

# A Channel Plan for London, Berlin and Copenhagen

ESI policy proposal

5 July 2024



## *Table of content*

SUMMARY: A BREAKTHROUGH CHANNEL DEAL .....	2
“WE NEED TO BRING THOSE NUMBERS DOWN” .....	3
I. OUTLINE OF A BREAKTHROUGH DEAL IN THE CHANNEL.....	4
II. THE INTEREST OF EU-MEMBERS IN CONTROLLING CHANNEL CROSSINGS.....	5
III. THE MORAL AND POLITICAL IMPORTANCE OF LEGAL ROUTES .....	6
IV. THERE ARE NO GOOD ALTERNATIVES TO SUCH A PLAN .....	7
V. THE MORALITY OF A CHANNEL DEAL.....	7
ANNEX I: SIR KEIR STARMER ON THE CHANNEL .....	9
ANNEX II: EPP MANIFESTO.....	10
ANNEX III: JOINT LETTER OF THE 15 TO COMMISSION – 15 MAY 2024 .....	10

*Migrants detected crossing the English Channel in small boats<sup>1</sup>*

<b>Month</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
January	45	94	224	1,339	1,180	1,335
February	88	183	308	143	1,773	920
March	66	188	831	3,066	840	3,180
April	80	558	750	2,143	2,153	2,132
May	150	743	1,627	2,916	1,664	2,881
June	163	727	2,177	3,140	3,824	3,041
July	195	1,111	3,512	3,687	3,229	
August	342	1,470	3,053	8,631	5,369	
September	210	1,946	4,602	7,961	4,729	
October	75	472	2,701	6,900	1,869	
November	151	761	6,971	4,028	1,661	
December	278	209	1,770	1,744	1,077	
<b>TOTAL</b>	<b>1,843</b>	<b>8,462</b>	<b>28,526</b>	<b>45,755</b>	<b>29,437</b>	

Since early 2019, 125,000 migrants have made the Channel crossing from the EU to the UK. In the first half of 2024, over 13,000 have made the crossing. This is a record for this period. *If crossings continue like this, it will be many more than 30,000 by the end of 2024.*

### **Summary: a breakthrough Channel deal**

**A coalition of EU countries** agrees to take in anyone irregularly crossing from the EU to the United Kingdom, starting from a set date X this summer 2024. The goal is to stop all crossings, so that after a few weeks only a few transfers would be needed.

**The UK authorities issue inadmissibility decisions** to irregularly arriving asylum-seekers reflecting the reality that its partners in the EU are all safe third countries. Anyone who wants to make an asylum application can do so in these countries.

**After the day X set for returns**, agreed between the UK and its European partners, the UK detains anyone arriving irregularly from the EU, and issues final asylum and deportation decisions within a few weeks.

**The goal is to remove all incentives** to try to cross to the UK irregularly, and to do so in compliance with international human rights law. The scheme works if it effectively demonstrates the futility of paying smugglers, getting into boats and risking one's life.

**The UK agrees to accept annually recognised refugees or registered asylum seekers** from these European partners. The target number might be set at 20,000 a year, for the next four years. To achieve this, the UK sets up a visa application scheme under which recognised refugees or registered asylum seekers can apply to get to the UK safely and legally.

The message of such an agreement is clear: **Crossing irregularly is futile and leads to return**; but there are safe, legal routes available for those interested in applying.

<sup>1</sup> Home Office, [Migrants detected crossing the English Channel in small boats](#), accessed July 2024.

### “We need to bring those numbers down”

Standing on the cliffs above Dover, with the Channel stretching out behind him, shortly before the UK election was called, Labour leader Sir Keir Starmer told an interviewer in May 2024:

“We shouldn’t have people crossing in small boats and arriving in this country. It’s a dangerous perilous journey. It’s a complete loss of control of the borders. It allows the gangs to determine who’s coming to the UK ... **I want, like everybody else, to end this vile trade.**”<sup>2</sup>

The same day, announcing Labour’s plans for addressing small boat crossings, he stressed:

“Nobody, but **nobody should be making that perilous journey.** It’s not in anybody’s interest and nobody who’s serious about politics should suggest otherwise. It is not progressive or compassionate to allow people to cross in that way and to lose control of our borders, so **we need to bring those numbers down drastically. The question is how we do it.**”<sup>3</sup>

His answer then, as leader of the opposition, was: *Not like the Conservatives.* Now, following his resounding victory in yesterday’s UK elections, prime minister Starmer will need to be more concrete. His government will need to show that it *has* a strategy that can bring those numbers down dramatically. That it can end “this vile trade.”

This is in fact a huge opportunity for a Labour government to address an issue that British voters have consistently wanted tackled, to do so early in its term, to remove a toxic issue from the agenda, and to do so in line with its values and electoral promises, which include respect for the European Convention on Human Rights. To succeed, the new UK government will need unprecedented cooperation with European partners. Starmer recognised this in already in November 2023, when he suggested that a Labour government would seek a returns agreement with the EU, including a “quid-pro-quo” whereby the UK would also take some asylum seekers from the EU.<sup>4</sup>

This paper sets out how such a returns agreement could work, and why it would be in the interest of Starmer’s new government, European partners and indeed anyone in favour of strengthening public support for human rights and refugee conventions currently under attack from populists and the far-right. The far-right claims that only violence and suspending respect for human rights conventions can stop irregular migration. It would be invaluable to centrists and democrats everywhere to prove that the opposite is true, and to do so now.

In this policy paper, we argue five things:

First, we argue that an innovative cooperation agreement would be able to stop all crossings quickly. We show what such an agreement might look concretely, and what is required for its successful implementation.

---

<sup>2</sup> Sky News, [Sir Keir Starmer says he would halt Rwanda flights immediately under Labour government](#), 10 May 2024.

<sup>3</sup> Speech, Dover, 10 May 2024, available to view on Youtube: [In full: Keir Starmer says Rwanda plan is a “gimmick”](#).

<sup>4</sup> The Times, [Keir Starmer: Labour will smash Channel migrant gangs](#), 13 September 2024.

Second, we argue that such cooperation would be in the vital interest of any EU government that is worried about *controlling irregular migration without violating human rights conventions*. This includes Germany and Denmark – hence the two capitals in the title of this report.<sup>5</sup> However, at this stage it includes a clear majority of EU member states. We propose that some of these form a *coalition of the willing* to negotiate with the UK on such migration cooperation as soon as possible.

This *coalition of the willing* would obviously benefit if it would include France from the very outset. However, this proposal and the breakthrough it is supposed to bring is not dependent on the next French government participating from the very outset.

Third, we argue that the legal resettlement component of such an agreement – the UK offering legal routes from the EU to the UK – is vital to its success, practically and politically. It also points the way to a paradigm shift in the debate on irregular migration and refugee protection.

Fourth, we argue that the various policies of deterrence and interception that have already been tried since 2019 to reduce Channel crossings, policies that have often been expensive and that have until now consistently failed, are bound to continue to fail, if pursued by a Labour government. It is not in the interest of the UK or the EU for this to continue.

Finally, we argue that this Channel Plan is not only a win-win for the participating governments but should also be strongly supported by anyone in civil society who cares about humane migration policies. This includes anyone with an interest in refugee protection, including UNHCR and refugee rights activists. It would be a win-win-win-win, as it would also benefit asylum seekers.

## I. Outline of a breakthrough deal in the Channel

Let us envisage immediate negotiations between the United Kingdom and a group of interested EU-member states – within days of the new UK government in place – to reach the following unprecedented migration cooperation agreement:

- A coalition of EU countries agrees to take in anyone irregularly crossing from the EU to the United Kingdom, starting from a set date this summer 2024. The goal of such returns would be to stop all crossings, so that after a few weeks only a few transfers would be needed.
- The UK authorities would issue inadmissibility decisions to irregularly arriving asylum-seekers reflecting the reality that its partners in the EU are all safe third countries. Anyone who wants to make an asylum application can do so in these countries.
- After the day X set for returns, agreed between the UK and its European partners, the UK would detain anyone arriving irregularly from the EU, and issue final asylum and deportation decisions within a few weeks.

---

<sup>5</sup> ESI has presented versions of this proposal to ministers, senior officials and parliamentarians in recent months in Berlin, The Hague, Paris, Stockholm, Athens and Vienna. Gerald Knaus gave a presentation on this proposal at an event organised by the [Danish Foreign Ministry in Copenhagen in May 2024](#).

- The goal of these returns is to remove all incentives to try to cross to the UK irregularly, and to do so in compliance with international human rights law. The scheme works if it effectively demonstrates the futility of paying smugglers, getting into boats and risking one’s life.
- At the same time, the UK would agree to accept annually, for the next four years, a certain number of recognised refugees or registered asylum seekers from these European partners. The target number might be set at 20,000 a year.
- To achieve this, the UK would set up a visa application scheme under which recognised refugees or registered asylum seekers now in these European partners can apply to get to the UK safely and legally.
- The countries participating in the agreement set up a Migration Cooperation Steering Committee to monitor the implementation of their respective commitments.
- The message of such an agreement would be clear: Crossing irregularly is futile and leads to return; but there are safe, legal routes available for those prepared to apply.

## II. The interest of EU-members in controlling Channel crossings

In May 2024, a group of 15 EU member states sent a letter to the European Commission, in which they pushed for a new approach to control irregular migration. These 15 member states were from Northern Europe and the Baltics (Finland, Denmark, Estonia, Latvia, Lithuania); Central Europe (Austria, Czech Republic, Poland, Romania, Bulgaria); Southern Europe (Italy, Malta, Cyprus, Greece); and including the Netherlands.

The 15 called for the “establishment of comprehensive, mutually beneficial and durable partnerships with key partner countries along the migratory routes. Such partnerships are essential for not just managing irregular migration movements to Europe, but also to offer migrants an alternative to putting their lives at risk on perilous journeys.”

Central to this approach, the letter suggested, should be **agreements with safe third countries**: “it is important that Member States have the possibility to transfer those asylum applicants for whom a safe third country alternative is available to such countries.”<sup>6</sup>

Such agreements allow irregular migration to be reduced *without* violating applicable human rights and refugee law:

“We reiterate that all new measures must be implemented in full compliance with our international legal obligations, including the principle of non-refoulement, as well as the EU Charter of Fundamental Rights and applicable EU law.”

In these debates, it is often assumed that any safe third countries would have to be *outside* of the EU. However, there is one deadly migration route where EU member states could show

---

<sup>6</sup> Joint [letter](#) to the European Commission on new solutions to address irregular migration to Europe, 15 May 2024.

immediately to their citizens how such cooperation could be effective, lawful and in the interest of all parties: the Channel.

At the same time, the debate on safe third country countries has intensified in Germany since last autumn. In two recent meetings, in November 2023 and in June 2024, the 16 prime ministers of the German Lander called on the Federal government in Berlin to present concrete proposals *how* safe third country agreements might reduce irregular migration in line with refugee law.<sup>7</sup>

The European People’s Party, the leading political group in the European Parliament following the 2024 elections, has also strongly backed the idea of safe third country agreements. In its manifesto for the recent elections, it stated:

**“We will conclude agreements with third countries to ensure that asylum seekers can also be granted protection in a civilised and safe way. We want to implement the concept of safe third countries ... The criteria for safe third countries shall be in line with the core obligations of the Geneva Refugee Convention and the European Convention on Human Rights.”<sup>8</sup>**

It is in the Channel that the policy vision already articulated by Keir Starmer in November, recently advocated by the EU-15 in their letter, repeatedly called for by the German Lander, and also embraced by the winner in the European elections 2024, the EPP, can now be implemented right away.

### III. The moral and political importance of legal routes

The Channel is less dangerous to cross than the Mediterranean, the deadliest stretch of water in the world, but it has nonetheless claimed many lives since 2019.

Lives like that of Maryam Nuri Mohamed Amin, a 24-year-old from a small town in Northern Iraq, who put her life into the hands of smugglers one early morning in November 2021, and who drowned in the freezing water in late 2021. At the time another 28 people drowned as well. In 2023, at least 12 migrants died in the Channel.<sup>9</sup> In 2024, it has already been 13 so far.

The first goal of this proposed cooperation is to stop deadly crossings and to destroy the business model of smugglers. However, while it seeks to stop this “vile trade” and save lives, the proposed cooperation is *not* intended to stop refugees and asylum seekers reaching the UK. This is why the resettlement component is vital, not only to the effectiveness of this scheme, but also to its morality. It also gives European partners of the UK a long-term interest in such cooperation.

By proving in the Channel that legal routes can effectively replace irregular and deadly crossings controlled by smugglers, the UK and its European partners would also show the way to a different model of global refugee protection: one with much more legal resettlement and far fewer irregular arrivals. It is a vision inspired by the decade-long practices of Canada, which

<sup>7</sup> See the [contribution on safe third countries made to the German Ministry of Interior in this context by ESI in German and in English](#).

<sup>8</sup> European People’s Party, [Manifesto](#) 2024.

<sup>9</sup> IOM, [Missing Persons Project](#), accessed 5 July 2024.



includes both a safe third country agreement with its democratic neighbour, the US, and regular organised resettlement of people in need of protection.

#### **IV. There are no good alternatives to such a plan**

By reaching a Channel agreement, the UK government and its European partners would seize a historic opportunity. Not doing this, on the other hand, could be hugely detrimental to their interests. As Keir Starmer noted when presenting Labour’s plans to tackle Channel crossings in Dover in 2024 before the elections: “the biggest deterrent is that it’s a pointless exercise and you go back where you started<sup>10</sup>.” Without safe third country cooperation with European partners to deliver this deterrence, it is very likely that Labor will fail to reduce crossings.

In the run-up to the election, Keir Starmer promised more – and better – law enforcement. But this approach has been tried, tested and found wanting for years. Since 2018, Conservative governments in London have signed five separate security focused agreements with France, at a cost of hundreds of millions of pounds. They set up a centralised command response unit, bringing together all border force and law enforcement actors. They appealed to France to help stop departures. Departures have not stopped. More of the same will not stop them either.

What if Labour does nothing? Then this issue is likely to become *the* rallying cry not only for the Conservatives, but even more so for Nigel Farage, diverting attention from other urgent issues.

At the same time, European countries, arguing that safe third country agreements are beneficial for both sides, must also be prepared to be safe third countries themselves if they want to have a credible and convincing case in negotiations with countries outside of Europe. By offering themselves as safe third countries for the UK they can transform the European, indeed the global, debate on this. It would also be an excellent example of mutually beneficial cooperation.

#### **V. The morality of a Channel deal**

Reducing irregular migration, stopping deaths in the Channel, undermining the business model of smugglers and opening up unprecedented legal ways for refugees and asylum seekers from the EU to the UK is obviously politically advantageous to centrist and progressive governments. It is also a big step towards a more moral system of managing migration and refugee movements.

In this context, numbers matter. Under such an agreement, 80,000 asylum seekers and refugees would reach the UK without risking their lives in four years. Over the past decade, the UK government has given protection to an average of around 25,000 people protection a year (excluding Ukrainians). Of these, only around a fifth have arrived through a resettlement programme.

---

<sup>10</sup> Sky News, [Sir Keir Starmer says he would halt Rwanda flights immediately under Labour government](#), 10 May 2024.

*Protection granted in the UK (individuals)<sup>11</sup>*

	<b>First instance</b>	<b>Resettlement</b>	<b>TOTAL</b>
2014	10,101	786	10,887
2015	13,945	1,865	15,810
2016	9,944	5,218	15,162
2017	8,564	6,212	14,776
2018	10,097	5,806	15,903
2019	15,080	5,612	20,692
2020	9,072	823	9,895
2021	13,040	17,790	30,830
2022	18,185	6,238	24,423
2023	62,336	4,396	66,732
<b>TOTAL</b>	<b>170,364</b>	<b>54,746</b>	<b>225,110</b>

With a sharp reduction in asylum seekers who cross irregularly, and with control over its borders restored, a British government committed to refugee protection – as the Labour government is – would have the scope to increase the number of refugees it admitted through safe and legal routes: either through government sponsored resettlement schemes, or through private sponsorship schemes similar to the Homes for Ukraine scheme – whose principles and procedures could easily be extended to refugees from other countries.

The big picture is clear: Dangerous, uncontrolled routes should progressively be replaced by safe and legal ones, demonstrated through this solution to irregular Channel crossings. It would be an outcome:

- under which a new Labour government restores control over its borders, after five years of Tory failure to do so;
- in which more people get protection in the UK than the historical annual average;
- in which advocates for a more humane European refugee protection system can point to another successful example of a policy that can, humanely, lawfully, and effectively control borders.

<sup>11</sup> Positive asylum decisions **at first instance only**; Home Office, ASY D02, as of May 2024. Added to this would be a few thousand cases of protection granted each year on appeal.



## **Annex I: Sir Keir Starmer on the Channel<sup>12</sup>**

### ***The need to tackle irregular migration***

The smuggling business remains, the exploitation remains, the children dying in our Waters ... that all remains and no matter how good anyone thinks their intentions are, turning a blind eye to this business, not understanding how important a rules-based Asylum system is for tackling that exploitation, for removing the criminal business model – that is not a progressive and compassionate position. It is the complete opposite of a progressive and compassionate position.

### ***Priority: tackling the gangs***

This problem must be tackled. These gangs must be stopped our asylum system must be rebuilt. Our borders must be secured. Today we launch ... a new approach to small boat crossings that will secure Britain's borders, prevent the exploitation by tackling it upstream and smash the criminal smuggling gangs. And as the first step in this plan, a new manifesto commitment: we will set up a new command with new powers new resources and a new way of doing things: Border Security Command.

... I think the main and the better, the really most effective way to stop the crossings is to break the gangs that are running this in the first place, because they are making a huge amount of money exploiting very vulnerable people and they're doing that with thinking that they've got impunity and that is going to be the most effective way to stop this vile trade.

### ***Reducing Numbers***

We've got to get those numbers down materially ... It's not in anybody's interest and nobody who's serious about politics should suggest otherwise. It is not progressive or compassionate to allow people to cross in that way and to lose control of our borders so we need to bring those numbers down drastically. The question is how we do it. It is a trade that's being run by gangs and I absolutely refuse to accept that it's not possible to take those gangs down now ...

We do need to dramatically reduce the numbers. Obviously, I'd like it to come down completely. I'm not going to put a false number it but I'm not going to shy away from the fact that these numbers need to come right down.

### ***Deterrence***

The biggest deterrent is that it's a pointless exercise and you go back where you started but that's not happening ...

We obviously lost the Dublin agreement and that needs to be replaced in some shape or form.

---

<sup>12</sup> All remarks made in Dover, 10 May 2024, while presenting Labour's plans to tackle irregular Channel crossings, or following it in response to questions from the media.

## **Annex II: EPP Manifesto**

### [EPP – European People’s Party – EPP Manifesto 2024](#)

“We also advocate a fundamental change in European asylum law. We are committed to the fundamental right to asylum, but the EU, together with its Member States, must have the right to decide to whom and where it is granted.

We will conclude agreements with third countries to ensure that asylum seekers can also be granted protection in a civilised and safe way. We want to implement the concept of safe third countries. Anyone applying for asylum in the EU could also be transferred to a safe third country and undergo the asylum process there. In the case of a positive outcome, the safe third country will grant protection to the applicant on-site. A comprehensive contractual agreement will be established with the safe third country. The criteria for safe third countries shall be in line with the core obligations of the Geneva Refugee Convention and the European Convention on Human Rights. Both conventions do not include the right to freely choose the country of protection.

Following the successful implementation of the third country concept, we propose to admit into the EU a quota of people in need of protection through annual humanitarian quotas of vulnerable individuals. This allows us to address both security and integration requirements in the selection process and effectively refuse entry to irregular migrants at our external borders.”

## **Annex III: Joint letter of the 15 to Commission – 15 May 2024**

### [Joint-letter-to-the-european-commission-on-new-solutions-to-address-irregular-migration-to-europe.pdf \(uim.dk\)](#)

“First and foremost, we encourage the establishment of comprehensive, mutually beneficial and durable partnerships with key partner countries along the migratory routes. Such partnerships are essential for not just managing irregular migration movements to Europe, but also to offer migrants an alternative to putting their lives at risk on perilous journeys. Different ideas for optimising such partnerships should be explored ...

Moreover, in order to decrease the overall pressure on our migration management, it is important that Member States have the possibility to transfer those asylum applicants for whom a safe third country alternative is available to such countries.

We reiterate that all new measures must be implemented in full compliance with our international legal obligations, including the principle of non-refoulement, as well as the EU Charter of Fundamental Rights and applicable EU law. Where necessary, the Commission is invited to propose the relevant targeted legislative changes required to implement the proposed measures in Union law.”