactive map of deaths on the Franco-Belgian-British border: [Observatory of the deaths at the borders: France - UK - Belgium](#)

by the British government since 2012 in order to persuade the people concerned to give up their migration project⁴⁵. Therefore this hostile environment is manifested both on British and French soil.

Dismantling and evacuation of camps

Since 2017, exiles camps have been regularly evicted⁴⁶ by the police in the vicinity of Calais and Grande-Synthe⁴⁷. These two cities alone account for 77% of the evictions of informal settlements in metropolitan France between 1 November 2020 and 31 October 2021⁴⁸. In 2021, a convoy participating in these operations in Calais comprised on average seven vans of the Compagnie Républicaine de Sécurité (CRS, Republican Security Company) or four gendarmerie trucks, a car of the National Police, a police commissioner's car, vehicles of the French Border Police (PAF), as well as interpreters and a private cleaning company operating under contract with the State⁴⁹. In Grande-Synthe, the convoy is composed of an average of 15 CRS trucks, as well as PAF, municipal police and forensic police vehicles⁵⁰. Some convoys have already brought together more than 40 CRS trucks. Sometimes other actors are present: Anti-crime brigade (BAC), agents from the prefecture, the Renseignements généraux (RG), a bailiff (systematically present in Grande-Synthe, but only intervening during large-scale operations in Calais, despite the obligatory nature of their presence during expulsions), etc. To legitimise these expulsions, the authorities consider that the exiles are committing an offence "in flagrante": this notion from the penal code means that the police can carry out an investigation without going through a judge, "in order to collect and preserve the evidence necessary to have the offence recognised"⁵¹.

Carried out every two days since August 2018, up to the winter truce of 2021, these evictions did not stop from 1 November 2021, despite the approaching winter. Initially reduced to once every three days and made more flexible, with 45 minutes of departure time to gather personal belongings before proceeding with the evacuation - conditions obtained from the mediator sent by the State via negotiation during the hunger strike of three citizens in Calais between 10 October and 17 November 2021 - they will resume at a frantic pace from the second half of November, and throughout the winter period^{52 53}. Since then, they have resumed without prior notice to the exiles, and take place early in the morning and in the afternoon in all living areas. They are more sustained than in 2020: in 2021 in Calais, there were at least 1,226 eviction operations in Calais and 61 in Grande-Synthe during which at least 205 exiled people were arrested, and nearly 10,121 tents and tarpaulins seized. This is 229 more operations recorded than in 2020, and more than twice as many tents and tarpaulins seized⁵⁴. These evictions are more sustained during the winter period in Calais and Grande-Synthe than in the

⁴⁵These words were first uttered by Theresa May in 2012, when she was Home Secretary.

⁴⁶The term eviction is used by several associations and independent observers, such as the Observatory of Collective Evictions of Informal Living Places.

⁴⁷Since 2017, the Human Rights Observers (HRO) collective has been counting evictions from living spaces in Calais and Grande-Synthe.

⁴⁸[Observatoire des expulsions collectives des lieux de vie informels, "Rapport annuel de l'Observatoire des expulsions collectives de lieux de vie informels", 1 November 2020 au 31 October 2021](#)

⁴⁹[HRO, "Rapport annuel 2021"](#)

⁵⁰Ibid.

⁵¹Ibid. p. 32.

⁵²[Ash, "A Calais, une trêve hivernale placée sous le signe des expulsions", 10 November 2021](#)

⁵³[Le Monde, "Les expulsions de campements et de bidonvilles reprennent à un rythme effréné", 16 November 2021](#)

⁵⁴Cf. supra. HRO, pp. 2-3.

rest of metropolitan France: 68% took place between 1 November 2020 and 31 May 2021, compared to 44% in the other regions. This is the main way in which despair spreads even further among the exiles: their shelters are seized and then destroyed, taken to waste disposal sites or torn up on the spot by the agents of private cleaning companies under contract to the State. These practices are partly denied by members of the government⁵⁵, who pass off the destruction as isolated acts that do not comply with the law, whereas they may have been systematic and documented⁵⁶. Bailiffs, who are legally obliged to make an inventory of seized property and to draw up eviction reports that they must communicate to evacuated exiles, are not always present in Calais, according to Human Rights Observers. Even during major operations, they do not systematically fulfil these obligations⁵⁷. Evictions are regularly organised during food distributions by state-mandated associations, leaving the people concerned with the dilemma of having to choose between getting food or keeping their tent⁵⁸.

These deportations are part of the hostile environment policy towards exiles in that their belongings are likely to be seized by the police or the cleaning company accompanying them during these operations. Forced to travel to remote locations in short time slots to search for their belongings in huge containers and warehouses, many people lose mobile phones, valuables and other items, which are disposed of in the rubbish or destroyed within six weeks. These seizures can be considered as theft by the State, and the 'Ressourcerie' protocol on recovering belongings is deliberately made difficult. Most of the time, exiles are informed of the existence of this protocol by the NGOs and not by the police, and only rarely do they find their belongings: only 28% find one of their personal effects after a search⁵⁹.

To justify the daily expulsions, the authorities use criminal law grounds, which raises questions. In 2018, the Human Rights Defender criticised the abuse of the law, as flagrante delicto investigations are used for repressive purposes. According to him, the resulting evacuations do not fall under the flagrante investigation regime. Furthermore, he had pointed out the absence of judicial control, whereas the police should systematically inform the public prosecutor⁶⁰. They are still practised massively in 2022, even though the Pas-de-Calais prefecture was condemned for an operation carried out in September 2020. The judge considered that there was sufficient evidence to show that the operation had been prepared well in advance, thus contradicting the principle of in flagrante delicto, which implies that the offence has only recently been observed⁶¹. Furthermore, the zero detention policy has been denounced by numerous national and European institutions: the National Consultative Commission on Human Rights in 2021⁶², the Parliamentary Commission of Inquiry on the situation of exiled persons in France in 2021 - led by two deputies close to the parliamentary majority - which found that there was "State abuse" at the border⁶³, and the Council of Europe's Commissioner for Human Rights in 2022⁶⁴.

⁵⁵[Libération, "Eric Dupond-Moretti et Gérald Darmanin ont-ils menti à propos des lacérations de tentes des migrants ?", 29 November 2021](#)

⁵⁶Cf. supra. HRO.

⁵⁷Ibid. p. 12.

⁵⁸Cf. infra. "La solidarité et l'aide réprimées sur le territoire français".

⁵⁹[Ash, "A Calais, la confiscation des affaires des exilés ne passe plus", 3 November 2021](#)

⁶⁰Défenseur des droits, "Décision n2018-286", 7 December 2018.

⁶¹[Le Monde, "A Calais, le préfet condamné pour le démantèlement d'un camp de migrants", 29 March 2022](#)

⁶²[CNCDH, "Avis sur la situation des personnes exilées à Calais et Grande-Synthe", 11 February 2021](#)

⁶³[Assemblée Nationale, "Rapport au nom de la commission d'enquête sur les migrations", 10 November 2021](#)

⁶⁴[Conseil de l'Europe, "Repoussés au-delà des limites", March 2022](#)

Forced accommodation and moving away from the coast

Expulsions are prime opportunities for the authorities to conduct forced "accommodation", another link in the hostile environment and zero tolerance policies implemented on the coast. Of the 1,226 eviction operations that took place in Calais in 2021, 15 were followed by forced re-accommodation⁶⁵. This is a mechanism that can be offered to evicted people - and this does not only concern exiled people of foreign nationality, but also homeless people of French nationality - with the aim of sheltering them in a regional accommodation centre on a temporary basis. They can also be offered during outreach work by state-mandated associations, but are in no way legally binding. The law provides unconditional accommodation for vulnerable people (Samu Social services), which includes many categories of people, such as unaccompanied minors.

While these accommodation proposals are most often omitted, they are sometimes imposed by the police during eviction operations, despite the lack of consent of the persons concerned. This illegal use of forced accommodation has been documented in Calais and Grande-Synthe on several associations⁶⁶. They have a very clear, though not publicly communicated, objective: to move people away from the coastline and the crossing points to the UK. The people, who get few explanations from the bailiffs and interpreters, do not know where the buses are taking them, and the conditions in which they will be accommodated. They are usually sent to regional centres, but some have already been taken outside Hauts-de-France to Administrative Detention Centres (CRA - Centre de rétention administrative) - such as in Oissel in Normandy - or to accommodation centres, such as Reception and Review Centres (CAES - Centre d'accueil et d'examen des situations). Exiles have been sent to the city of Tours in the Centre-Val-de-Loire region, more than 400 kilometres from Calais and far from the coast⁶⁷, and on arrival they have simply been dropped off at a bus station, not in an accommodation centre, and left without a solution, without any explanation of what to do next or what steps to take.

The reception in Calais is systematically questioned by the municipal authorities, under the aegis of Natacha Bouchart, the town's mayor, who refuses to create reception centres. An "airlock" (sas) opened at the beginning of the winter truce was closed only two weeks after its opening⁶⁸. This is not the first time that the municipality has opposed the establishment of services for exiles. Other inhumane methods are regularly used by both public and private actors to reduce as much as possible the scarce infrastructure and the places where they can be established: obstacles to prevent NGOs' trucks from filling the water tanks⁶⁹; deforestation of the sites where there are camps⁷⁰; flooding of the sites⁷¹, etc. Repressive policies are not only brought to the attention of exiled people, but are also applied to those who support them.

Solidarity and aid repressed on French territory

⁶⁵Cf. supra. HRO.

⁶⁶Cf. supra Observatoire des expulsions collectives de lieux de vie informels.

⁶⁷Notes from an inter-association meeting, 1 February 2021.

⁶⁸[La Voix du Nord, "Le SAS de mise à l'abri pour les migrants de Calais déjà fermé", 17 November 2021](#)

⁶⁹[Basta Media, "Traque des exilés en bande organisée", 30 November 2021](#)

⁷⁰[La Voix du Nord, "Sangatte: après l'expulsion de migrants digue Royale, l'État déboise", 30 January 2022](#)

⁷¹[France 3, "Migrants: Eurotunnel inonde des terrains pour sécuriser le site du tunnel sous la Manche", 14 January 2016, updated on 11 June 2020](#)

Support associations and committed citizens are regularly intimidated by police and gendarmerie officers, both in the course of their daily activities and outside their activist commitments. The most salient manifestation of control mechanisms over these supporters is the constant renewal of anti-distribution decrees issued by the Pas-de-Calais prefecture. From September 2020 to April 2022, 21 such decrees have prevented the distribution of food and basic necessities in a progressively wider set of streets, thus pushing people further and further away from Calais city centre. However, pressure is maintained on the ground beyond this perimeter, with patrols following NGO vehicles to their distribution point, in order to fine them⁷². Some associations end up with more than fifty fines for these acts of solidarity. However, the decrees, far from only concerning distribution, also apply to a whole range of other prohibitions in the Nord and Pas-de-Calais departments, such as the closure of motorway service areas (in order to prevent exiles from jumping on lorries)⁷³, or a ban on the sale of fuel in cans (in order to prevent people from fuelling small boats)⁷⁴.

Supporters of exiled persons have occasionally been taken into custody following dismantling of camps or surveillance by agents. Although these arrests often result in no prosecution, some defendants have been charged with contempt of police, violence against a person holding public authority⁷⁵, or the offence of aiding the illegal entry, movement or residence of a foreigner in France.

However, it is important not to distinguish between exiles on the one hand and their supporters on the other, as an individual can be both. In the north of France, more and more of them have no choice but to help with crossings in order to finance their own journey, as a result of the lack of safe and legal passage routes. Far from the negative and over-publicised image of organised criminal networks, the first people concerned are forced to organise themselves for their departure. The penalties for them when they appear before the courts are higher than for people with French nationality, because in addition to years in prison and fines, they may be required to leave French territory (Obligation de quitter le territoire français - OQTF) and banned from French territory (Interdiction du territoire français - ITF)⁷⁶. Although networks exist, organising a parallel economy around crossings, which can have consequences in terms of abuse of vulnerability, exploitation of people, endangerment during crossings, and even trafficking in human beings, the fact is that the blocked border obliges exiles to organise themselves in order to circumvent the "border" mechanisms. The use of smugglers, or people who help to pay for the crossing themselves, is in fact common, and is increasingly becoming an obligatory step for those wishing to cross, as a real consequence of the lack of safe and legal channels. Constant government rhetoric against these smuggling networks has led to the trial and imprisonment of many exiles, for whom there is little evidence that they actually participated in these crossings in exchange for payment⁷⁷. While announcements of the dismantling of networks and the arrest of individuals involved are often reported in the press, few figures exist concerning the number of migrants who have been subjected to police and judicial repression for having assisted or contributed to crossings of the Channel.

⁷²[Ash, "Calais: distributions de vivres sanctionnées", 2 February 2022](#)

⁷³Order 2021 T37 on the closure of the Saint-Hilaire-Cottes area on the A26.

⁷⁴There will be five of them between July 2021 and April 2022, involving three communities of communes and three communities of agglomerations around the cities of Calais, Boulogne-sur-Mer and Montreuil.

⁷⁵[La Voix du Nord, "Calais, une bénévoles interpellée en marge d'un démantèlement d'un camp de migrants, 5 January 2022](#)

⁷⁶This is the case of three Kurds of Iraqi nationality, who will have to leave the territory at the end of their 3 to 5 years in prison, judged on 11 March 2022 in Dunkirk: [Sud Ouest, "À Dunkerque, trois passeurs de migrants condamnés à de la prison ferme", 12 March 2022](#)

⁷⁷[Le Monde Diplomatique, "Beaucoup de passeurs sont des migrants qui tentent de payer leur traversée", May 2022](#)

The French State shows its creativity and capacity to adapt when it comes to confronting rights activists, particularly those who defend the right to a dignified reception and the right to housing. This was demonstrated by the intervention of the RAID (helicopter-borne police special forces unit) on 11 February 2022⁷⁸ as a response to the occupation of a building slated for demolition in the Fort Nieulay area of Calais, who were defending the right to unconditional accommodation for all, and the occupation of numerous abandoned places to alleviate the wandering of homeless people.

Detention on the French side of the border

In the absence of dignified accommodation, exiles are forced to occupy land and buildings outside the framework of the law, exposing them to administrative and judicial sanctions, and to the risk of arrest leading to administrative detention, or to detention.

Several administrative detention centres (CRAs) in northern France are used to detain exiles seeking to travel to the UK for up to 90 days: Coquelles, a town near Calais, Lesquin, in the Lille metropolitan area, and Oissel, near Rouen in Normandy (the only one of the three with facilities to "accommodate" women and children). Numerous reports from independent French and European observers point to major dysfunctions in the management of these centres and in access to essential services for the detainees, as well as to unhealthy premises with a more than prison-like appearance, unsuitable for accommodating individuals⁷⁹. The Contrôleur général des lieux de privation de liberté (CGLPL, French Ombudsman for prisons), which carried out unannounced visits to Coquelles in 2009, 2015 and 2020, to Oissel in 2008, 2012, 2017 and 2019 and to Lesquin in 2009 and 2017 - has noted some improvements in the infrastructure and conditions of detention following the recommendations it has made in the past, but each time it carries out an inspection, it notes serious shortcomings and the failure to take into account recommendations made several years earlier. In addition to the lack of facilities and leisure activities in the centres, they are cramped, and detainees have little freedom of movement within them. The most recent visits report a severe lack of information about the functioning of the centre and the rights of individuals, which should be provided in their mother tongue⁸⁰. Food is poor and rationed⁸¹, medical confidentiality is not respected by police officers working in the centres, and health professionals (doctors, psychologists and others) do not have adequate facilities to provide their care. The hearings before the liberty and detention judge, which determine whether an individual should be kept in detention, deported or released, are carried out in conditions that "do not allow for the right to a fair trial or the rights of the defence"⁸²: the hearings are carried out by videoconference, the quality of the translation by the interpreters is not always optimal, the defence lawyers follow the hearings from the court far from the CRA and not with their clients (in the case of the Coquelles detention centre, which is linked to the court in Boulogne-sur-Mer). Many detainees claim not to have understood the documents the authorities asked them to

⁷⁸[Révolution Permanente, "Répression: le RAID et un hélicoptère expulsent un immeuble occupé à Calais", 11 February 2022](#)

⁷⁹European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Report to the Government of the French Republic, visit from 23 to 30 November 2018. The visit to the Coquelles detention centre revealed an ultra-secure place, surrounded by barriers even above the outside courtyards, giving the impression of a large, fully enclosed cage.

⁸⁰CGLPL, [Rapport de la troisième visite du centre de rétention administrative de Coquelles \(Pas-de-Calais\)](#), visit from 4 to 6 November 2020.

⁸¹CGLPL, [Rapport de la quatrième visite du centre de rétention administrative de Oissel \(Seine-Maritime\)](#), visit from 5 to 7 August 2019.

⁸²Cf. infra, CGLPL, CRA de Coquelles, page. 4.

sign⁸³, and detention is often extended for several days or even weeks, even though an agreement has been reached with a third country to remove the person. These conditions of detention and access to justice contravene respect for the physical and moral integrity of exiled persons in the continuity of their treatment by the authorities in their places of residence. Although the latest available figures show a drop in the number of people detained in the CRA between 2018 and 2020 (2,810 in 2018, 701 between January and October 2020) for the CRA in Coquelles, the number of people placed in detention throughout the country rose again in 2021 (53,273 in 2019, 27,917 in 2020, 42,353 in 2021)⁸⁴, the drop being a consequence of the Covid-19 pandemic, not of government's desire to change its policy towards exiled persons.

The progressive externalisation of the border not only results in the establishment of UK controls in France. It also enshrines the existence of British detention facilities on French territory, Short-term Holding Facilities (STHFs), where British law is partially applicable. There are four of them: one in the port of Dunkirk, one in the port of Calais, and two on the Eurotunnel site, in the tourist and freight zones. These centres, in the middle of a juxtaposed control zone, constitute a grey area from a legal and procedural point of view. During an inspection by Her Majesty's Inspectorate of Prisons in November 2019, detainees testified that the UK Border Force was unable to tell them under what legal authority people are held while in detention⁸⁵. They were detained in 2020 for an average of one to five hours depending on the STHF, and for a maximum of 10 to 16 hours, in very critical conditions: no access to an outside space, detainees' medication confiscated on arrival, little access to information about their situation (detention, asylum claim, rights), poor care for vulnerable adults and minors, etc⁸⁶. Detainees are isolated on French territory in a place where British law partially applies, with no possibility of contact with British or French doctors, lawyers and associations during their detention. Only the staff and the Border Force are empowered to call a medical professional. Moreover, many cases of people being deprived of their medication or injured and not being cared for due to a lack of consideration by the guards have been deplored by HMIP⁸⁷.

The management of these sites is carried out by private companies, and this privatisation further complicates the scale of responsibility in the event of incidents or challenges. More broadly, the Franco-British border is a fertile ground for the presence of private third party actors in the fields of control, surveillance and repression.

The progressive privatisation of border management

While migration policies and bilateral agreements governing the relations of states concerning their borders are the responsibility of public policies and governments, they are not impervious to the presence and influence of private actors. Whether they are under contract with the state or not, private companies can greatly contribute to fuelling security and repressive escalations, and can relieve states of some of the border management that is their responsibility.

⁸³Observation of a hearing by the Juge des libertés et de la détention, CRA de Coquelles, 21 October 2021, during which 11 people appeared. 10 of them had their detention maintained pending their deportation, one was released because her detention had reached the maximum legal duration of 90 days.

⁸⁴[France Terre d'Asile, "Centres et locaux de rétention administrative", 2021 report, page 13](#)

⁸⁵[HM Inspectorate of Prisons, "France Short-Term Holding Facilities", 13 March 2020](#)

⁸⁶Ibid.

⁸⁷Cf. supra, HMIP.

The four STHFs in northern France are all managed by private companies under contract with the UK. Those in Calais and Coquelles are managed by Mitie Care and Custody, and the one in Dunkirk is managed by Eamus Cork Solutions. These locations are legal blind spots: in the event of an incident, the rules relating to STHFs located in the UK do not apply to Calais and Dunkirk but are in force in Coquelles⁸⁸, thus creating a difference in law between locations with the same purpose on behalf of the same State. In addition, Eamus Cork employees carry out the inspections of vehicles when they pass through the port of Dunkirk, supported by another private company specialising in the training of guard and detection dogs, Wagtail⁸⁹. Throughout the year, Eamus Cork provides the Border Force with 40 'authorised search officers' to carry out this surveillance work in place of the UK authorities in the port. Private companies also have the task of taking persons arrested to the STHF concerning the freight station of Coquelles (Mitie) and the port of Dunkirk (Eamus), in prison escort-type vans⁹⁰. While some improvements in the reception of families and children by these private companies have been noted by independent UK observers, there are still shortcomings in the overall care of individuals⁹¹. Security officers are not able to provide all the information relating to the presence of individuals in the STHFs, whether it be on the services available in these facilities, their rights and the exact reasons for their detention. Translation services are lacking and are not of equal quality depending on the STHF. Escort to STHFs is done in poor conditions, with some people staying for more than an hour in old and uncomfortable vehicles.

The influence of private companies in border management is not only limited to contracts with States, as they can be far more proactive in participating in the control, surveillance and repression of exiled persons. The Port of Calais company has invested heavily over the years in the construction of barriers and the installation of CCTV cameras as part of the expansion of the Port of Calais⁹². Similarly, many car park 'protection' companies - for lorry drivers resting in Calais before crossing the Channel - have "seen an opportunity to do business here"⁹³ by securing car parks and providing drivers with an enclosed space. The Eurotunnel site is no exception to the privatisation of migration policies at the border. Getlink, known until 2017 as Groupe Eurotunnel, is the private European company managing the site. It has been more than active in setting up security, detection and surveillance systems. In 2017, the 650 hectares were protected by 30 kilometres of fencing, topped with razor wire, as well as 570 fixed and mobile cameras, 300 guards and two military drones⁹⁴.

Although privatisation is a process used more explicitly by the UK government (as part of its compulsory accommodation system for asylum seekers), the border between France and its island neighbour, legally and materially displaced on French soil, benefits private sector actors in maintaining repressive and security mechanisms.

On the northern coast of France, migration policy, which is detrimental to the freedom of movement and dignity of people, has been reinforced and further financed by the numerous agreements between the British and French governments over the last three decades. The hostile

⁸⁸[Home Office, "Short-Term Holding Facility Rule", 2018](#)

⁸⁹Corporate Watch, "The UK Border Regime, a critical guide", Freedom Press, 2018.

⁹⁰Cf. *infra*, HMIP, 13 March 2020.

⁹¹Cf. *infra*, HMIP, 13 March 2020, p. 4, §8.

⁹²[On Spec, Fortress Europe is a House of Card, Saison 4, épisode 1, 6 mars 2022](#), interview of Jean-Marc Puisseuseau, Managing Director of the Société d'Exploitation des Ports du Détroit.

⁹³*Ibid.* Interview with the Chief Operating Officer of Sea for Tea about the management of private car parks.

⁹⁴[Technopolice, "Eurotunnel"](#)

environment policy desired by 10 Downing Street is effectively implemented by the French authorities with the assistance of private actors, with the aim of dissuading, controlling and preventing exiles from going to the United Kingdom to settle or seek asylum, a right protected by the 1951 Geneva Convention signed and ratified by the two States concerned.

Although primarily the result of a bilateral relationship, the Franco-British border has been the focus of attention for other European states since Brexit, as evidenced by the crisis meeting between France, Germany and the Benelux countries following the sinking of 14 November 2021⁹⁵. Now the external border of the European Union, it is the subject of different projects, between the British government, which prefers to maintain a bilateral dialogue on the issue, and President Emmanuel Macron, who, with his presidency of the Union between January and June 2022, wishes to promote a stronger role for the UE on this subject. Already in October 2021, France called for negotiations between the EU and the UK to reach a migration treaty⁹⁶. The recent deployment of aircraft of the European border and coast guard agency Frontex in December 2021 and April 2022 along the coastline from the Bay of the Somme to the border between Belgium and the Netherlands adds yet another actor to an already too long list⁹⁷.

⁹⁵[France 3, "Crise migratoire: déploiement d'un avion Frontex, lutte contre les passeurs, rôle du Royaume-Uni... ce qu'il faut retenir de la réunion internationale à Calais", 28 November 2021](#)

⁹⁶[France 24, "France calls for creation of a migration treaty between the EU and Britain", 10 October 2021](#)

⁹⁷[Nord Littoral, "Frontex, que fait exactement l'avion de l'agence européenne dans le ciel de Calais ?", 17 December 2021](#)