

TREATY BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC CONCERNING THE
REINFORCEMENT OF COOPERATION FOR THE COORDINATED MANAGEMENT OF THEIR SHARED
BORDER

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic (hereinafter known as ‘the Parties’),

Having regard to the Treaty between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning the Construction and Operation by Private Concessionaires of a Channel Fixed Link, signed at Canterbury on 12 February 1986, and the Protocol between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning Frontier Controls and Policing, Co-operation in Criminal Justice, Public Safety and Mutual Assistance Relating to the Channel Fixed Link, signed at Sangatte on 25 November 1991,

Having regard to the Treaty between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Implementation of Frontier Controls at the Sea Ports of both Countries on the Channel and North Sea, signed at Le Touquet on 4 February 2003,

Building on the Joint Ministerial Declaration of 20 August 2015 on UK/French cooperation on managing migratory flows in Calais,

Both Parties reaffirming their commitment to the effective and enduring operation of their shared border on the basis of the legal framework established for its security through the above-mentioned accords,

Whereas, the Parties work together to manage their shared border; whereas that co-operation is based on mutual commitments aimed at securing that border, strengthening co-operation around migration and, in their respective territories, facilitating access to the asylum procedure for those who seek international protection and returning those with no legal basis to stay to their country of origin or transit; and whereas that co-operation has resulted in the introduction of specific arrangements and enhanced cooperation between the Parties,

Whereas, one year after the dismantling of the La Lande camp in Calais, the continuing strong migratory pressure has led the Parties to reaffirm their joint desire for close cooperation in managing their shared border,

Whereas, nothing in the present Treaty should prejudice (a) the continuing application of the Parties’ existing obligations under the Common European Asylum System (CEAS), in particular Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (“Regulation 604/2013”); or (b) the United Kingdom’s future relationship with the European Union,

Whereas, insofar as provisions of the present Treaty relate to Regulation 604/2013, the Parties confirm that (a) nothing in the present Treaty is intended to affect the lawful implementation by either Party of Regulation 604/2013; and (b) such provisions shall only apply whilst both Parties are participants in Regulation 604/2013,

Whereas the Parties have consulted with the European Commission on the proposed administrative arrangements in accordance with Article 36 of Regulation 604/2013,

Have agreed as follows:

Article 1

Commitments

As part of a strategic relationship on migration, the Parties have undertaken:

1. To further enhance co-operation on managing their shared border and reduce the number of people attempting to cross it illegally and at risk to safety and life.
2. To work together to reduce migratory pressure at the shared border and on the French side of the Channel and North Sea, in particular by:
 - a) Collaborating on information programmes and, where the parties agree terms, the United Kingdom shall support France in its provision of accommodation in facilities located outside the Calais and Dunkirk areas, such as Reception and Assessment Centres (CAES), to be carried out by the Parties with the aim of ensuring that third country nationals with no lawful basis of stay on the territory of France and who are in Nord and Pas-de-Calais have clarity on their legal options and that for those seeking asylum there is access to the asylum system in France and access to accommodation whilst an asylum claim is considered;
 - b) Enhancing joint co-operation on the transfer of asylum seekers, including unaccompanied minors, between the two Parties under applicable national and EU legislation;
 - c) Increasing co-operation to return to their country of origin, or to a country where they are legally admissible, a significantly increased number of third country nationals with no lawful basis of stay on the territory of France and who are in Nord and Pas-de-Calais.
3. To implement, in accordance with the applicable law, a programme of mutually agreed specific measures to combat organised crime rings, fraud and the illegal movement of goods and persons, and to discourage illegal immigration, through joint action in source and transit countries.

Article 2

Implementation of Regulation 604/2013

1. The Parties reiterate their obligations to ensuring the efficient operation of Regulation 604/2013 whilst both Parties are participants in Regulation 604/2013. In particular, the Parties agree to: Collaborate closely, effectively and in the full spirit of co-operation on the implementation of Regulation 604/2013;

2. Establish a joint governance structure to oversee the efficient operation of Regulation 604/2013 between the Parties;
3. Build on existing close operational links between the Parties and continue regular dialogue on the implementation of Regulation 604/2013;
4. Aim to respond to requests as set out in Articles 21, 22, 23, 24, and 25 as quickly as possible and, in any case, in line with the timeframes applicable to Articles 21, 22, 23, 24, and 25, as set out in Regulation 604/2013;
5. In respect of unaccompanied minors:
 - a) Where the United Kingdom receives a Take Charge Request (TCR) from France under Article 8(1) or Article 8(2) of Regulation 604/2013, the United Kingdom shall provide a decision on the TCR to France within 10 working days of the conclusion of engagement with the relevant United Kingdom local authority; and, where France requests an urgent reply in such cases, the United Kingdom shall endeavour to provide a decision in a shorter time;
 - b) Where either Party accepts responsibility for examining an application for international protection under Article 8(1) or Article 8(2) of Regulation 604/2013, the Party where the unaccompanied minor has lodged the application for international protection shall aim to transfer the unaccompanied minor to the other Party within 15 working days.
6. In respect of other cases:
 - a) Reiterate their obligations set out in Articles 29, 30, 31 and 32 of Regulation 604/2013;
 - b) Where one of the Parties accepts responsibility for examining an application for international protection on the territory of the other Party as set out in Regulation 604/2013, the Party in whose territory the applicant is present shall aim to transfer the applicant to the other Party within 30 working days of that acceptance.
7. Recognise the efficient operation of Regulation 604/2013 as an important element of the Parties' response to tackling modern slavery and human trafficking.

The Parties reiterate their obligations set out in Article 22(3) in respect of elements of proof and circumstantial evidence. In line with Article 22(3)(b), the Parties reiterate their obligation to consider the evidentiary value of circumstantial evidence, in relation to the responsibility for examining the application for international protection, on a case-by-case basis and in a good collaborative spirit.

Minors

The Parties recognise, in particular, the importance of their obligations in respect of minors set out in Articles 6 and 8 of Regulation 604/2013. The Parties shall collaborate closely on their application and other relevant provisions of Regulation 604/2013 concerning minors.

In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the Parties reiterate that the best interests of the child shall be a primary consideration when applying Regulation 604/2013. In particular, the Parties reiterate their obligations to take due account of the following factors:

- (a) family reunification possibilities;
- (b) the minor's well-being and social development;
- (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;
- (d) the views of the minor, in accordance with his or her age and maturity.

Article 3

Unaccompanied minors under national relocation schemes

The Parties underline their commitment to implement any applicable national relocation scheme concerning unaccompanied minors as soon as possible and to fully support the implementation of such schemes insofar as they apply between the Parties.

For the delivery of any applicable national relocation scheme, the Parties undertake to implement a detailed process aimed at enabling the safe and efficient transfer of unaccompanied minors, eligible under any national relocation scheme, from one Party to the other.

As with the transfers of unaccompanied minors between the Parties under Regulation 604/2013, the Parties reiterate that the best interests of the child shall be a primary consideration when implementing any applicable national relocation scheme.

Article 4

Care of Asylum seekers

Both Parties commit to facilitate, in their respective territories, access to the asylum procedure for those who seek international protection.

Both Parties reiterate their commitment to actively facilitate, in their respective territories, access to the asylum procedure for unaccompanied minors and to ensure that the minor and/or his or her legal representative is fully informed of the procedure for lodging an asylum application.

Where the Parties agree terms, the United Kingdom shall support France in its provision of accommodation to third country nationals with no lawful basis of stay on the territory of France and who were previously based in the Calais and Dunkirk areas and who are willing to engage with the

asylum system in France in facilities such as Centres for Reception and Assessment of Situations (CAES). The United Kingdom reaffirms its commitment to France as a partner in helping to manage the pressures created by third country nationals with no lawful basis of stay on the territory of France and who are based in the areas around the ports in Nord and Pas-de-Calais.

Article 5

Exchange of liaison officers

The Parties undertake to deploy liaison officers in order to facilitate cooperation between them on Articles 2, 3 and 4 of the present Treaty to the extent necessary. The United Kingdom undertakes to deploy a liaison officer to France by 1 April 2018.

The task of the liaison officers shall, amongst other responsibilities, be to facilitate operational co-operation between the two Parties, in particular related to the application of existing national and EU legislation in respect of asylum seekers.

In respect of the implementation of Regulation 604/2013 and any other relevant national or EU programmes in respect of unaccompanied minors, the United Kingdom liaison officer based in France shall have specific responsibilities in respect of exchanging information between the Parties to support transfers, identification and implementation of process improvements to support efficient and timely transfers where appropriate, and support in resolving queries between the Parties.

Each of the Parties, acting via their competent authority, may request that a meeting of experts be summoned with a view to practical collaboration and any other matter related to the application of Articles 2, 3 and 4 of the present Treaty.

Article 6

Joint Information and Coordination Centre (CCIC)

Building on the Joint Ministerial Declaration of 20 August 2015 and to reaffirm the commitment of the Parties to co-ordinate cross border security and intensify co-operation in the fight against organised crime, a CCIC shall be established for law enforcement officers. Its sphere of competence shall include:

1. The management and prevention of threats to public order on the cross-border transport infrastructure located in Nord and Pas-de-Calais;
2. Crisis management In the event of acute migratory pressure, the CCIC acting as an operational crisis management centre, and a platform to assist decision-making by the competent Departmental Prefects;

3. The support of action to counter the operations of smuggling rings, human traffickers and criminal networks in Nord and Pas-de-Calais via close co-operation between the competent services.

The CCIC shall provide support to facilitate judicial investigations being conducted against such networks in accordance with the applicable law.

The scope of the missions to be performed within the CCIC and the conditions under which information shall be shared, shall be detailed, in accordance with the applicable law, in a declaration of intent between the Parties to be adopted before the CCIC has opened.

Article 7

Implementation of return measures

In order to boost the effectiveness of the policy of removing those with no lawful basis of stay on the territory of France, in conjunction with joint border surveillance, the Parties undertake, in particular, to:

1. Participate in joint programmes for the return of those with no lawful basis of stay on the territory of France to their country of origin or to a country where they are legally admissible, including via joint returns operations by air;
2. Ensure jointly the provision of a permanently available interpreting service by pooling their interpreting resources in rare languages such as Kurdish, Tigrinya, Oromo and Amharic;
3. Support each others' development of the means and agreements necessary to effect successful returns;
4. Co-operate in identifying those with no lawful basis of stay on the territory of France; and in contacts with the consular representations of the countries of return for the purpose of obtaining laissez-passers.

Article 8

Joint actions in illegal immigration source countries

The Parties shall implement a joint approach to manage migration and combat illegal migratory flows in countries upstream of their territory.

The Parties shall jointly agree action designed to affect migratory flows at the earlier stages, in the source and transit countries, envisaged by the Parties, to mainly consist of:

1. Communication of interventions designed to combat trafficking and illegal migration, to include dissuasive information programmes targeted at populations likely to consider illegal movements;

2. Measures including programmes aimed at strengthening the reintegration of migrants who have been returned to their countries of origin or to a country where they are legally admissible;
3. Action to strengthen operational co-operation and regional border management capacity in source and transit countries to address human trafficking, people smuggling, Organised Immigration Crime and modern slavery issues, and ensure the appropriate protection of victims.

These actions will be underpinned by a new UK-FR Strategic Dialogue to realise the Parties' ambition and effect delivery.

Article 9

Implementation and oversight

The UK-France Migration Committee shall be responsible for monitoring the implementation of the present Treaty. It shall be co-chaired by the representatives of the Interior Ministries of the two Governments.

As part of its mission, the Franco-British Committee must, in particular:

- (a) Take decisions on behalf of the two Governments for the purpose of implementing the present Treaty;
- (b) Take any action necessary to manage and secure the shared border;
- (c) Approve proposals made at local level concerning security needs established during the course of security reviews conducted jointly by French and United Kingdom agencies;
- (d) Monitor the execution of those security works and assess them;
- (e) Monitor the delivery of Articles 2, 3 and 4, in particular in relation to minors;
- (f) Administer and manage relevant financial investments.

Decisions by the Franco-British Committee shall be adopted by mutual agreement by the heads of the French and UK delegations attending meetings of that Committee.

Article 10

Settlement of disputes and procedures for termination

Any dispute concerning the interpretation or application of the present Treaty shall be settled by negotiation between the Parties.

Each signatory may terminate it at any time by notifying the other Party in writing. Termination shall take effect six months after such notification.

Article 11

Entry into force

This Treaty shall enter into force definitively on 1 February 2018.

In witness whereof, the undersigned, duly empowered thereto by their respective Governments, have signed the present Treaty.

Done at, on, in duplicate, both copies in the French and English languages, both texts being equally authentic.

For the Government of the French Republic

For the Government of the United Kingdom
of Great Britain and Northern Ireland

Gérard COLLOMB
Ministre d'Etat, Minister of the Interior

Amber Rudd
Secretary of State for the Home Department