

Guidance

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Guidance Number:

GU1044

Guidance Title:

Migrant Movement - GU1044

Applicability:

All Lifeboat Operations Managers, Area Lifesaving Managers, Lead Lifeguard Supervisors and Lifeguard Supervisors

Reason for Guidance:

To provide guidance to those who may be involved in SAR concerning migrants

Objective of Guidance:

Replaces RNLI Operations Circular 32/15 -3.24.

Provides guidance on likelihood and risk assessment, language and media response, guidance for Launching Authorities, non-SAR requests, operational guidance for SRUs, primary focus, legalities and general operating principles

Guidance:

GU1044 Migrant Movement - Guidance on Search and Rescue Operations – Update 17 December 2018

As I am sure you will have seen on the news recently, there has been an increase in migrant traffic crossing to the UK over the last couple of months.

An assessment of likelihood and risk is at Annex A but it must be stressed that the likelihood of large numbers of migrants crossing from Europe by small vessel is currently assessed as low.

Those trying to travel into British or Republic of Ireland territories will find it increasingly difficult to gain access to goods vehicles, trains and commercial ferries as the policing and control of access to these methods increases.

The result may well be an increase in other methods of trying to cross the English Channel, North Sea or Irish Sea from continental Europe. The use of small craft or chartered vessels to carry groups of people, potentially illegally, is assessed as being a realistic possibility which could in turn lead to these vessels getting into distress and requiring rescue.

The RNLI has been taking the possibility of SAR activity relating to these groups of people extremely seriously. Working in close collaboration with the UKCG, UKBF, Police, MOD and other agencies a set of procedures and guidance has been agreed which are included in the Annexes to this circular. These procedures have also been agreed by the Irish Coast Guard and apply equally to the relevant Irish Maritime Rescue Coordination Centres.

Our stance, which has been clearly stated to other agencies, is to satisfy our fundamental responsibility towards the safety of people at sea. We will therefore respond to occasions of distress at sea in the same way in these circumstances as for any other SAR situation. We will not judge our capacity to respond based on the potential political or legal status of any casualties.

We are not, however, expected to be part of the wider immigration or border protection policies of the many jurisdictions in which we operate. That is the responsibility of other agencies.

Balancing these two potentially conflicting stances may be easier said than done as maritime SAR events are often preceded by scanty initial information upon which to base decisions on launch authorisation and often distress imperatives can produce an unclear picture for Search and Rescue Units when deployed. The guidance offered by this circular is intended to help RNLI managers and those commanding SRUs, whether lifeboats or lifeguards, to make sound judgements in pursuit of your rescue objectives, with the knowledge that you will be operating to agreed processes in harmony with other agencies and with the RNLI's non-judgmental rescue ethos.

Attached in annexes A - D is a set of guidance notes covering some main themes that may need to be addressed in these situations. Please read them together as they are linked and intended to build the picture and spirit of our response to these situations. It is very important that you discuss these with your Operations Teams and that you pass this guidance to your relevant team members to allow implementation if necessary.

Thank you for ensuring this sensitive and important subject is understood by all concerned.

Annex A

Likelihood and Risk Assessment

Likelihood

While it is clear that the transportation of migrants on the sea has increased, current information from the MCA and other agencies suggests that incidents involving large numbers of migrants crossing the sea from Europe is low.

The preferred method of entry is by people concealing themselves within vehicles, however, there has been an increase in the use of small craft with between 5 to 15 people on board.

Physical risk

The risk to SRU crews is assessed as low. Migrants from the countries currently affected are generally not threatening and are not known to offer threatening behaviour to SRU crews.

Health risk and precautions

The risk of infectious disease is generally predicted to be relatively low and no additional PPE is required. However, a migrant population are likely to have a higher prevalence (compared to the general population of UK) of some infectious diseases including blood borne viruses (HIV, hepatitis B and C), Tuberculosis (TB) and those infections arising from adverse environmental conditions and close contacts e.g. skin sepsis, scabies, hepatitis A and typhoid. Uptake of Hepatitis B vaccination will also be an important preventative measure so please discuss the requirements for this with your ALM and LMA, referring to the RNLI Occupational Health team in Poole for advice if required.

PPE

Particular care and vigilance would be advisable with use of PPE (e.g. gloves) and to ensure appropriate precautions for cleaning and de-contamination e.g. for used lifejackets, blankets (and similar equipment) and given that body fluids including vomitus, blood and saliva could be a potential source of contamination. Basic hygiene principles for regular hand washing, use of disinfectant gels, dressing/covering any skin lacerations and general attention to cleanliness will be the most important factors for prevention.

Post contamination guidance

Crewmembers should be actively encouraged to access urgent medical advice in the event of any personal exposure contamination e.g. muco-cutaneous or sharps injury (mouth, eyes, broken skin) and to access to immediate (within a few hours) post-exposure treatment if deemed necessary.

Future risk potential

Those people responsible for the smuggling of migrants may themselves be involved in illegal activity. From the RNLI's point of view, it is understood that a genuine SAR situation does not pose a risk of being deemed as "people or migrant smuggling" (see Annex D as well).

Future likelihood is dependent on many factors but if the current rate of migration remains constant and as vehicle routes become better policed and more difficult to access, maritime methods of migration may increase.

This is a fast-moving political issue and Government policy will affect the methods that are used to cross borders and enter British and Irish waters, so this threat assessment will be updated as the situation changes.

Annex B

Guidance on Language and Media Response

Language is extremely important. It is easy to use terms that can be considered inaccurate, insulting or inflammatory. Terms such as illegal immigrant, refugee, political refugee, asylum seeker, economic migrant, alien or exile are all used in the media to describe these groups or individuals. However, there is a defined legal status and strict definition for all of these terms that no-one in the RNLI is able to determine in pursuit of SAR activities.

There are also implications associated with these terms that can be easily misconstrued. 'Illegal Immigrant' conjures up a very different picture from 'Refugee' for example.

We must be clear that we are recognising these groups and individuals as real people, in a difficult situation who, when we need to be in contact with them, are in a distress situation. All casualties should be treated with dignity and humanity not just when we are rescuing them but also when we are reporting on them.

We cannot make a judgement on status, so they are '**casualties**'. If required, the term 'Migrant' or 'Migrants' can be used as it is a fairly neutral term. However, the caution here is that while 'migrant' is a proper description of someone who has moved or who is moving across a border, people migrate for many different reasons and even this does not fully capture the circumstances of these groups.

When talking about these rescues or writing press releases and statements be factual. 'The vessel was carrying 10 passengers – we are not in a position to determine their status, but they were handed into the care of the (ambulance, police, UK Border Force, Coastguard, etc).'

Don't get drawn into speculation about whether you have rescued illegal immigrants, asylum seekers or refugees. Similarly, don't be tempted to speculate about the nationality of the casualties, their country of origin or their intended destination.

If you think you are involved in a rescue of migrants then report it to your PRM, PO or the Duty PO out of hours and make sure any press releases are OK'd by them.

Annex C

Guidance for Launching Authorities

As a Launching Authority you may receive information during your tasking discussion with the Coastguard that the rescue mission involves the rescue of migrants. Equally, information on casualties can be initially scant and there may be no indication about who the casualties are while you are making a launch decision.

That said, we are treating all SAR responses on their merits and should not be making different decisions based on the type or legal/political status of casualties.

If you do become aware that the rescue involves migrants then the considerations outlined in Annex D apply.

In short, you should treat all recipients of our SAR services as casualties and make launch decisions based on the situation, environment, weather, location, assets, crew, etc in the normal manner.

Non SAR Requests

However, what we should not be responding to are requests that are, in fact, policing or border control activities. Coordinating Authorities are aware of this.

You may be asked to launch and 'stand by' a vessel while Border Force, Police or other agencies/vessels are tasked to deal with border control situations. If tasked for this purpose it should be on the basis of safety to enable rescue should it be required during the operation.

The specifics of this will need to be carefully discussed with the Coastguard as you receive the information as we must clearly separate our safety and SAR role from any policing or border control, activity.

Please discuss this with your Operations Teams, ALMs or Coordinating Authority to have had your local discussions before any event or if you require further guidance.

Annex D

Operational Guidance for SRUs

Coxswains, Helms, Commanders and crew should note the following areas of guidance when called to SAR incidents involving migrants.

Primary Focus

The primary mission is to conduct the rescue of persons in distress at sea whilst being aware of the need to manage any unusual or additional aspects by virtue of migrants being involved.

The two foremost desired outcomes are to:

1. Ensure the safety of the SRU personnel.
2. Ensure the security and safety of the casualties.

Additionally, where practical, for SRUs to:

3. Facilitate the landing and handover of the casualties into the control of the UK Border Force and/or the Police.

If I land someone who turns out to be an illegal immigrant, will I be breaking the law?

SRU personnel should not be concerned about the legal aspects of landing potential illegal immigrants. Whilst it is not lawful for an individual to land illegal immigrants in normal circumstances, the UK Border Force have confirmed that they would not pursue a charge against a rescue service.

It should be noted that at the start of any SAR activity it is highly unlikely that there will be any awareness as to the legal status of the persons on-board the casualty vessel, by the units on scene.

Additionally the commander of any SRU is neither obliged nor able to determine the legal or political status of any casualty. Migrants are casualties in our eyes and we are operating under the coordinating authority's direction so you and the RNLI are very well protected legally.

General Operating Principles are:

- that the SAR response will be conducted in accordance with IAMSAR and UK protocols
- to protect the safety and security of Search and Rescue Units (SRU) crews and/or rescue team members
- that persons conducting SAR are not exposed to more risk than circumstances may require
- that, where possible, no Migrants, or persons suspected of people-smuggling, are landed without police and/or UKBF attendance at the landing place (or rescue location for a coast rescue) unless immediate medical attention is required, or if the safety of the SRU crew or local conditions dictate otherwise, in which case the Coxswain/Helm/Commander of the SRU retains the right to decide the point of landing.

As stated previously, where possible the response to migrant incidents will be part of standard SAR procedures. However the following considerations should be taken into account by both the coordinating authorities and SRUs:

- The most recent security and threat assessment. The coordinating authority will be up to date on this assessment and will brief launching authorities if there are any causes for concern. Please refer to Annex A.
- Unusual behaviour from casualties due to their circumstances. These are non-mariners who will be in unfamiliar and dangerous rescue circumstances who may not speak English.
- There may be persons who have undertaken illegal activity on board (ie who may have been aiding and abetting illegal entry into the UK).
- There is a requirement for close cooperation between HM Coastguard, SRUs at sea, police services and the UK Border Force.
- Normal communications methods will be used during operations. There may be a need to use discreet communications e.g. satellite or mobile telephones, although it is recognised that not all SRUs will be equipped for this.
- Where there is a reason to suspect that migrants may be involved the Police and the UK Border Force must be informed at the earliest opportunity. This will be via the HM Coastguard coordinating authority if this information comes from the SRU at sea.

- Migrant survivors should normally be managed and controlled as any other casualty once on board SRUs and then these casualties will normally be delivered to an agreed landing place where police and/or UKBF can take control.
- Medical assistance may be required to be placed aboard SRUs or at the landing point as normal.
- The SRU should not be used as a detention, quarantine or processing location. These arrangements should be made by the UKBF, Police or Coordinating Authority.
- SRU Coxswains/Helms/Commanders do not have any legal authority to hold or detain any casualties nor are they able or obliged to determine the legal or political status of casualties.
- In the case of SRUs operating in waters of a neighbouring jurisdiction or SAR Rescue Region, for example a UK or Channel Island SRU in French waters, the SRU is understood to be operating within its obligations under SAR conventions should it deliver casualties ashore to a place of safety within the neighbouring states borders. In the event of a UK SAR asset operating in other SRR, the designated point of landing would be agreed between coordinating authorities, as is current practice.

Reference Documents:

N/A

Related Policies, Procedures & Guidance:

N/A

Related Forms & Instructions:

N/A

Guidance Author:

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Guidance Owner:

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