

Message

From: Claire Hughes [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=421EAB2BA3EB4FAD8231A39379E1C071-CLAIRE HUGH]
Sent: 30/04/2020 17:11:13
To: Name [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ee92124864a84c44bce0f4cc69cc48ce-Name Brian Johnson
[/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=214093cbdd4642cf98bf4fb07dd019e8-Brian Johns]
Subject: FW: OFFICIAL SENSITIVE: Submission on small boats illegal migration
Attachments: 200430_Small Boat Illegal Migration_Home Office_MSD_MG FINAL (002).DOCX

Hello,

I am not sure if the attached submission has reached you via another route. In our discussions this morning we said that a submission might not be the way forward at this time but it became apparent thereafter our discussion that DfT Maritime were putting one up.

I thought it was important to sight you on the content of this and also offer some further observations as the submission could have articulated our position a little better. We did provide feedback but this did not end up in the final version. What is important to note though is that this submission will no doubt be the first of many.

Anyway my feedback is:

- There is no mention of our offer to provide our Fixed Wing aircraft to assist with any surveillance activity. This has been previously offered.
- The submission infers that this is enforcement activity, whereas when the migrants have been “intercepted” by Border Force vessels, it has for the majority of instances been when Border Force are tasked to a SAR mission by HMCG for which we coordinate. Border Force are responding to the incident as an additional facility to HMCG.
- HMCG are content to allow Border Force Vessels to proceed to France as their intended destination once the search and rescue element has been completed – providing there is no immediate risk to life for any of the migrants which have been recovered (medical issues). This action would be compliant of SOLAS and also the Convention for Maritime SAR, and that has been previously agreed with Border Force.
- The document states in paragraph 10 that the Home Office remain the lead department on small boat activity as it concerns immigration. The previous sentence mentions the MCA as the coordinating authority for SAR. The statement about the Home Office being the lead is misleading as they are looking to undertake aggressive interdictions at sea under SOLAS and search and rescue, which we are the lead agency to deliver and the tasking authority. Home Office would only lead if they undertook these interdictions under enforcement activity and had not been tasked by HMCG
- HMCG cannot agree to enforcement options being deployed for SAR missions to any incident for which we have assumed coordination. The deployment of these tactics will increase risk and this may complicate the SAR mission, and could lead to injury or a fatality for which we cannot accept liability under SAR in UK waters.
- Whilst not necessarily for the submission, I also think it is important to stress that no lives have been lost so far as a result of the actions we take for all migrant activity. We are concerned that migrants will become hostile if aggressive tactics are used by Border Force. We have seen migrants act in this way in French waters, when the French Vessels try to intercept them, hence the French authorities shadow the vessels into the UK waters for their safety.

LPP

Some further information to assist:

- HMCG receive the vast majority of calls relating to migrant activity from various sources. Given the considerable risk to not only the migrants but to the other vessels in the area, we class all migrant incidents as SOLAS events and deliver and coordinate a SAR response. This is delivered against a mandated legal framework and also international law, which is common and recognised by international coastguards and mariners.
- The process HMCG follow will result in a Coastguard SAR Mission Coordinator (SMC) responding to the incident, ensuring appropriate resources are tasked. To date these resources have been predominantly RNLI Lifeboats (declared asset to HM Coastguard) and Border Force (additional asset to HM Coastguard). The incident is coordinated by the SMC until such time that persons have reached a place of safety. The place of safety can be a vessel and a vessel that may be on passage to a location other than the UK, and therefore does not have to return rescued persons to the UK, in other words they can proceed to their intended destination. This is on the provision however that medical assistance can be provided.

I hope this is helpful just to give some colour on HMCG's position.

Regards
Claire



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From: Anya Mishra **Personal** @dft.gov.uk>
Sent: 30 April 2020 13:24
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Cc: Miles Gidlow **Personal** @dft.gov.uk>; Anna McCaul **Personal** @dft.gov.uk>; **Name** **Personal Data** @dft.gov.uk>; James Driver **Personal** @dft.gov.uk>
Subject: OFFICIAL SENSITIVE: Submission on small boats illegal migration

Dear Josh, **Name**

Please find attached an urgent submission for the Secretary of State on illegal migrants on small boats crossing the Channel from France, which begins:

Summary note to Private Secretary

1. This submission seeks to provide background information on the increased activity of illegal migrants in small boats in the Channel, and the Home Office's work in this area.
2. The work in Home Office on this issue is advancing at pace. The Secretary of State can expect further submissions on this issue in coming days / weeks.

Timing

3. Urgent – this policy area is rapidly evolving and it is anticipated the Secretary of State will receive correspondence from the Home Secretary this week to seek his support.

Kind regards,

Anya



Department for Transport

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