

URGENT ACTION

ARRESTED MIGRANTS AND ASYLUM-SEEKERS AT RISK

French authorities have evicted over 278 migrants and asylum-seekers from their makeshift encampments near Calais. Of those that were arrested approximately 138 adults are now in detention and are at risk of being sent to countries where they may be at risk of ill-treatment.

French authorities carried out police operations to evict migrants and asylum-seekers living in makeshift encampments around Calais on 22 September 2009. On the same day French police authorities confirmed to media sources that a total of 278 male migrants and asylum-seekers had been arrested (*arrêtés*) during the operation, most of whom are believed to be Afghan nationals. Of those arrested, 146 adult migrants and asylum-seekers were taken into police custody (*garde à vue*), and the remaining 132, believed to be unaccompanied minors, were taken to special accommodation centres. Police authorities brought in bulldozers to demolish the makeshift encampments as soon as they had been cleared.

France Terre d'Asile, a French NGO, reported that about 20 of the adults initially arrested were later released. CIMADE, another French NGO, reported that by the evening of 23 September, 138 of those arrested and held in police custody had been transferred to various immigration detention centres in France. CIMADE reported that French authorities are processing a number of migrants and asylum-seekers claiming to be unaccompanied minors as adults, which means they are subject to detention (*réention*) procedures and are at risk of enforced removal.

Many of the migrants and asylum-seekers detained after the police operation have already been notified that French authorities are seeking to return them to Greece under the Dublin II procedure or directly to Afghanistan. Afghan nationals who wish to claim asylum may have their claims examined under France's accelerated "priority" procedure (*la procédure prioritaire*), which lacks full procedural safeguards. Many of those detained are at risk of being forcibly returned to countries where they may be at risk of ill-treatment.

PLEASE WRITE IMMEDIATELY in French or your own language:

- Urging the authorities to only continue detention of any asylum-seekers as a last resort, after justifying in each individual case that it is a necessary and proportionate measure;
- demanding that any individuals detained during the police operation in Calais who wish to claim asylum in France are provided with the full opportunity to do so and are not subjected to the "priority" procedure;
- demanding that no asylum-seekers be transferred to any country where they are at risk of torture or other ill-treatment; and calling for assurances that any deportation procedures are fair and include full procedural safeguards;
- calling on the authorities to ensure that unaccompanied minors are identified, are not detained and are given access to age-appropriate special care and protection without discrimination and in the best interest of the child; and to ensure that the benefit of the doubt is given to young people whose age is subject to assessment.

PLEASE SEND APPEALS BEFORE 6 November 2009 TO:

Immigration Minister

Éric Besson

Ministry of Immigration, 101, rue de Grenelle,

75323 Paris CEDEX 07, France

Fax: +33 177726130/ 177726200

Email: eric.besson@iminidco.gouv.fr

Salutation : Monsieur le Ministre

Also send copies to diplomatic representatives of France accredited to your country. Please check with your section office if sending appeals after the above date.

This is the first update of UA: 247/09 EUR 21/014/2009 (18 September).

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ADDITIONAL INFORMATION

Irregular migrants in France may be put in administrative detention (*rétenion administrative*) pending deportation. Amnesty International is particularly concerned as many of those detained during the police operation may face barriers in their ability to challenge individually the decision to deport, access to competent interpretation services and legal counsel, and access to a review, ideally a judicial review, of a negative decision.

In some cases where irregular migrants want to ask for asylum, their claim is examined under the accelerated "priority" procedure (*la procédure prioritaire*), which does not allow for suspensive appeal, or the right to appeal a removal decision while still in the country.

Forced removals could possibly take place to Greece and Italy, under the Dublin II procedure, which permits EU member states to return asylum-seekers to another EU member state which has accepted responsibility for processing the asylum claim. Amnesty International and other organizations, including the UN High Commissioner for Refugees (UNHCR), have urged all EU member states to refrain from transferring asylum-seekers back to Greece under the Dublin II procedure.

On 17 June the French Immigration Minister insisted that authorities would seek to forcibly return a number of migrants and asylum-seekers to Greece, despite a decision by the European Court of Human Rights which found that a Turkish asylum-seeker had been subjected to ill-treatment in Greece. On 24 July, the Immigration Minister confirmed that a number of forced returns would soon take place. Amnesty International continues to monitor the situation of migrants and asylum-seekers in Greece and has campaigned against the forcible return of migrants and asylum-seekers from France to Greece under the Dublin II procedure. Amnesty International is also deeply concerned by the prospect of potential forcible returns of migrants and asylum-seekers directly to Afghanistan.

Amnesty International has monitored the situation of migrants and asylum-seekers in the area surrounding Calais. Research published in September 2008 by *La Coordination française pour le droit d'asile* (CFDA), an NGO coalition that includes Amnesty International, estimated that there were between 1,000 and 1,500 migrants and asylum-seekers on the northern coast of France, and as many as 600 in and around the city of Calais. The research is available in French at http://www.amnesty.fr/index.php/agir/campagnes/refugies_et_migrants/textes_et_documents/la_loi_des_jungles.

Further information on UA: 247/09 Index: EUR 21/015/2009 Issue Date: 25 September 2009

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