

12.1 Deputy K.C. Lewis (of the Minister for Home Affairs) regarding the prevention of illegal immigrants entering the United Kingdom via Jersey:

What extra precautions, if any, is the Minister taking to prevent illegal immigrants entering the United Kingdom via Jersey?

Senator W. Kinnard (The Minister for Home Affairs):

I wonder if I could request that my Assistant Minister, the Deputy of St. John, answer this question as he is responsible for Customs and Immigration matters.

The Greffier of the States (in the Chair):

Very well. Assistant Minister?

The Deputy of St. John (Assistant Minister for Home Affairs - rapporteur):

In answer to the Deputy's question, I can advise the House that we have intelligence that suggests that small makeshift camps have been set up in Cherbourg by would-be immigrants to the United Kingdom. The U.K. Government is keeping a close eye on the situation and officials from the Border and Immigration Agency are in close contact with their French counterparts. There are direct freight passenger services from Cherbourg to Portsmouth, Poole and Southampton but, as you are aware, none currently to Jersey. Intelligence from these ports is shared on a regular basis with Customs and Immigration Services in Jersey. The latest information is that there has been no increase in the detection of illegal entrants at these ports. The authorities in Cherbourg appear to be containing the situation and preventing access to port areas where migrants try to board lorries or on stowaways on ships. We have been informed that extra police from the French National Guards' CRS (Compagnies Républicaines de Sécurité) are being moved to Cherbourg in support of the local police. There is no evidence that persons are moving towards the ports which provide our traffic. This has been confirmed recently by the French Frontier Police in St. Malo with which Jersey Customs and Immigration Service liaise closely. Should there be an increase in this type of activity in the ports adjacent to Jersey, we can expect to be informed by our French counterparts. Routine checks are carried out on vehicles arriving in Jersey from France with the use of detection equipment. French shipping agents in St. Malo also regularly check such vehicles. The Customs and Immigration Service will continue to work closely with their counterparts in France and the South Coast ports in the United Kingdom with the carrying companies to ensure that border controls to Jersey remain effective and security high. Thank you, Sir.

12.1.1 Deputy K.C. Lewis:

As the Assistant Minister just pointed out, Sir, the French CRS - which I believe is the riot police - are involved now. I hear reports that immigrants are, in fact, streaming into Normandy obviously with a view of heading into the United Kingdom. Does the Assistant Minister not agree that the same fate could befall us that has befallen, say, the Canary Islands who are seen as a back door into Spain, that we could be seen as a back door into the U.K., not necessarily from official ports? Does the Assistant Minister agree that we should carry on with the utmost vigilance?

The Deputy of St. John:

I totally agree with the Deputy that we should continue to be extremely vigilant. The risk of people trafficking through Jersey, through the unchannelised controls from the adjacent French coast, although they do exist and we have seen some sporadic attempts to test these routes, but I can say with some confidence that this is not the favoured option of people traffickers. Jersey is a small jurisdiction, Sir, and should anybody manage to get through our border controls, the sort of people that we are talking about here, I have to say, in Jersey would stick out somewhat like sore thumbs. We would be able to repatriate them fairly quickly as has happened in recent times. Thank you.

12.1.2 The Deputy of St. Martin:

I think the Assistant Minister almost started to answer the question I was going to ask. What powers, if any, does the Island have to return these immigrants to where they come from or to France? Which of the two, please?

The Deputy of St. John:

I think what the Deputy is referring to, really, is whether they are likely to claim asylum, in other words whether we can repatriate. The answer is yes, more easily than they can in the U.K. by virtue of the fact that we are not signatories to the Dublin Convention or its successor which is Dublin II Regulation which is the instrument which helps an E.U. member state establish or take responsibility for examining an asylum application. If a person arrives in Jersey from an E.U. state, we are able to judge the merits of an asylum claim at the time of entry. In all cases to date, it has been established that the claimant had the opportunity to claim asylum in an E.U. member state country before getting to Jersey. Therefore it then becomes the responsibility of the E.U. country, not of Jersey. So we can quite easily effectively extradite back to the E.U. where they can then claim asylum. Without the Dublin Convention here, they cannot claim asylum terribly easily at all. So we have even more protection than the U.K. does. Thank you, Sir.

12.1.3 Deputy J.B. Fox:

Perhaps the Assistant Minister could refresh my memory. If an attempted asylum seeker or other illegal immigrant arrives on our shores via a registered vessel from France, *et cetera*, it would be up to the carrier to pay for the return trip. What is the situation if the person is smuggled aboard or comes via an unauthorised route, that is, a stolen vessel or something else like that? Who pays for his return? Is it to the nearby coast, i.e., France, or do we have to pay for his return to his original country of origin? Thank you.

The Deputy of St. John:

The Deputy is quite correct in that if it is brought in by an official carrier, whether they are a stowaway hidden in a container or a foot passenger, it is the carrier's responsibility to return that person back to their place of exit. If indeed it is another way of entry, then unfortunately it would be a case of us having to bear that cost which is quite the reason why we want to avoid the issue that Tenerife is facing at the moment whereby they are faced with very high cost of looking after such people and repatriating them. We will prevent that happening by consultation with our French counterparts so they do not get here in the first place. If they do get here in what has been so far very small numbers - we do not see this as a preferred route of traffickers at all - then we would have to deal with it. The States would have to pick up the tab, but like I say, by having very strong border controls, I do not anticipate it being a major issue. Thank you, Sir.