

UK-France Channel Crossing Forum: Migration & Crime

Summary of Policy Relevant Outputs

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Introduction

Following up on the **UK-France Channel Crossing Forum** held on Nov. 7 at the British embassy under Chatham House Rules, H  l  ne Thiollet and Sarah Wolff have compiled the following comments in view of channelling scientific-informed conversations into policy guidance. Policy relevant conclusions are drawn thematically, stemming from each session of the event.

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Session 1: Migration diplomacy	Fiona Adamson, SOAS Nora el Qadim, Universit�� Paris 8 – Institut Convergence Migrations Sarah Wolff, Queen Mary
Session 2: Immigration & crime	Bram Frouws, Mixed Migration Centre Valsamis Mitsilegas, University of Liverpool Violeta Moreno-Lax, Queen Mary
Session 3: Smuggling	Alice Mesnard, City, University of London Virginie Guiraudon, CNRS Sciences Po Paolo Campana, Cambridge University
Session 4: Immigration and sea crossings - narratives and representations	Saskia Smellie, University of Edinburgh Marley Morris, Institute for Public Policy Research (IPPR) Helene Thiollet, SciencesPo

Migration Diplomacy

Scientists suggest to:

1. **Improve structural cooperation between the UK, European countries and third parties** (regional protection schemes, humanitarian visas, and private sponsors, etc.) on asylum, protection, and regular migration to enhance predictability in diplomatic relations and migration outcomes.
2. Better **assess and communicate about the risks of coercion in migration diplomacy** (geopolitical dependencies, leverage, fragile negotiations) for the EU, the UK and third countries. Geopolitical risks should be balanced with the actual numbers and impact of irregular migration or critically engaged with newly created 'risk' of asylum.
3. **Focus on labour market needs rather than migration control:** Migration diplomacy has disproportionately focused on preventing irregular migration, whereas there is a need to close the gap between asylum supply and demand.
4. **Open legal channels for labour migration and circulation** between the EU and the UK and with other regions notably from Africa and Asia. Encourage circulation rather than settlement (as research shows that measures restricting circulation increase settlement, including undocumented). Researchers highlighted the need to facilitate visas for educational purposes.
5. **Multiply safe routes and SAR across the Channel**
6. **Invest in long-term dialogue with third countries**, focusing on strengthening their asylum capacity for Geneva Convention signatories, their image/reputation, especially in countries that are already challenging liberal democracies (e.g., consular policy in Morocco).
7. **Clarify and publicise measures of impact and success of foreign policies.** What are the criteria for evaluation and value for money of foreign policies (number of sea crossings, deaths at sea, integration performance, labour market outcomes, benefits in hard or soft power, etc.)

Migration and crime

Scientists suggest to

1. **Comply with international, EU and national law** from the start, when designing migration and asylum legislation and policies (ex-ante compliance avoids litigation costs).

2. **Balance administrative vs. criminal law in migration policy:** limiting the (mis)use of criminal law and expanding the use and instruments of administrative law (better delineating the legal-illegal continuum of irregular migration and the boundaries between administrative and criminal law).
3. Focus on 'real' (serious) organised crime rather than migrants and facilitators (≠ the Kinshasa case in Italy) and **abandon criminalisation of migrants**, facilitators, and pilots.
4. **Clarify and explain** the definition of victims and perpetrators of trafficking in policy making.
5. **Invest in safe and legal pathways to access asylum** (and address the asylum backlog in the UK + the hotel reception crisis in the UK) and invest in cross-Channel SAR.
6. Create robust **oversight of death at the border**, which is a highly politicised issue (currently numbers are provided by NGOs, IOM) and thus “nationalise” information on deaths at the border.

Smuggling

Given that smuggling is hardly about "big men/women", it is not centrally organised, but rather designed as interconnected networks of medium to small actors with low intensity connections (each individual smuggler is easy to replace as they all provide the same service), experts suggested to change the approach and the terminologies used. The best approach to tackle smuggling may be to reduce the use of criminal law and criminalisation, to adopt smart sanctions on employers and transporters, and to have an agile multi-agency approach (limiting police involvement).

Experts also suggest to

1. **Better define smuggling** and organised crime (“big fish”) across the legal/illegal divide in public communication (and limit the scope of organised crime and smuggling rather than expanding it into nonsense: a well-defined problem can be solved, not a tentacled and ill-defined one). Develop toolkits and communication materials that explain and unpack the differences between smugglers and criminal gangs/organised crime groups.
2. **Combine** measures that **multiply legal channels** (e.g., WPs for economic migrants, humanitarian visas for refugees) with **sanctions against illegal activities**, especially in destination and transit countries (UK, France) E.g., sanctions against employers of illegal migrants in destination countries break the business of smugglers.
3. **Organise humanitarian corridors** in times of clear humanitarian crises (Syria 2015, Afghanistan 2021, Gaza 2023) (cf. Ukraine 2022) and facilitate economic migration in

times of low-intensity crises (2014-2022). A rationale for this is that academic work on border crossing shows that closed borders in times of crisis harm refugees who are forced to take dangerous routes and pay smugglers instead of crossing borders to seek asylum as allowed by the 1951 Convention.

Media/Discourses

Scientifics suggest to

1. **Communicate about safe routes**, carefully designed to divert people from dangerous crossings and promoting legal ones (not just trying to discourage illegal routes) e.g., extending family reunification for refugees and piloting a humanitarian visa for Afghans that could be applied for from Afghanistan + extending the UK resettlement scheme.
2. Re-engage with **European and non-European neighbours** to improve cooperation in the fight against migrants' smuggling with joint communication efforts and representing the perspectives of all countries and stakeholders.
3. Invest political capital and resources in fixing the **UK's domestic asylum system** and publicise these efforts and their successes (notably concerning the backlog in asylum claims and voluntary returns).
4. **Challenge crisis narratives and the use of crisis discourse** in PR campaigns (government sponsored), Identifying what the crisis is about and correcting crisis discourses that have mislabelled crises, and who benefits from crisis discourses (electorally, in the media economy): fearmongers and agitators.
5. Rely on **scientific assessment of the impact of crisis discourses** on electoral outcomes, on the preferences of the public on the spot, in the long term.

General perspectives on policies and governmental communication

On the one hand, **politicians and governments seem to be focusing more on migration than what the public want**. Large scale surveys and research show that attitudes to immigration are relatively stable and, in some cases, becoming more favourable towards asylum seekers and integration efforts. However, the salience of migration issues sensationalised in the media and in political discourse skew the perception of long-term trends in public attitudes towards migration.

While some politicians will probably keep instrumentalising migration issues for electoral purposes, talking less about migration might be a good policy option for governments and public bodies.

On the other hand, governmental communication on migration issues could benefit from **nudging voters "back" to issues that matter more to them** (according to the European Social Survey and Eurobarometer longitudinal surveys, not ad hoc polls): relative poverty and inequality, climate change, education, health, ageing, housing, war, etc.¹

Finally, **governments and administrations are often seen as making promises they cannot keep**. Policy objectives could be set more realistically and communicated about. Governments could also make more use of **scientific evidence and academic research** in the policy making process as well as in their communication to avoid critical backlash and popular resentment.

Potential topics for follow-up discussions

Participants including scientists and policy makers manifested interest for the following objectives and themes:

- **Better understand the effectiveness (or lack thereof) of migration policies**, and how to measure effectiveness.
- **Better understand the drivers of migration**: notably to better understand the relationship between individual and collective motivations (primary and secondary migration and exile) vs structural drivers (labour market dynamics pulling migrants in OECD countries and pushing them out of regions of origin, diaspora effects attracting co-nationals, structural or endemic violence in regions of origin etc.).
- **Better understand the structures of intermediary institutions** (both legal and illegal) facilitating migration and exile and the profiles of migration intermediaries (smugglers).

¹ See below suggestion to investigate issue linkages in domestic and foreign migration policies related.

- **Explore bilateral and multilateral migration and asylum diplomacy:** comparing relations between the UK and France, with UK and other partners, and the EU and other partners.
- **Discuss law enforcement and crime:** overuse and abuse of criminal law for administrative problems, costs of litigation, (in)adequate legal frameworks for the "right" crime, the right criminals? Deepening the law/policy dialogue.
- **Assess and discuss inadequate policy and communication** around humanitarian management (deaths at sea) aka "rearranging the deck chairs on the Titanic" (unassigned quote from one of the Forum's participants).
- **Map the discursive and operational connection between migration and other policy areas** (issue linkage between migration and other topics): trade, labour, crime, migration, development; housing, education etc. to better understand synergies and disconnections.

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