

Migrants Crossing the Channel in Small Boats

Meeting Aim

- The meeting will aim to:
 - Note the current situation and approve the response
 - Identify how other departments can provide support
 - Identify funding streams
 - Assess maritime responsibilities and coastguard preparedness
 - (see agenda at **Annex A**).
- It is possible that the Home Office who currently have primacy on this issue are seeking to shift responsibility elsewhere especially given that Border Force assets are significantly engaged in SOLAS (Safety of Life at Sea) activity in the Channel: activity which is currently detracting from other roles they might undertake **Sensitive & Irrelevant**
- It is also acknowledged that Border Force assets are not seen as a deterrent and are welcomed by migrants who know that they will be taken to the UK.
- The meeting will focus on a number of questions which will involve DfT contribution (see 'questions' below).

Sequencing within meeting

- Border Force will summarise why their current strategy is failing.
- MCA will then summarise their SOLAS responsibility and the assistance they are currently providing alongside Border Force.
- DfT will then give an account of how the Joint Maritime Operations Coordination Centre (JMOCC) could contribute.

Background

- This method of travel to the UK carries significant risk to life. The number of events in 2019 is rising as conditions improve¹, and we anticipate that it may continue to rise as we enter summer. It is also highly likely that a fatality could occur. **Note that the DfT does not own this risk.** The Home Secretary does.
- The Home Secretary declared this issue a 'major incident' in December 2018 in response to the spike in recent illegal migrant activity in the Dover Strait utilising small boats.
- Only 25 migrants have been returned to France and it is therefore seen as a successful method with a likely chance of not being returned to France.
- It seems that methodologies are changing; for example, a mother ship could take the RIB out part of the way or a RIB could follow in the tracks of a cross-Channel ferry. Migrants will generally use a mobile phone to attract attention from emergency services after which the phone is discarded to avoid any connection being made with the criminal gangs who facilitate crossings.

¹ MCA have said that the weather does not have an impact on the number of boats attempting the journey.

- Since December there has been significant work with the French to stem the flow of migrants crossing the Channel in small boats, however this effort has only partially been successful. Whilst numbers have begun to rise again, since 18 June there have been attempts but no successful arrivals; this is due to better police deployment by France around the launch sites.
- It should be noted that Operation Beaufort (an arrangement between the UK and France to return migrants back to France) has never been implemented due to practical difficulties.
- At a meeting in December 2018, it was acknowledged that the Ministerial Working Group on Maritime Security assessed the risks to the Protection of UK Waters in a EU Exit No Deal scenario. The assessment indicated the exploitation of General Maritime is a significant risk (see 'issues' below).
- A submission sent to Nusrat Ghani on the 3 December 2018 highlighted that the capacity and capability of the JMOCC (and to a lesser extent the National Maritime Information Centre; NMIC) needed to be expanded and reinforced.

Issues and risks

- The situation could become worse if Non-Governmental Organisations (NGOs) become involved, if the French withdraw cooperation, if Brexit creates a bigger pipeline, or indeed if there is fatality at sea.
- There is a risk that in the event of a EU Exit No Deal Scenario Government owned assets would need to respond to concurrent incidents: a multiplicity of sustained and/or potentially coordinated illegal UK fisheries incursions by foreign vessels, and/or aggressive confrontations; and an escalation in exploitation of the general maritime domain by criminal gangs for illegal migration or smuggling, in response to a perceived lack of enforcement capability. Enforcement activities will place demands on **(1)** the overall capacity (number) of assets and **(2)** the coordinated command and control of assets.
- Migrants have been known to carry knives on vessels. The MCA relies upon the Royal National Lifeboat Institution (RNLI) to carry out its Search and Rescue (SAR) work. The RNLI are a charity staffed by volunteers and there are valid concerns that these conditions could expose volunteers to safety risks.
- The perception or 'optics' of this issue is key; the initial response was set up to deal with an immigration issue however figures suggest that other methodologies are responsible for far higher levels of illegal immigration. However, if civilian vessels are used to intercept migrants (which can happen, and is used, in a SAR context) this might be perceived by the individual, the wider public and indeed the media as a Government issue and that Government is losing its grip on the issue.

Only share if mentioned:

- The RNLI mainly relies upon donations to function and therefore it is beneficial to publicly highlight the life-saving work it does. However, the migrant work is kept out of the public domain as much as possible which is problematic for the RNLI's funding model.

Key points

- There is a possibility that the Home Office, who currently have primacy on the issue, would like to lessen or cease their support they give at sea to enable Border Force to focus their assets on other pressing work.
- The SOLAS responsibility attached to this issue could solely fall to the MCA, who have confirmed that they have sufficient capability to respond. The procedure is well established from interception of vessels at sea, through to arriving at designated points on UK soil where migrants are met and processed by Border Force.
- **[discussed yesterday]** Given that the MCA does not have restraining powers, the handover of migrants from MCA to Border Force needs to be slick and contained to avoid migrants disappearing on reaching the UK.
- The Joint Maritime Operations Coordination Centre (JMOCC) could play a significant role in coordinating Government owned assets.

Role of the Joint Maritime Operations Coordination Centre (JMOCC)

- There is a critical role for the Joint Maritime Operations Coordination Centre, certainly if there is a decision here today that there should be a move away from the labelling of the incident as an illegal immigration major incident problem. In particular, in the area of planning and preparation, particularly given the increase in ability to predict crossing activity.
- If there is a need/desire to reduce the Border Force cutter deployment in the area, this could be redefined as exclusively an MCA-led Safety of Life at Sea incident.
- However, if it was desirable to keep the response confined (as much as possible) to Government assets, then JMOCC should take greater leadership.
- With an MCA/SOLAS lead, there will be occasions when commercial vessels are tasked to respond because they are the best available asset. It would be better if this could be avoided when possible, therefore a greater role for JMOCC, able to coordinate a greater number of response options, could be useful.

Questions

1. **If BF cutters are not acting as a deterrent in the Channel but solely as SAR, should this responsibility fall to another branch?**

The MCA has responsibility for Safety of Life at Sea (SOLAS); it does not have a law enforcement remit. If the MCA intercepts a small boat they will take migrants to the UK where they will be met at a designated point by Border Force who will process migrants.

MCA has confirmed that it has capacity to manage interceptions if BF Cutters were to cease operations in the Channel although there are associated risks with this approach (please see issues section).

2. Given that migrants are behaving recklessly, involving women and children/babies and potentially endangering the lives of others in crossing, are they breaking any laws and could this enable us to respond differently?

Officials have previously investigated the possibility of prosecuting those travelling in small boats, however it is unlikely that those in the boat are part of the criminal fraternity that facilitate operations and the individual steering the boat is likely to be a migrant themselves. There would be little to gain from this approach.

3. Is there any technology which could detect migrants approaching and leaving beaches?

Officials have formed a technical working group with the French to identify technological advancements covering tracks and roads leading to launch beaches, which could help to prevent migrants leaving France. Entities including DSTL and others are investigating solutions; technology includes trip wires and covert thermal camera technology.

Although there is no funding available this year, a bid has been lodged to secure between £15-20 million next year.

4. What would the UK response be to NGOs rescuing migrants at sea and bringing them into harbor?

It would be difficult to prevent a vessel accessing a UK port. Firstly, to stop it entering would contravene the international law of the sea, and secondly it would present a diplomatic issue between the UK and the vessel's flagged administration. It would not be seen as an optimal solution.

Annex A

Agenda Item	Subject	Leads	Timing
1	<u>Introductions</u>	Name	
2	<u>Update and overview of current response:</u> <ul style="list-style-type: none"> • Situation and outlook • Operational and policy response to date (including HO governance structures) • Contingency plans • Impact on wider HMG equities (NSC Illegal Migration Strategy, bilateral equities, reputational risk) 	Name Gold Command Members	<u>20 mins</u>
3	<u>Discussion of cross-Whitehall response</u> <p>(i) <u>Resources and capability:</u></p> <ul style="list-style-type: none"> • Technical (surveillance and detection) • Funding <p>(ii) <u>Policy, roles and responsibilities</u></p> <ul style="list-style-type: none"> • Search and rescue • Maritime security <p>(iii) <u>International</u></p>		<u>30mins</u>
4	<u>Actions and Next Steps</u>	Name	<u>10 mins</u>