



SAFE PASSAGE



ROUTES TO SAFETY:
A NEW APPROACH TO PEOPLE
CROSSING THE CHANNEL

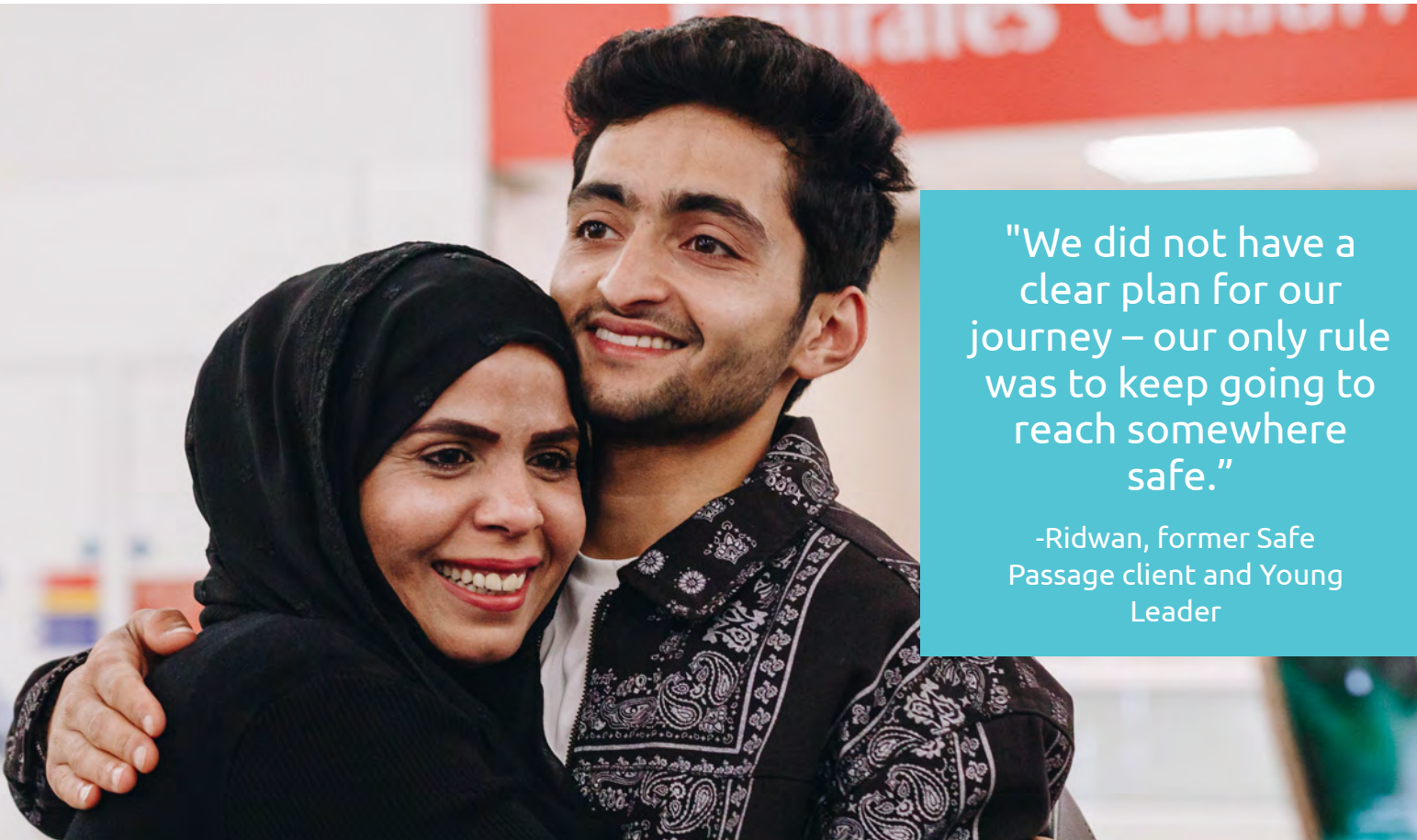
WHAT WOULD YOU WANT?

What would you want? If you were forced to flee from your home because of war or persecution, you'd want a place of safety — a place of refuge. But how would you get there? Most refugees find the only way is to make a dangerous journey. Most refugees need 'safe passage', yet most never get it.

The 1951 Refugee Convention, developed in the wake of the Holocaust, was a promise to 'never again' deny refuge to persecuted men, women and children simply because they lacked the right paperwork. It gives people fleeing war and persecution a right under international law to cross borders to seek asylum. That Britain, an island nation, was a founding signatory, shows that the Convention envisaged that refugees may transit through other safe countries to their intended destination.

There is no obligation in the Refugee Convention, either explicit or implicit, to claim asylum in the 'first safe country' reached by a refugee.¹ Someone seeking asylum who moves on is not breaking the law by doing so or disqualifying themselves from refugee status.

The Convention marked a new more hopeful era where refugee protection was no longer reliant on the goodwill of individual governments towards specific populations. The truth though is that the provision of safe passage has often fallen to particular nations, and depended upon their specific attitude towards humanitarian crises, such as Ukraine today.



"We did not have a clear plan for our journey – our only rule was to keep going to reach somewhere safe."

-Ridwan, former Safe Passage client and Young Leader

¹ Freemovement 'Should refugees claim asylum in the first safe country they reach?' <https://freemovement.org.uk/are-refugees-obliged-to-claim-asylum-in-the-first-safe-country-they-reach/#:-:text=There%20is%20no%20legal%20duty,disqualifying%20themselves%20from%20refugee%20status>

WRONG RESPONSE, WRONG RESULT

Globally, relatively few refugees make the journey to the EU, let alone the UK.² Yet in an attempt to prevent people crossing the Channel, the UK Government has waged an escalating attack on the fundamental human right to seek asylum, flouting the UK's international obligations and threatening Britain's international standing.³ Key policies that refuse refugees protection, criminalise those who arrive irregularly and threaten deportation to Rwanda are wrong in principle, internationally disastrous and ultimately ineffective in deterring refugees from taking dangerous routes to the UK.

If we believe refugees should have the right to asylum, then they should have the means to access that right safely. Yet there has never been a joined-up comprehensive international approach to deliver this. And with refugees forced to travel irregularly, smugglers and traffickers have responded to the business opportunity and monopolised routes to sanctuary for people seeking asylum.

This is never more evident than the current situation in the English Channel. With safe travel options blocked, refugees are driven into the hands of ruthless smugglers. The lack of safe passage is what drives these criminal gangs' business model.

Smugglers understand that safe routes fundamentally threaten their business. When we were working in the Calais 'Jungle' our teams were forced to work under the radar, away from the camps to avoid intimidation and violence by the gangs. Having monopolised the Channel route, they did not want us disrupting their evil trade.



²The UK ranks 19th overall in Europe for asylum applications received. The Migration Observatory, University of Oxford (2022) <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

³Office of the High Commissioner for Human Rights (OHCHR) (2023) UN Secretary Generals joint statement on Royal Assent of Illegal Migration Act <https://www.ohchr.org/en/press-releases/2023/07/uk-illegal-migration-bill-un-refugee-agency-and-un-human-rights-office-warn>

A ROADMAP FOR UK POLICY

We propose a new approach for the UK. One that addresses the immediate need to reduce the dangerous crossings in small boats, but also tackles the longer-term need for safe passage that will be necessary to meet the challenges of tomorrow.

It's time to save lives, restore public confidence and renew Britain's international reputation.

Three priorities should form the basis of a new UK Government approach:

- **Ruin smugglers' deadly trade by establishing safe routes for those seeking asylum.**
- **Renew Britain's commitment to international cooperation.**
- **Restore the right to seek asylum and rebuild our asylum system.**



“Safe routes” are immigration arrangements that allow access to the UK for humanitarian reasons.

This could be via a visa to come to the UK or permission to come to the UK without a visa. Examples of safe routes include refugee resettlement, family reunion, talent visas or community sponsorship.

SAFE ROUTES WORK

The Government has failed to open new safe routes beyond nationality-restricted schemes such as for Ukraine, failed to implement existing routes effectively and failed in shutting down some routes altogether that were providing effective alternatives for refugees.

Before 2020, Safe Passage International successfully reunited hundreds of unaccompanied children with their families in the UK via the EU’s Dublin III Regulation and linked schemes. The loss of Dublin III means that children now have no comparable route to family reunion and can only rely on the UK’s extremely slow and restrictive Immigration rules. Under the UK’s broken system, more than a quarter of the children we have tried to reunite with their families, lost faith in the legal process and we believe travelled to the UK irregularly.

Our work has shown that refugees will choose official routes over smugglers where they represent a realistic alternative. In the first weeks after the Russian invasion, Ukrainians gathered in Calais in the hope of reaching the UK. After two highly flexible and well-resourced safe routes to the UK were opened, only one Ukrainian made the journey across the Channel.

Safe routes enable countries to better manage and plan for the arrival of refugees. This improves outcomes for both refugees and the communities into which they are placed. The priority for Government policy should be ensuring those safe routes that do exist operate effectively and efficiently, and to champion the creation of more safe routes through national policy and international cooperation.

“Today, the lack of accessible alternatives means we are not able to compete on equal terms with smugglers who make promises to children to cross the Channel within a few days and actually deliver on those promises.”

-Safe Passage Lawyer



Urging a new compassionate approach, this report recommends three priorities should form the roadmap for a way forward. We argue that the solution lies in opening new safe routes and fixing the existing ones, spearheading regional and international cooperation, and restoring and rebuilding our asylum system. By implementing these measures, the UK would finally disrupt the smuggler business model, save lives and uphold its commitment to protect refugees.

A NEW APPROACH: THREE PRIORITIES

01

RUIN SMUGGLERS' DEADLY TRADE BY ESTABLISHING SAFE ALTERNATIVES FOR THOSE SEEKING ASYLUM

OPEN NEW SAFE ROUTES

The Government should consider the following new safe routes:

- Emergency Protection Scheme
- Refugee Visa pilot

The majority of those crossing the Channel are fleeing humanitarian and human rights crises, but there are no safe routes for most escaping such situations.⁴

As an immediate response to Channel crossings, operating solely from the EU, this **Emergency Protection Scheme** could swiftly reduce the need for dangerous journeys from France to the UK, by offering safe passage to those fleeing such crises who are already in Europe trying to reach the UK.

As a longer-term solution, the introduction of a **'Refugee Visa'** could offer safe passage to a wider group of refugees expanding beyond well-known or reported emergencies. This would provide protection under the Refugee Convention to groups of refugees escaping

persecution such as Iranian women's rights defenders, Egyptian journalists, young men fleeing forced military recruitment or Somali political activists. To effectively reduce the need for dangerous journeys to the UK and crucially, Europe, this Refugee Visa must be accessible from areas of displacement.

Under both routes asylum seekers would apply for leave to enter to then have their asylum claim heard once in the UK, building on the flexibility and accessibility of successful schemes designed for Ukraine. Detailed advice on the eligibility for both new safe routes should be decided by a newly established independent advisory body. As this would be a new policy, we recommend the Refugee Visa is tested via a pilot before being scaled up.

⁴ In the last two years, nearly 60 percent of people crossing the Channel came from Afghanistan, Iran, Syria, Iraq and Eritrea.

It is important to emphasise that a Refugee Visa can never be considered as a substitute for the rights enshrined within the Refugee Convention. Our proposals therefore notably incorporate the following two principles:

- A Refugee Visa is in addition to and must never replace the right to seek asylum for those arriving irregularly.
- A Refugee Visa must never lead to the consideration of substantive asylum claims from abroad, i.e., the offshoring of asylum decisions.

FIX EXISTING SAFE ROUTES

In addition to opening new safe routes, improving the operation of existing safe routes would be a fast and effective way for the Government to increase access to safe passage for some refugees who are currently resorting to dangerous journeys across the Channel. But existing safe routes have been under-utilised and poorly implemented by the Government. To address this, the Government should:

- **Reform the Immigration Rules and restore access to family reunion.** This should ensure that unaccompanied children can reunite with a parent, aunt, uncle, grandparent, or sibling in the UK. Two thirds of all the children we worked with who abandoned the process and went missing, were trying to reunite with their sibling.
- **Fix the Afghan routes.** Despite two dedicated schemes, these are too slow, too restrictive and too few places are available. Changes should include widening eligibility whilst ensuring faster processing, transparency and high-quality decision making.
- **Re-open a relocation scheme for unaccompanied children from Europe.** The former 'Dubs' scheme demonstrated how such a relocation scheme can successfully stop many unaccompanied child refugees crossing the Channel, as well as encouraging more children into the French child protection system.
- **Re-establish effective use of resettlement.** The use of resettlement has been declining, in 2022, there was a 75% reduction in the number of people resettled compared to 2019.⁵

"The safe route was very complicated, very hard, and very long. It took my family two years. If you want to come through the Ukrainian scheme, you can come in three months, and the host gets financial support as well. This shows it is possible to make safe routes for other refugees quicker, and more accessible."

-Abdulrahman, Safe Passage Young Leader
and Expert by Experience Consultant



RENEW BRITAIN'S COMMITMENT TO INTERNATIONAL COOPERATION

Refugees' reliance on dangerous journeys is a global problem and so requires cooperation beyond our immediate neighbours across the Channel. Initially we recommend the UK seeks closer cooperation with the EU, as well as France. Effective provision of safe passage and refugee protection will require international cooperation at both regional and global level.

To achieve this, the Government should:

PURSUE A NEW FRAMEWORK DEAL WITH THE EU THAT UNDERPINS EU-UK COOPERATION ON REFUGEE PROTECTION AND SAFE ROUTES.

The UK should pursue a new bespoke deal with the EU to share responsibility for the provision of safe routes to asylum for refugees. Such a bespoke agreement should cover:

- An inter-state mechanism enabling the transfer of people to and from the UK to rejoin family, following the precedence of the Dublin III framework.
- Close cooperation on the re-opened Dubs scheme, new Emergency Protection Scheme and Refugee Visa.
- Relocation of a defined number of people seeking asylum, drawing on the principles of the EU's solidarity mechanism, which is currently being negotiated as part of the Common European Asylum System (CEAS).

SEEK CLOSER BILATERAL COOPERATION WITH FRANCE ON FAMILY REUNION, AND A COMPASSIONATE AND RESPONSIBLE APPROACH TO THE SHARED BORDER

Most refugees, particularly children, do not have a detailed understanding of countries' asylum systems and the options available to them, relying instead on inaccurate information provided by smugglers and traffickers.

The UK and France's long and expensive history of border cooperation has focused on increasing security, deterring irregular journeys and implementing hostile anti-migrant policies. This has had a profoundly negative impact on refugees in northern France causing widespread

mistrust against the authorities, furthering the likelihood of children falling into the hands of smugglers and traffickers.

The UK should seek a new responsible approach to the shared border with France, respecting the rights of people on the move, with an approach based on compassion, fairness and dignity. This should include opening information centres in France to advise refugees on their options, ending the use of evictions and ensuring access to shelter, adequate food, and sanitary facilities.

03

RESTORE THE RIGHT TO SEEK ASYLUM AND REBUILD OUR ASYLUM SYSTEM

Recent UK policies all aim to deter refugees from travelling irregularly to the UK, whilst also leaving thousands of people in limbo as asylum claims are not processed. This wrong response yields the wrong results.

The Government must abandon punitive deterrence policies and re-affirm Britain's commitment to the Refugee Convention and the rule of law. A new policy approach on Channel crossings must go hand in hand with rebuilding our asylum system, otherwise it will fail.

To achieve this, the Government must:

- Re-commit the UK to its international obligations in an effort to renew the UK's standing as a global leader in refugee rights.
- Repeal punitive, deterrence-based legislation and policies, starting with the Illegal Migration Act, and scrap the Rwanda plan.
- Clear the asylum backlog and ensure fair and fast decision-making.

TIME FOR ACTION

This report sets out a roadmap for reducing dangerous refugee journeys across the channel and ultimately breaking the business model of smugglers. It is based on clear evidence of what works and is compatible with international law and norms; a compassionate and competent alternative to current failed policies.

Now is the time for real leadership and change - the time to save lives, restore public confidence and renew Britain's international reputation.