



THE JOINT COUNCIL
for THE WELFARE
OF IMMIGRANTS

Safe and Legal Routes of Entry to the UK

24th October 2019

For further information please contact:

Minnie Rahman
Public Affairs and Campaigns Manager
Direct Line: 0207 553 7457
Email: minnie.rahman@jcwi.org.uk

Background

On 23rd October 2019, 39 people were found dead in a refrigerated trailer in Essex. Although the investigation is still ongoing, it is thought that all 39 people on board were Chinese nationals. The discovery echoes a similar case in 2000 when 58 Chinese citizens were found dead in a sealed, airless container at Dover. Essex Police have said it is the largest murder investigation in the force's history.

The death of 39 people who died in horrific circumstances is a stark reminder of the extreme and deadly dangers to which people are exposed on journeys to the UK, whatever their reason for risking it all to do so.

JCWI believes that the incident in Essex is the latest in a series of tragedies, that cannot be explained away by the all too real fact of criminal exploitation but are made inevitable by a broken immigration system. The Government must reconsider existing policies related to border control and border enforcement, and must create safe and legal routes of entry to the UK to help ensure that this senseless loss of life does not recur.

Human Trafficking vs People Smuggling

Various media and commentators are using terminology relating to human trafficking and people smuggling to describe the event in Essex.

Human trafficking occurs under [UK law](#) when two factors are met:

1. The Act - arranging or facilitating travel, including recruiting, harbouring or transferring a person
2. The Purpose - for exploitation

The [UN Protocol on Human Trafficking](#) includes a third element:

3. The Means: threat, force, coercion, deception, fraud, abuse of power or a position of vulnerability.

People smuggling is when someone is moved 'illegally' from one country to another but does not include the means and purpose above. It means someone has sought to move to a new country, for any reason, and is prevented from entering legally so has decided, or felt compelled, to use other means.

However, trafficking and smuggling are often not so clearly delineated in reality. People often begin their journey paying to be moved in order to seek a better life or flee persecution (smuggling) and find themselves deceived and forced into exploitation on route or at destination (trafficking).

Safe and Legal Routes of Entry to the UK

For almost all people fleeing desperate circumstances, and hoping to find family, security, a better life in the UK, there is simply no application form that exists, no process that can make it happen. The Home Office expects people to physically reach the UK before an asylum application can be lodged.

This places many in an impossible situation, exacerbated, by factors including a lack of access to support services, severe delays in processing, heavily militarised border controls, and restrictive asylum processes. Many of those who do eventually get to the UK are granted the legal right to status.

CASE STUDY

15-year-old Abdullah Dilsouz was playing cricket with other child refugees in the wasteland behind the port of Calais. Friends said he was excited to be nearing the end of a long journey from Afghanistan, and optimistic that he would soon be able to join his brother in London.

With simply no legal way of entering the UK to claim asylum and join his brother, stagnating in dire conditions and sleeping rough in freezing cold weather, Abdullah was forced to take extreme action.

The 15-year-old was run over by a refrigeration truck on 22 December 2018 – one of three asylum-seekers to be killed on the roads outside the port at the end of the year.

The few routes that do exist are inadequate and highly restrictive:

1. **The Family Reunification Rules** - This route allows children under 18 and spouses to join their parents or spouses in the UK, if that person has refugee status or humanitarian protection. This does not allow for children over 18 to join their parents, siblings to join other siblings, grandparents and does not apply if someone previously held refugee status and has now gained British citizenship. Nor does it give a right to parents outside the UK to join their refugee children under the age of 18 in the UK.
2. **Syrian Resettlement Programme** - Launched in 2015 in conjunction with the UN, the scheme aims to resettle 20,000 Syrian refugees by 2020. The Government appears on track to reach its commitment and has recently announced a Global Resettlement Scheme, which will aim to resettle people outside of Syria at the same rate. However, the scheme in its current form is extremely limited. Globally there are 25.4 million refugees seeking sanctuary, and this scheme only allows safe entry for less than 0.02%.
3. **Section 67 Leave – the Dubs Amendment** - Introduced in the 2016 Immigration Act, this route placed a requirement on the Secretary of State to 'make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe'. In 2018, the Court

of Appeal ruled that the Government was acting unlawfully in not giving reasons to children refused entry to Britain under the Dubs Amendment.

These routes are not only extremely limited but are often further restricted by poor implementation and practice from the Home Office, alongside extortionate fees.

Policy Recommendations

1. An urgent inquiry into the safety and availability of routes of entry into the UK.
2. Champion a new, Europe-wide system for collaboration and cooperation on asylum management.
3. Undertake to alleviate some of the pressure on states such as Greece and Italy through the relocation of up to 10,000 seekers of asylum.
4. Work with French authorities to establish a joint task force to process all asylum claimants currently homeless in northern France.
5. Guarantee safe passage for all children and those adults with a right to enter the UK currently living in northern France.
6. Introduce a system of humanitarian visas so that those applying for asylum from overseas are allowed a safe and legal route of entry into the UK.
7. The police, NHS, worker protection agencies, social services and other public services must be banned from information sharing with immigration enforcement, so that victims of trafficking may come forward without fear of immigration sanctions.
8. Extend the current definition of "family" under the Refugee Family Reunion rules and include family reunion for refugees seeking to join British resident non-refugees.
9. End Government funding to 3rd countries to push back refugees and migrants, hold them, or otherwise increase danger on routes.
10. End support for Fortress Europe.
11. Commit to process, fairly and efficiently, all asylum claims made on UK soil.
12. Cease participation in the Khartoum and Rabat Processes and ensure that all bilateral or multilateral agreements include clear, robust safeguards for human rights.
13. Invest diplomatic resources in the development and ratification of a truly effective, progressive Global Compact for migration.

JCWI, 115 Old Street, London, EC1V 9RT

Tel 020 7251 8708 Fax 020 7251 8707 Email: policy@jcwi.org.uk

JCWI is a Charity and a non-profit making Company Limited by Guarantee.

Charity registration no 1117513. Company registration No.2700424. VAT No. 629 2825 20.