



Statement regarding the UK-France Agreement on the prevention of “Dangerous Journeys” (D – 2025 – 6)

(Plenary Assembly of 14 October 2025, adopted unanimously)

1. As the agreement between France and the United Kingdom - signed on 29 and 30 July 2025 - to prevent dangerous crossings¹ enters into force and as the first “transfers” of people begin, the CNCDH expresses its deep concern over violations of fundamental rights and breaches of international obligations by both States, particularly those arising from the 1951 Geneva Convention and the Convention on the Rights of the Child.

2. This agreement establishes an experimental “one in, one out” scheme, applicable until June 2026, the date of entry into force of the European Pact on Migration and Asylum. According to French and British authorities, this agreement is intended to prevent irregular arrivals in the United Kingdom by returning people to France and dismantling criminal smuggling networks. It provides for the forced return to France of migrants who arrived in the United Kingdom by small boats after a “dangerous journey,” in exchange for facilitating a legal route to the UK for people in France. The number of admissions to the UK is modelled on the number of returns to France. However, those transferred to the UK are not automatically granted regular status. They are expected to receive a three-month visa upon arrival in England, after which they must undertake the necessary steps to apply for a residence permit or asylum.

3. Conversely, readmissions to France do not confer any right of residence, as will be below later. France may receive readmission requests within 14 days of the arrival on British soil for individuals intercepted by the coastguard. The French authorities then have 14 days to respond, a period which may exceptionally be extended to 28 days; failure to respond within this

timeframe is deemed a refusal. During the examination of the request, applicants may be deprived of their liberty. Although the agreement formally applies to all migrants present on French territory, its declared aim is to discourage those located along the northern coastline from attempting to cross to England. The agreement explicitly excludes unaccompanied minors, individuals deemed to pose a threat to public order or national security, and stateless persons.

4. Although no precise figures have been given, some estimates suggest, this could affect around 50 people per week².

5. For the CNCDH, this mechanism establishes a particularly cynical and dehumanizing system: the legal crossing of one person to England depends on the expulsion and dangerous crossing of another, facilitated by smugglers. The CNCDH expresses deep concern regarding the many practical and procedural ambiguities in this agreement, which may affect its implementation and, above all, the rights of those concerned. The CNCDH considers that the agreement is vague and undermines the protection of human rights, while also raising concerns about the constitutionality of its ratification by decree in the absence of parliamentary authorisation³. This agreement must be denounced, or at the very least, should not be renewed upon its expiry on 11 June 2026, even with the entry into force of the European

1. Décret n° 2025-798 du 11 août 2025 portant publication de l'accord entre le gouvernement de la République française et le gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord relatif à la prévention des traversées périlleuses (ensemble une annexe), signé à Londres le 29 juillet 2025 et à Paris le 30 juillet 2025

2. <https://www.theguardian.com/uk-news/2025/aug/04/uk-to-start-small-boats-returns-france-within-days-after-eu-gives-green-light>

3. Article 53 of the Constitution provides that « les traités ou accords (...) qui modifient des dispositions de nature législative (...) ne peuvent être ratifiés ou approuvés qu'en vertu d'une loi ». The Constitutional Council specifies that this applies whenever provisions of a treaty or agreement concern « des matières de nature législative telles qu'elles sont définies à l'article 34 de la Constitution » (Décision n° DC 70-39 du 19 juin 1970, relative à la décision du Conseil des Communautés concernant les ressources des Communautés). It can be argued that certain provisions of the agreement, such as those providing for the escort of readmitted individuals, fall within the scope of a ratification law.

Pact on Migration and Asylum.

6. The CNCDH observes that the Franco-British agreement forms part of a broader trend toward increasingly restrictive migration policies. At the European level, this tightening is illustrated by the adoption in 2024 of the European Pact on Migration and Asylum, which contains numerous provisions to restrict access to European territory, as well as by European Commission proposals to further externalise asylum applications and implement the concept of “safe third countries”⁴. On 11 March 2025, a proposal was introduced to revise the 2008 “Return” Directive, authorising the establishment of ‘return centres’ designed to facilitate the removal of irregular migrants beyond the borders of the European Union through agreements with third countries, following the example of the Italy -Albania Protocol.

7. At the national level, this agreement adds to the numerous existing concerning the Franco-British border⁵. As opposed to what has been announced, it is by no means a ‘pilot project’ that could provide solutions. On the contrary, the CNCDH considers that the agreement is intended to provide political answers to the British government which is under pressure to “stem migratory flows” that it claims to be facing⁶. It also responds to the French government, heavily criticised for its management of the northern coastline, where the alarming situation results from the “non-acceptance” policy: the dismantling of gathering points, police violence, inhumane living conditions, and deteriorating sanitation — as the CNCDH has repeatedly denounced⁷. The CNCDH is surprised that the question of costs is barely addressed, given the time and effort required for its implementation and the potential waste of resources that the agreement may generate, as was observed during the implementation of the agreement between the United Kingdom and Rwanda⁸. While Article 11 grants the United Kingdom the possibility of recovering costs from the person admitted to France, the CNCDH considers particularly

inappropriate to impose the financial burden of this policy on those individuals, effectively penalising them for having made the crossing, in a context where the protection of human life is at stake. The CNCDH regrets that the agreement contains numerous ambiguities that may lead to implementation difficulties, as has already been observed since its entry into force⁹.

Increasingly Restrictive Admission Conditions to the United Kingdom

8. The CNCDH considers that the conditions of entry into the United Kingdom lack transparency and are discriminatory. Under the agreement, people wishing to travel to the United Kingdom must express their intention to do so via an online platform, open only during specific “Application windows” determined by the British authorities. However, this procedure lacks clarity remains opaque offering no clear information regarding the possibility of submitting such a request (such as the duration of system operation, opening hours, number of applicants, etc.).

9. Furthermore, submitting an application requires overcoming numerous practical obstacles, which France could have sought to resolve. Applicants must complete an online form, which constitutes a first barrier due to the precarious material situation of some potential applicants, and the fact that the application form is currently only available in English. They must also provide a personal phone number to enable their geolocation in France— which is not straightforward, as not all applicants possess a smartphone. In addition, applicants are required to attach an identity document and a sufficiently clear photograph to establish their identity, a step likely to exclude many people, particularly those whose photocopies are considered too unclear. Consequently, individuals will often need assistance from associations to submit their applications, especially given that the French administration has not established a dedicated support service for this new procedure.

10. Applications are then assessed according to certain criteria: the applicant’s country of origin, nationality, links with the United Kingdom (such as having legally resided in the UK for at least six months within the past five years), or even a random selection among the applications¹⁰.

4. https://www.lemonde.fr/international/article/2024/05/17/quinze-pays-de-l-ue-reclament-l-externalisation-des-demandeurs-d-asile_6233893_3210.html.

5. Protocol of Sangatte (1991), Le Touquet treaty (2003), UK/ France : Agreement on the Prevention of Dangerous Journeys, 14 November 2022.

6. <https://www.ouest-france.fr/europe/royaume-uni/royaume-uni-affrontements-entre-militants-anti-immigration-et-antiracistes-a-manchester-et-londres-f19695ae-701c-11f0-98d0-ec518692189f>.

7. CNCDH, *Avis sur la situation des personnes exilées à Calais et Grande-Synthe*, Assemblée plénière du 11 février 2021, JORF n°0045 du 21 février 2021, texte n° 44 ; CNCDH, *Déclaration sur la situation des mineurs isolés placés en CAOMI, à l’issue du démantèlement du bidonville de Calais*, Assemblée plénière du 26 janvier 2017, JORF n°0061 du 12 mars 2017, texte n° 34 ; CNCDH, *Avis sur la situation des migrants à Calais et dans le Calais*, Assemblée plénière du 2 juillet 2015, JORF n°0157 du 9 juillet 2015, texte n° 102.

8. https://www.liberation.fr/international/europe/le-gouvernement-britannique-se-contredit-sur-lexpulsion-des-demandeurs-dasile-vers-le-rwanda-20230627_BPDMUF3YORARVPOVJJ7ZNF7YMU/?redirected=1.

9. On 9 October 2025, the British government announced that 26 individuals had already been returned from the United Kingdom. to France: <https://www.gov.uk/government/news/first-illegal-migrants-returned-under-new-uk-france-agreement>. French media reported that 18 individuals had reached the United Kingdom from France as of 9 October 2025: Mediapart, “[Accord franco-britannique: 26 migrants expulsés vers la France, 18 accueillis au Royaume-Uni](https://www.mediapart.fr/france/accord-franco-britannique-26-migrants-expulses-vers-la-france-18-accueillis-au-royaume-uni)”.

10. <https://www.gov.uk/government/publications/uk-european-applicant-transfer-scheme-caseworker-guidance/uk-european-applicant-transfer-scheme-accessible#expression-of-interest-application-order>.

11. Some CNCDH members have already reported the consequences of this lack of transparency on applicants, while information provided by the authorities is limited to notices primarily aimed at discouraging irregular arrivals¹¹. The creation of this new safe and legal pathway initially raised hopes, but the material difficulties and lack of transparency have quickly generated anxiety and discouragement on the ground, especially since the agreement does not apply to people who already hold refugee status in France or in another EU Member State.

An Infringement of the Right to Asylum

12. The CNCDH considers that this agreement is primarily intended to deter rather than protect: it penalises people who cross the Channel ‘without authorisation’ to seek asylum. It aims to undermine the right to asylum and reinforce the logic of externalising asylum applications. Indeed, the United Kingdom, wishing to deter irregular arrivals that could nevertheless lead to the granting of refugee status, externalises its asylum applications by refusing to examine them on its territory. In practice, the United Kingdom, which is often the preferred destination for people subject to the Dublin procedure, i.e. those whose asylum application falls under the responsibility of another EU Member State, is using this agreement to prevent them from submitting a new application. The objective, therefore, is to limit asylum applications in the United Kingdom as much as possible.

13. The CNCDH considers that the failure to carry out a substantive examination of requests or to conduct an individual assessment is contrary to the requirements of the Geneva Convention. France does not comply with its international obligations by allowing the United Kingdom to forgo such an examination. This position also raises questions regarding France’s commitment to a common European approach to migration and asylum, which should instead be focused on the respect for human rights.

Many uncertainties regarding the situation in France

14. In this regard, it is not specified what happens to individuals who arrive in France. Those readmitted to France must arrive under escort by plane and are then taken care of for three days by the association SOS Solidarité, mandated by the State. They are subsequently sent to a reception centre, such as a CAES (Centre d’Accueil et d’Examen des Situations), where they will be encouraged to accept voluntary return assistance. Those who refuse and are not

eligible for international protection may be subject to an obligation to leave French territory (OQTF)¹², in addition to the numerous removal measures issued annually¹³. Some asylum seekers could also be subject to the Dublin Regulation provisions and have their asylum application examined by another Member State, which would further shift responsibilities—a practice that has been criticized by many European states¹⁴.

15. Another uncertainty concerns the absence of administrative protection in France during the application procedure for admission to the United Kingdom. Although it concerns individuals in an irregular situation on French territory, no temporary residence permit is provided while the application is being processed, even though these individuals must remain in France until a response is received. This again creates a situation of significant instability and precariousness for displaced persons.

Insufficient procedural safeguards

16. The CNCDH notes that this agreement provides highly insufficient procedural safeguards. In the United Kingdom, although there is a possibility to appeal against the transfer decision, this process lacks clarity and transparency, raising concerns regarding the right of the individuals to be properly informed. For instance, the United Kingdom must confirm that at the time of their transfer “that person will have no outstanding suspensive judicial remedies”, but without providing further details on the type of appeal. If a transfer that has been carried out is subsequently annulled by a British court, the parties must then cooperate to ensure the return of the individual. This process could involve back-and-forth movements between France and the United Kingdom. For those applying for admission to the United Kingdom, the agreement does not specify the available appeal procedure in the UK in case of refusal. The CNCDH recalls that, under Article 13 of the European Convention on Human Rights, everyone has the right to an effective remedy before national courts. This lack of legal protection, in a context where individuals may be deprived of liberty without clear procedural safeguards, such as the right to legal assistance, is highly concerning.

11. Example of a public notice in Calais: “There is a new UK-France treaty. If you arrive in the UK by small boat, you now risk being deported and will not be eligible to re-enter the UK nor remain in France without the legal right to.”

12. https://www.bfmtv.com/international/europe/angleterre/accord-franco-britannique-les-premiers-renvois-de-migrants-auront-lieu-la-semaine-prochaine_AN-202509140145.html.

13. <https://www.infomigrants.net/fr/post/67174/accord-francobritannique-un-pour-un-que-se-passe-t-il-pour-les-migrants-renvoyes-en-france>.

14. <https://www.theguardian.com/uk-news/2025/jul/11/uk-expects-eu-approve-migrants-return-deal-france-yvette-cooper>.

Endangerment of the Lives of Displaced Persons

17. With regard to deterrence and the reduction of crossings, presented as one of the objectives of the text, the CNCDH fears that the agreement may have the opposite effect: rather than reducing perilous crossings, it may instead lead to the emergence of new, longer, and more dangerous migratory routes, for example, from Belgium or the Netherlands, to avoid interception by coastguards, as well as increased reliance on smugglers. The CNCDH recalls that whenever one migration route is closed, others open via more hazardous paths. For example, attempts to cross by ‘small boats’ have specifically increased with the tightening of controls in the Channel Tunnel and as a result of the security-focused policies implemented along the coastline.

18. While the CNCDH welcomes the fact that unaccompanied minors are not covered by the agreement, it questions the absence of any specific protective measures for them, given the limited protection they currently receive in France¹⁵. This concern is heightened by the United Kingdom government’s recent announcement of a temporary suspension of family reunification¹⁶. The CNCDH fears that this could further marginalise them and expose them to even greater risks by pushing them to attempt dangerous sea crossings. The CNCDH regrets that, once

again, the rights of displaced persons are being used as a testing ground, while the lives of many human beings are at stake, with the risk of undermining fundamental and human rights.

Recommendations:

- The CNCDH calls for the denunciation of the agreement on the prevention of dangerous journeys, signed on 29 and 30 July 2025 between France and the United Kingdom, or at the very least, that this agreement shall not be renewed after June 2026.
- The CNCDH reiterates its recommendation to establish legal and safe pathways to the United Kingdom that respect fundamental rights, in particular the right to asylum.
- The CNCDH reiterates its recommendation that the government engage in negotiations with the United Kingdom to reopen legal access to its territory for unaccompanied minors, in accordance with the right to family reunification.
- The CNCDH reiterates its recommendation that the French government take urgent measures to improve the situation of displaced persons, particularly along the northern coastline.

15. CNCDH, *Avis sur les mineurs non accompagnés : mieux les protéger et garantir leurs droits* (A - 2025 - 6), Assemblée plénière du 12 juin 2025, JORF n°0147 du 26 juin 2025, texte n° 137.

16. <https://www.infomigrants.net/fr/post/66697/le-royaumeuni-suspend-temporairement-le-regroupement-familial-pour-les-refugies>.

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