

# Strategic Litigation and the Dublin Regulations – Vulnerable young people from Calais to Bristol'

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# Safe Passage – who are they?



Safe Passage is the only organization working with children at risk on the ground in both sending and receiving countries to open safe and legal routes.

- Strategic Litigation
- Casework
- Community Organising

# Dublin vs 'Dubs'

'Dublin Regulations' – 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.

# Dublin vs 'Dubs'

## Article 6

### Guarantees for minors

1. The best interests of the child shall be a primary consideration for Member States with respect to all procedures provided for in this Regulation.

2. ...

3. In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors:

- (a) **family reunification possibilities;**
- (b) the minor's well-being and social development;
- (c) ...
- (d) ...

# Dublin vs 'Dubs'

## 'Dubs Amendment'

- Section 67 of the Immigration Act 2016

(1)The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe.

(2)The number of children to be resettled under subsection (1) shall be determined by the Government in consultation with local authorities.

(3)The relocation of children under subsection (1) shall be in addition to the resettlement of children under the Vulnerable Persons Relocation Scheme.

# Safe Passage in France

## Dublin III

- Litigation in Paris, Lille and Calais for 10 unaccompanied minors to ensure they are given access to asylum to register for Dublin III family reunification – opening routes for others.
- Between March and 13 October 2016 Safe Passage directly supported 43 unaccompanied children, 8 accompanied children and 7 vulnerable adults to be reunited with their families in the UK from France.

## DUBS PROGRAMME

- In October 2016 Safe Passage put together a Best Interest Assessment (BIA) Coalition Advisory group consisting of UNHCR France, British Red Cross, Save the Children, Tavistock and other local and independent actors.
- Safe Passage sourced social workers from the Red Cross and British local authorities who had pledged spaces for the children, and conducted 18 BIAs on eligible children.
- Additional 14 referrals from Duncan Lewis Solicitors all 32 children's cases, with complete BIAs and each with a UK lawyer assigned submitted to the Home Office for admission.
- To date we have brought 103 children and vulnerable adults to the UK from France through both Dublin III and the Dubs Amendment.

The 'ZAT' Case – R (on the application on ZAT and others) v SSHD (Art 8 ECHR – Dublin Regulation – interface – proportionality) [2016] EWCA Civ 810

- 1,400 pro bono legal hours
- first three boys and one dependent older brother from Syria, were successfully reunited with their families from Calais



The 'ZAT' Case – R (on the application on ZAT and others) v SSHD (Art 8 ECHR – Dublin Regulation – interface – proportionality) [2016] EWCA Civ 810

- CoA confirmed that applications via the Dublin regulations to transfer case to another member state should usually initiate in the member state where the applicant is physically present.

## Where now

- Pro Bono support needed for young people in Europe
- Support to young people in the UK
  - Community care advice

Interested in Helping

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