

# URGENT ACTION

## MIGRANTS AND ASYLUM-SEEKERS STILL IN DANGER

**The French authorities have released most of the 138 migrants and asylum-seekers held in immigration detention centres since a 22 September police operation to clear their makeshift encampments near Calais. Further police operations have begun against smaller nearby camps.**

Many of those arrested on 22 September were taken from police custody in Calais and Lille to various immigration detention centres (*centres de rétention administrative*) around France. French NGOs and lawyers' and judges' trade unions confirmed that about 130 of the detained migrants and asylum-seekers had been released over the past week following decisions by administrative judges and bail judges (*juges des libertés et de la détention*, JLD). The judges found that the detainees had been unable to exercise the right to challenge their detention, given the nature of the mass arrests and the length of time taken to transfer them from police custody to immigration detention centres, some of which were 800-1,000km from Calais. The judges also found that some of the detainees were unaccompanied minors and should not have been subject to detention procedures. Some 8-10 of the adult migrants and asylum-seekers arrested are still in immigration detention.

Most of those released are now homeless and liable to be arrested because they have no legal permission to stay in France. The Immigration Ministry has confirmed that police carried out a further operation on 2 October against a smaller encampment in Calais, and took about 30 people in for questioning. Further police operations against smaller encampments in the Calais area are planned in the next few days.

Some migrants and asylum-seekers, including those still detained and others whose release was ordered by the JLD, face being forcibly returned to countries such as Greece (under the Dublin II procedure), where most asylum-seekers do not have access to fair procedures or minimum reception standards. They also face being forcibly returned to their country of origin, which in many of these cases is Afghanistan, where they may be at risk of ill-treatment. 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.

### **PLEASE WRITE IMMEDIATELY in French or your own language:**

- urging the authorities not to detain any asylum-seeker except as a last resort, after justifying in each individual case that it is a necessary and proportionate measure;
- demanding that anyone detained during police operations who wishes to claim asylum in France is provided with the full opportunity to do so and not subjected to the "priority" procedure;
- demanding that no asylum-seeker be forcibly returned to Greece or any other country where they would be at risk of torture or other ill-treatment, and calling for assurances that any deportation procedures respect the individual's human rights, are in accordance with due process of law and include full procedural safeguards; and
- 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.

### **PLEASE SEND APPEALS BEFORE 16 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](mailto: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 second update of UA:

247/09 EUR 21/014/2009 (18

September 2009).

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### ADDITIONAL INFORMATION

On 22 September French police cleared the largest area of makeshift encampments set up by migrants and asylum-seekers around Calais. Over 270 male migrants and asylum-seekers were arrested (*arrêtés*) during the operation; of those arrested, adults were first held in police custody (*garde à vue*) and in most cases transferred to immigration detention centres around France; unaccompanied minors were taken to special accommodation centres (*centres d'accueil spécialisés*). Most of those arrested were Afghan nationals.

Irregular migrants (those with no legal right to remain) in France may be put in administrative detention (*réention administrative*) pending deportation. Those still detained following the police operation may face barriers to 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, which severely limits the right to appeal while still in the country.

Forcible returns 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 the 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 September, the Immigration Minister confirmed that a number of forcible returns would soon take place. Amnesty International is monitoring 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 has monitored the situation of migrants and asylum-seekers in the area surrounding Calais, and has contributed towards research published in September 2008 by an NGO coalition *La Coopération française pour le droit d'asile* (CFDA). 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](http://www.amnesty.fr/index.php/agir/campagnes/refugies_et_migrants/textes_et_documents/la_loi_des_jungles).

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