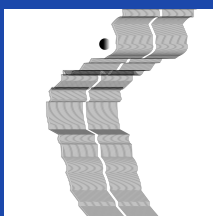


STORIES IN MOTION

A COLLABORATIVE
RESEARCH REPORT
OF RIGHTS
VIOLATIONS AT THE
FRANCO-ITALIAN
BORDER OF
MENTON-
VENTIMIGLIA



2023

Saoirse Aherne
Federica Ballardini
Margherita Cordellini
Eunike Mangampa
Amalia Heide
Colette Yamashita Holcomb
Anna Stejskalová
Penelope Gelman



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Introduction

We find ourselves in Menton, *la perle de France*. This beach town is known for its lemons and its endless sunny days. It is the last municipality on the Côte d'Azur before France becomes Italy. It's also the setting of an ongoing humanitarian crisis.

Beginning in 2014, Ventimiglia (the last municipality in Italy before France) experienced an influx of migrants hoping to cross into France. Initially, this resulted in the establishment of an informal "No Borders" camp to shelter those in transit. The eviction and dismantling of the camp in September 2015 sparked protests and the mobilization of numerous associations in Ventimiglia and Menton.¹ Since suspending the Schengen agreement due to alleged security threats, the Franco-Italian border has undergone continuous fortification and increased police presence.²

In July 2016, an official reception center, Camp Roya, was established in Ventimiglia to be administered by the Red Cross. At its peak, Camp Roya housed approximately 800 people and in 2017, the camp expanded to accommodate women and children.³

However, in 2020, Camp Roya shut down in response to the Covid-19 pandemic, leaving 200 people without shelter.⁴ No official camp in Ventimiglia has existed since then, forcing migrants to sleep in informal settlements by the river and under the bridge. Though it was announced in 2022 that a new permanent hosting center would be opening in Mortola, on the outskirts of Ventimiglia,⁵ following the right-wing party "Lega's victory in the municipal elections on May 28th, 2023 this seems unlikely to materialize. While the center's opening is put off, the border remains dangerous for migrants. Since 2015, there have been over 40 recorded deaths of migrants transiting the Franco-Italian border or trapped in Ventimiglia, according to ASGI Medea.⁶

1 Finiguerra, Anna. "Ventimiglia 2015-2018: a story of solidarity by Anna Finiguerra." In *Ventimiglia: A Waxing and Waning Geography of Solidarity Activism*. Graduate Institute Publications. 2021, <https://books.openedition.org/iheid/7687>.

2 Santomauro, Bastien Charaudeau. "At the French-Italian Border Legal Arrangements Evade the Right to Asylum." Institut Convergences Migrations, www.icmigrations.cnrs.fr/en/2022/03/28/defacto-032-01/. Web. 28 May 2023.

3 "Migrant Reception Camp in Ventimiglia Closes." InfoMigrants, 3 Aug. 2020, www.infomigrants.net/en/post/26391/migrant-reception-camp-in-ventimiglia-closes. Web. 28 May 2023.

4 Welander, Author Marta. "Closure of the Red Cross Reception Centre in Ventimiglia." Refugee Rights Europe, 6 Sept. 2020, refugee-rights.eu/2020/09/06/closure-of-the-red-cross-reception-centre-in-ventimiglia/. Web. 28 May 2023.

5 Ansa. « Migrant Center to Open at Italian-French Border ». InfoMigrants, 26 May 2022, www.infomigrants.net/en/post/40769/migrant-center-to-open-at-italianfrench-border.

Ansa. "Increasing Numbers of Migrants Seen in Ventimiglia, Says Caritas." InfoMigrants, 12 Aug. 2022,

www.infomigrants.net/fr/post/42589/increasing-numbers-of-migrants-seen-in-ventimiglia-says-caritas. Web. 28 May 2023.

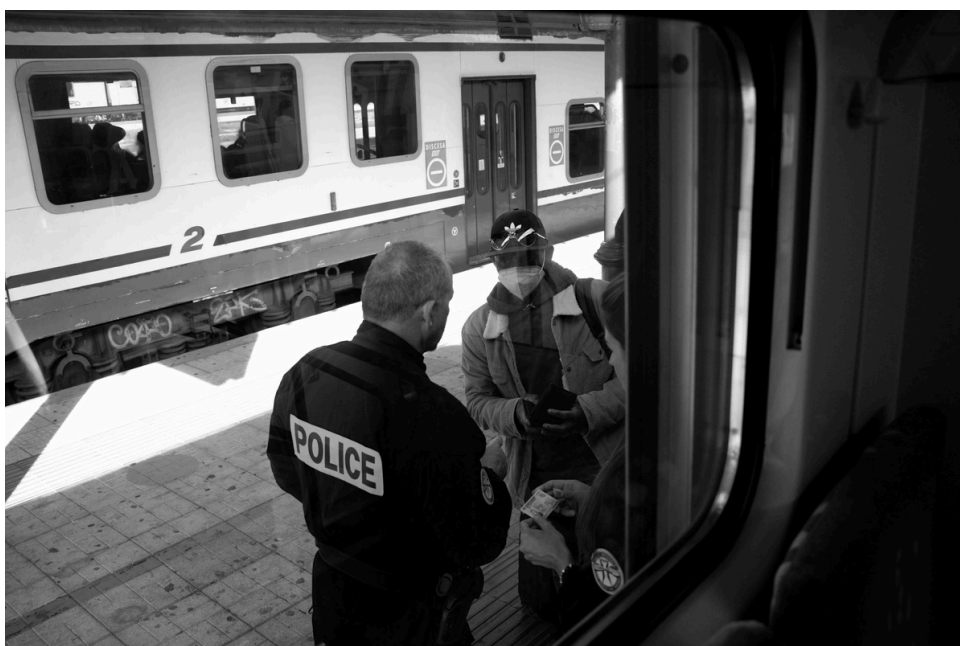
6 "Concerns Raised for Violence at French-Italian Border after Several Death Reports." SchengenVisaInfo.Com, 23 June 2022, www.schengenvisa.info.com/news/concerns-raised-for-violence-at-french-italian-border-after-several-death-reports/. Web. 28 May 2023.

Franco-Italian Border

We find ourselves in Menton, *la perle de France*. This beach town is known for its lemons and its endless sunny days. It is the last municipality on the Côte d'Azur before France becomes Italy. It's also the context of an ongoing humanitarian crisis.

Yet these numbers only begin to capture the scale of abuse occurring at the border, and conveys nothing about the diverse experiences of those who attempt to traverse it. This report, **Stories In Motion**, aims to add depth to data, highlighting the humans behind the border crisis through testimonies from migrants and local solidarity actors alike.

Therefore, following a protocol drafted appositely, our volunteers asked the people subjected to pushbacks at the French Italian border if they were willing to share part of their experiences at the border's facilities or in Ventimiglia at large. This protocol was employed when the conversation was ongoing and the person seemed comfortable talking to the volunteers. The resulting anonymized testimonies were included in this report exclusively upon the interviewee's consent. **Stories in Motion** also contains relevant events witnessed by volunteers at the border, in Menton, and in Ventimiglia.



Credits: Hugo Lagergren

Demographic Landscape of People on the Move in Italy

According to the UNHCR 2023 report on the Mediterranean situation, Italy has witnessed 45,089 sea arrivals since the beginning of the year

For many people on the move, Italy serves as a corridor to reach other European countries. Italy's northern borders constitute, thus, an important site of passage to countries such as France,⁷ the main focal points being Oulx – a village in the region of Piedmont – and Ventimiglia, separated by approximately 10 kilometers from its French neighbor, Menton.

According to the UNHCR 2023 report on the Mediterranean situation, Italy has witnessed 45,089 sea arrivals since the beginning of the year (the data for 2023 were gathered between 01/01/2023 and 14/05/2023).⁸ Compared to 2022, the arrivals in Italy have spiked, rising from 6,832 between January and March 2022 to 27,690 between the same months of 2023.⁹ The migratory demographic composition has also undergone a noteworthy change. For instance, according to the UNHCR's estimation, the most common nationality of people on the move arriving in Italy by sea is the Ivory Coast, with 5,123 Ivorian nationals having landed there from January 1st to March 31st. Guinea and Pakistan succeed it, with respectively 3,919 and 3,081 nationals disembarking in Italy. The figures displayed by UNHCR relating to January–March 2022 are radically different: the first most common countries of origin are Egypt, Bangladesh, and Tunisia, respectively, with 1621, 1276, and 888.¹⁰ In the first three months of 2022, Ivorian and Guinean nationals constituted merely 6% and 4% of the total number of people disembarking in Italy, whereas Pakistanis were under 2%.¹¹

A trend reversal also occurred in the figures relating to the countries of embarkation: while from January to March 2023, 58% of the embarkations crossings the Mediterranean towards Italy departed from Tunisia, 39% from Libya, and 35% from Türkiye, one year before Libya represented the point of departure of 62% of sea crossings, succeeded by Tunisia (22%) and Türkiye (15%).¹²

⁷ Italy Sea Arrivals Dashboard March 2023, Operational Data Portal Refugee Situation, UNHCR, 2023, p.3.

<https://data.unhcr.org/en/documents/details/100615>. Accessed 28 May 2023

⁸ Italy Weekly Snapshot 15 May 2023, Operational Data Portal Refugee Situation, UNHCR, 2023.

<https://data.unhcr.org/en/documents/details/100675>. Accessed 28 May 2023.

⁹ Italy Sea Arrivals Dashboard March 2023, Operational Data Portal Refugee Situation, UNHCR, 2023.

<https://data.unhcr.org/en/documents/details/100615>. Accessed 28 May 2023.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

Demographic Landscape of People on the Move in Italy

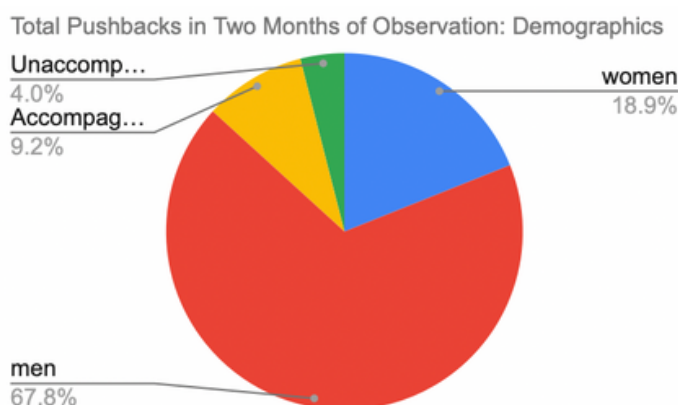
These figures are of utmost relevance when considering that, historically, Libya has been the main nodal point of sea departures toward Italy. UNHCR identified the explanation of this phenomenon in the increasing number of Sub-Saharan nationals traveling along this route, which, until mid-2022, was utilized mainly by Tunisian nationals. ¹³

The demographic composition of migration influxes is complex and changes frequently. According to UNHCR, in the three initial months of 2023, 71% of the people arriving in Italy were men, a share which has remained relatively stable in the past 3 years, swinging from 67% (2021) to 76% (2022).¹⁴ In the same period of the current year, women made up 12% of the arrivals in Italy, most of which came from Ivory Coast (2,573) and Guinea (2,366). The largest share of women arrived in Italy from the Tunisian shores; for instance, 32% of the 5,123 Ivorians who left the country and arrived in Sicily were females. UNHCR underscored that many of them were pregnant. The remaining 17% is made up of accompanied minors (5%) and unaccompanied minors (12%), the latter coming mainly from Guinea and Ivory Coast (January – February 2023).¹⁵

The results collected in three months of observation at the border confirm most of the aforementioned trends. Among the 877 people we encountered, 595 were men (67.8%), whereas 166 were women (18.9%). Several women were traveling with children, who amounted to 81 of the individuals encountered during our permanence (9.2%). The majority of these accompanied minors were under the age of 12. According to our estimates, we encountered more accompanied minors than unaccompanied minors, who represented only 35 individuals, or 4% of the total (see Figure 1).

Figure 1

Demographics of people pushed back at the border



¹³ Italy Sea Arrivals Dashboard March 2023, Operational Data Portal Refugee Situation, UNHCR, 2023. <https://data.unhcr.org/en/documents/details/100615>. Accessed 28 May 2023

¹⁴ Ibid.

¹⁵ Ibid.

Demographic Landscape of People on the Move in Italy

The discrepancy between our data and that of the UNHCR can be explained by the fact that unaccompanied minors are sometimes hard to identify at first sight, while accompanied minors are obvious. We documented individuals as “unaccompanied minors” only when this status was explicitly reported to us, hence it is possible that missed some individuals in this demographic. Moreover, according to our data, the percentage of women pushed back at the Ventimiglia-Menton border (18.9%) is higher than that of women who arrived in Italy between January and March 2023 (12%). This can be justified by – among other factors such as our limited number of observation hours – the fact that our data does not concern people who made it to France on their first attempt, thus, it offers a partial overview when it comes to demographic composition of migrants passing through the region.

PHOTO OF A POLICE OFFICER CHECKING THE PAPERS OF A WOMAN AND CHILD AT MENTON GARAVAN STATION



Credits: Hugo Lagergren

Research Report 2023

18 ARCI Porco Rosso and Alarm Phone, "From Sea to Prison: The Criminalization of Boat Drivers in Italy", October 15, 2021. Available at: <https://fromseatoiprison.info/>. 28 May 2023.

Demographic Landscape of People on the Move in Italy

One activist we interviewed for this project, who chose to remain anonymous, recalled that numerous people on the move reported that often, in Tunisia, before the departure, the smugglers would ask who knew how to pilot the boat and would exonerate the chosen person from paying the “travel fees”. Sometimes – she explains – it happened that the person who was assigned as captain had offered himself for the role not because he possessed some kind of relevant expertise but rather because he had no other way to pay for the crossing. This factor further aggravates the perils that could be faced during the already precarious journey.

Italy's main point of arrival is Sicily, the country's biggest island, where 35307 people disembarked from January to April 2023.¹⁹ Most people arrive in Lampedusa, while Catania, Augusta, and Roccella Ionica witnessed around 2,000 arrivals this year.²⁰ Relative to 2022, the number of asylum applications in Italy has increased. For instance, between January and February 2023, there were 19,167 asylum applications, whereas there were only 8,160, in the same period one year before.²¹ However, achieving legal residence in Italy is a long process, hampered by bureaucratic inefficiency and the harshness of first-instance decisions. Throughout 2022, 52% of First-instance RSD (Refugee Status Determination) decisions consisted of denying the request, either because of rejections, cases closed, or no-shows. In the meantime, the reinstatement of border controls between Italy and France and the practice of systematic pushbacks make it more difficult for migrants to safely leave the country.

Schengen Borders Code & Pushbacks

The fortification of the Franco-Italian border has developed progressively over the past decade. Indeed, the current militarized conditions have not always defined this border, which in theory, ought to be uncontrolled allowing for the free movement of people and goods from Italy to France. This is due to the Schengen agreement, established in 1985 and applied to the Schengen Area. Initially comprising only five countries – those being France, Germany, Belgium, Luxembourg, and the Netherlands – the area has expanded to include 26 countries that have agreed to abolish controls between their common borders. ²²

¹⁹ Italy Sea Arrivals Dashboard January, February, March and April 2023, Operational Data Portal Refugee Situation, UNHCR, 2023. https://data.unhcr.org/en/search?sv_id=11&geo_id=656&type%5B0%5D=document&or_json=%7B%220%22:%20%220%22%7D&or=0&page=9. Accessed 28 May 2023.

²⁰ Italy Weekly Snapshot 15 May 2023, Operational Data Portal Refugee Situation, UNHCR, 2023. <https://data.unhcr.org/en/documents/details/100675>. Accessed 28 May 2023.

²¹ Ibid.

²² 35 Years since the Signing of the Schengen Agreement - Consilium, www.consilium.europa.eu/en/documents-publications/library/library-blog/posts/35-years-since-the-signing-of-the-schengen-agreement/. Accessed 28 May 2023.

Legal Context of the Border

Schengen Borders Code & Pushbacks

Under the Schengen Borders Code (SBC), member states abolished internal border controls, and border enforcement was relocated to external borders.²³ Thus at the Franco-Italian border, authorities should not ask for identity documents, nor should a framework be in place to systematically expel those lacking such documents. However, the SBC also allows Member States to temporarily reintroduce border control at the internal borders to protect against a “serious threat to public policy or internal security.”²⁴ The European Union maintains that reintroducing border control at the internal borders is a last-resort measure to be used only in exceptional situations and must respect the principle of proportionality.²⁵

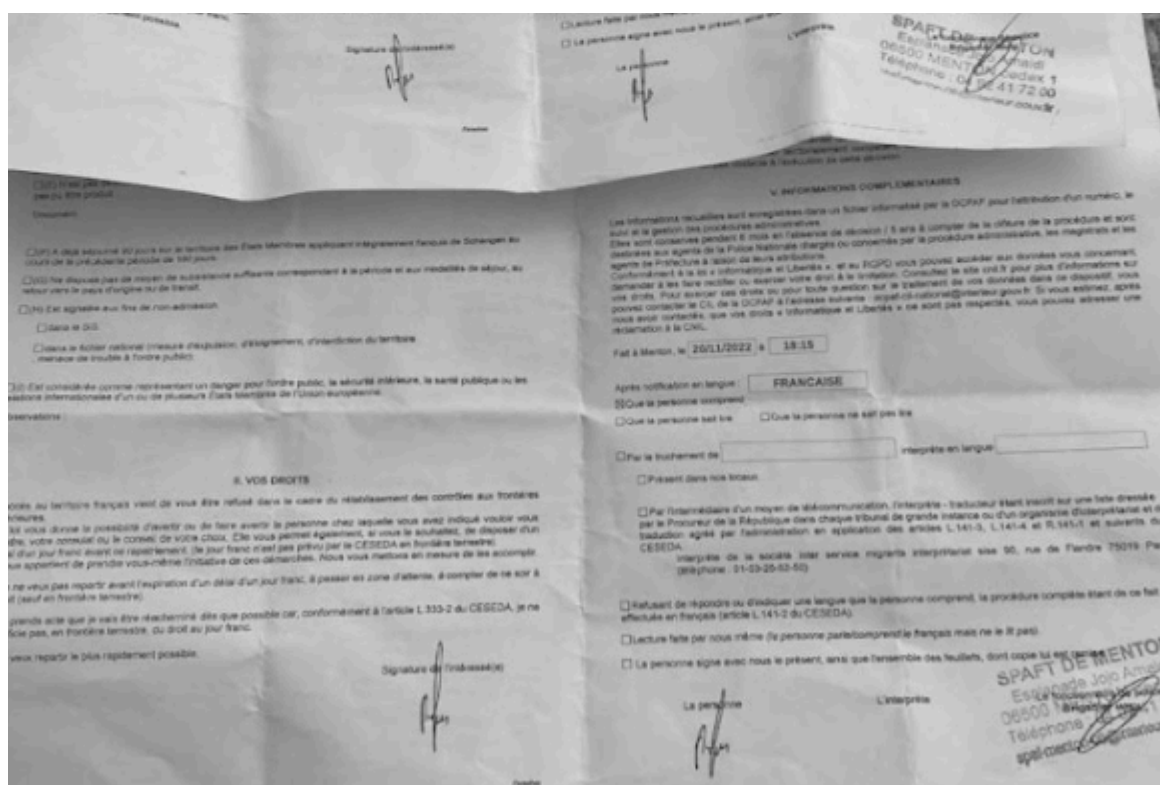


Photo taken by a volunteer for Stories in Motion.

These documents belong to two different people; hence the signatures should be distinct. However, they are the same. This suggests falsification.

²³ Gulzau, Fabian. "A 'New Normal' for the Schengen Area. When, Where and Why Member States Reintroduced Temporary Border Controls?" 2023. <https://doi.org/10.1080/08865655.2021.1996260>

²⁴ Ibid., 786.

²⁵ European Union. "Temporary Reintroduction of Border Control," Migration and Home Affairs, Accessed 4 June 2024, https://home-affairs.ec.europa.eu/policies/schengen-borders-and-visa/schengen-area/temporary-reintroduction-border-control_en

Schengen Borders Code & Pushbacks

In June 2015, France reinstated controls along its border with Italy, formally announcing this decision in October as a measure taken in preparation for the COP 21 Climate Conference.²⁶ Soon following, the Paris terrorist attacks took place leading to the declaration of a state of emergency and the extension of border controls until February 2016.²⁷ Since then, France has systematically renewed its temporary border controls, citing security concerns such as organized crime, COVID-19, and the ongoing threat of terrorism.²⁸ The European Commission reports that the last renewal has made the temporary border controls effective from May 1st, 2023, to October 31st, 2023 due to “New terrorist threats, increasing the risk of terrorist organizations present on national territory targeting the Rugby World Cup taking place in September and October 2023.”²⁹ As a result of its shared border with Italy – one of the main countries of first entry by sea for migrants – France is a crucial transit point and destination for migration flows. Suspending the Schengen Agreement and turning this internal border into a de facto external border makes it easier to perform identity checks and prevent undocumented migrants from entering French territory.

Many people who try to cross the border in Menton do not possess the necessary documents to enter the territory in light of reinstated border controls. However, the right to asylum is guaranteed under Article 18 of the EU Charter on Fundamental Rights; the scope of this right has been subject to various interpretations but at the very least it guarantees the right to seek asylum in any European country.³⁰ Thus, the right to make an asylum request is persistently violated along the Franco-Italian border such that border controls naturally involve the immediate expulsion of potential asylum seekers through an expedited “refusal of entry” procedure.

It must be noted that the Dublin Protocol can be interpreted as a partial justification for this practice, as the Dublin III Regulation establishes that all people older than 18 will have their asylum requests processed in only one country-- the first EU country in which their fingerprints have been taken.³¹ Exceptions to this rule can be made if the concerned individual has a family member who is legally permanent in another country of the EU or other specific reasons to apply for asylum elsewhere.³²

26 Colombeau, Sara. "Crisis of Schengen? The effect of two migrant crises' on the free movement of people at an internal Schengen border," 2258-2274. *Journal of Ethnic and Migration Studies*. 2020. <https://doi.org/10.1080/1369183X.2019.1596787>

27 *Ibid.*

28 Donadio, Giacomo. "The Irregular Border: Theory and Praxis at the Border of Ventimiglia in the Schengen Age." In *Debordering Europe*, edited by Livio Amijoni et al. 109-130. Palgrave macmillan, 2020. <https://doi.org/10.1007/978-3-030-56518-3>

29 European Union. "Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 and 28 et seq. Of the Schengen Borders Code" Accessed 28 May 2023. [11934a69-6a45-4842-af94-18400fd274b7_en \(europa.eu\)](https://ec.europa.eu/eu-external-affairs/press-room/press-releases/2023/05/23_01_en)

30 Moravčíková, *Strategic Litigation* (n. 2) 2018, accessed 20 May 2023, https://www.researchgate.net/publication/354436446_The_EU_Fundamental_Rights_Court_Accessed_20_May_2023.

31 European Union. "Country responsible for asylum application (Dublin Regulation)" Migration and Home Affairs, Accessed June 4 2024. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/country-responsible-asylum-application-dublin-regulation_en

32 Some of the other criteria in force are: having particular ties with another European country, having a residence permit from another EU country expired less than 2 years before, or a visa from another EU country valid at least 6 months before

Schengen Borders Code & Pushbacks

If those detained at the Franco-Italian border are already undergoing an asylum application elsewhere, French authorities are entitled to make an application for the return of the individual to the relevant member state.³³ Yet based on the observations of several NGOs, and corroborated by our research, such a procedure is not pursued at the Franco-Italian border, and instead, all irregular migrants who are detained in this zone are immediately returned to Italy in what is referred to as a 'Push-Back.'³⁴

For most people attempting to cross the border beside Menton, the place of initial fingerprinting is Italy. Migrants who arrive from the sea are transferred to so-called 'hotspot' centers where their fingerprints are taken and uploaded into a European database.³⁵ This database is called EURODAC and provides 32 states (EU member states, the UK, Iceland, Norway, Lichtenstein, and Switzerland) with biometrical data that enable them to assess the immigration status of a given person and country they were first registered in. However, it does not provide biographical data (place, date of birth, etc.).³⁶ Under Dublin, fingerprint data can be stored for up to two years in the Eurodac central system. By the end of 2018, there were 5.3 million fingerprint datasets in this system, 97% of which belonged to registered asylum seekers, whereas the other 3% related to irregular border crossing.³⁷ If a person refuses to provide their fingerprints, they are detained until they comply.³⁸

As noted, the Dublin protocol allows French authorities to reject asylum requests from those who have made an asylum request in Italy. However, French border police have no legal justification for systematically preventing asylum requests from being made. The Dublin protocol should not result in suspending the right to request asylum in French territory, yet it does in the Franco-Italian border zone where push-backs are immediate. Here, border authorities are granted the power to deport migrants arriving from Italy through an expedited procedure known as "refusal of entry."³⁹ This means adults who are detained as they attempt to enter French territory are frequently turned back without being informed of their right to apply for asylum and without the opportunity to seek legal representation. The right to asylum is not applied in this border zone, as has been observed by several organizations such as Tous migrants, Anafe, and Amnesty International, as well as public institutions.⁴⁰ This makes issuing a "refusal of entry," i.e., a pushback, illegal under international law.

34 Medecins Sans Frontieres, "Denied Passage; The continuous struggle of people on the move pushed-back and stranded at the Italian-French border." 2023.

35 "Fingerprints in Italy." Refugee Info, <https://italy.refugee.info/hc/en-us/articles/5388942556567-Fingerprints-in-Italy>. Accessed 28 May 2023.

36 Origin of asylum seekers in thousands - source EUROSTAT 2020. "Eurodac: The European Union's First Multinational Biometric System." Thales Group, www.thalesgroup.com/en/markets/digital-identity-and-security/government/customer-cases/eurodac. Accessed 27 May 2023.

37 Ventimiglia: Adesione Del Comune per La Rete Di Accoglienza Migranti ..., www.sanremone.it/2023/03/23/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-adesione-del-comune-per-la-rete-di-accoglienza-migranti-ecco-come-si-svolgera.html. Accessed 28 May 2023.

38 "Fingerprints in Italy." Refugee Info, italy.refugee.info/hc/en-us/articles/5388942556567-Fingerprints-in-Italy. Accessed 28 May 2023.

39 "France: Police Expelling Migrant Children." Human Rights Watch, 8 Nov. 2021, www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children.

40 Santomauro, Bastien Charaudeau. "At the French-Italian Border Legal Arrangements Evade the Right to Asylum." Institut Convergences Migrations, www.icmigrations.cnrs.fr/en/2022/03/28/defacto-032-01/

Mechanics of a Pushback

The following information was gathered through volunteer observation and discussions with local NGO actors:

Pushbacks from France formally occur at the higher border, an unassuming section of road overlooking the sea. On one side of the invisible line lies French border police and a temporary detention center; the Italian station is at most 100 meters away. Each day, police wait in the Menton Garavan train station and along mountain paths to intercept those attempting to cross the border. On a largely arbitrary and racialized basis, authorities ask people coming from Italy for papers or identification. If the necessary documents cannot be provided, police will take the concerned individuals to the French border police station.

Here, French police carry out an expedited refusal of entry procedure. However, if an individual is detained in the evening, they will first be held in the French station overnight and sent to Italy in the morning. After their release, people have reported being held in a small room with up to 50 other individuals. The border detention facility appears to lack the space and resources to allow everyone to lie down. Thus many people spend the night sitting on metal chairs or sleeping on the floor.

Rejected individuals are given a “refusal of entry” document on which their age is noted and which they are compelled to sign. French police do not have access to the biometric data of individuals and thus must ask detainees of their age when filling out this form. In many cases, we observed that they ignore the age provided when a person claims to be a minor. However, once rejected individuals reach the Italian station, their fingerprints are rechecked. The Italian police can access a biometric database through the Automated Fingerprinting Identification System (AFIS). If this shows the rejected individual is under 18, they will send them back to the French authorities. Otherwise, the individual will be released into Italy; this marks the completion of the pushback process.⁴¹ According to ANAFÉ, the refusal of entry procedure should include individual examination of those being rejected, the possibility to contact a lawyer or relative, and the possibility to request asylum.⁴² Instead, at the Franco-Italian border, there is no guarantee of rights for detained and rejected individuals.

⁴¹ Alessi, Carlo. “Ventimiglia: Riunione Del Comitato Di Sicurezza, Il Prefetto ‘Saranno Istituiti Punti Di Assistenza Diffusa per i Migranti.’” SanremoneWS.it, 23 Mar. 2023, www.sanremoneWS.it/2023/03/23/mobile/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-riunione-del-comitato-di-sicurezza-il-prefetto-saranno-istituiti-punti-di-assistenza.html.

⁴² Blanchot, Amélie, et al. Association Nationale d’assistance Aux Frontières Pour Les Étrangers, 2022, À l’abri Des Regards, http://www.anafe.org/IMG/pdf/lpl_-note_d_analyse_-_vf.pdf. Accessed 1 June 2023.

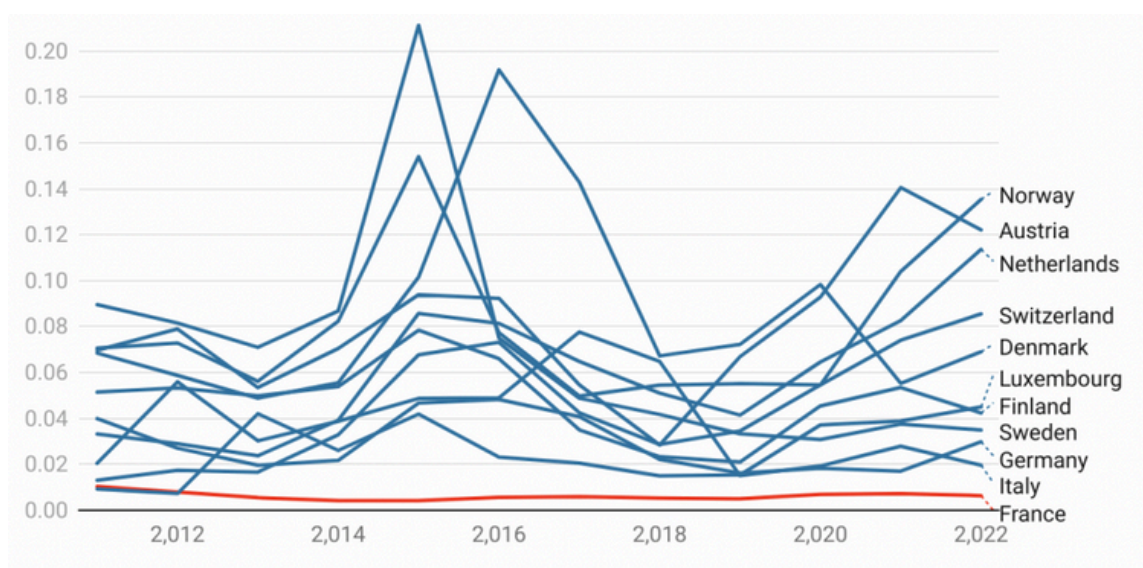
Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

The lack of legal clarity in French Border policy renders it indiscriminate in its treatment of migrants. Under international law and the Dublin protocol, unaccompanied minors on the move are entitled to different rights from adults meaning that even in the case of Schengen suspension or having already launched an asylum claim elsewhere in Europe, they should have the opportunity to enter and claim asylum in any European country. Indeed, their rights as children supersede all other factors.⁴³

In total, France receives a relatively high intake of Asylum claims. This is unsurprising considering the nation's shared borders with Italy and Spain– both countries of first entry. Though harsh border policy may mitigate the number of asylum applicants in France, it certainly does not succeed in 'keeping people out' overall. Nonetheless, the French mandate to push people back at the Franco-Italian border may result in the unjustified expulsion of unaccompanied minors from French territory. While the exact nature of French border policy remains largely hidden from the public eye, the number of unaccompanied minor asylum applicants in the country is revealing.

The data assessed in this section is from Eurostat, the statistical office of the European Union, which has an open-access database containing all the information on asylum claims made within the European Union.⁴⁴ This is the most comprehensive and unified data source on migration in Europe, offering specific information on the age and status of asylum seekers. At the same time, Eurostat comprises data collected by national entities. Thus there is no way to confirm that data is collected and documented in the same way across countries.

FRACTION OF ASYLUM CLAIMS MADE BY UNACCOMPANIED MINORS



The number of asylum claims made by unaccompanied minors – relative to the total number of asylum seekers – in 11 European countries from 2011 to 2022.

⁴³ Informed by discussions with a local migration law expert.

⁴⁴ European Union. "Eurodac Statistics" European data; data.europa.eu. Accessed March 2023.
<https://data.europa.eu/data/datasets/eurodac-statistics?locale=en>

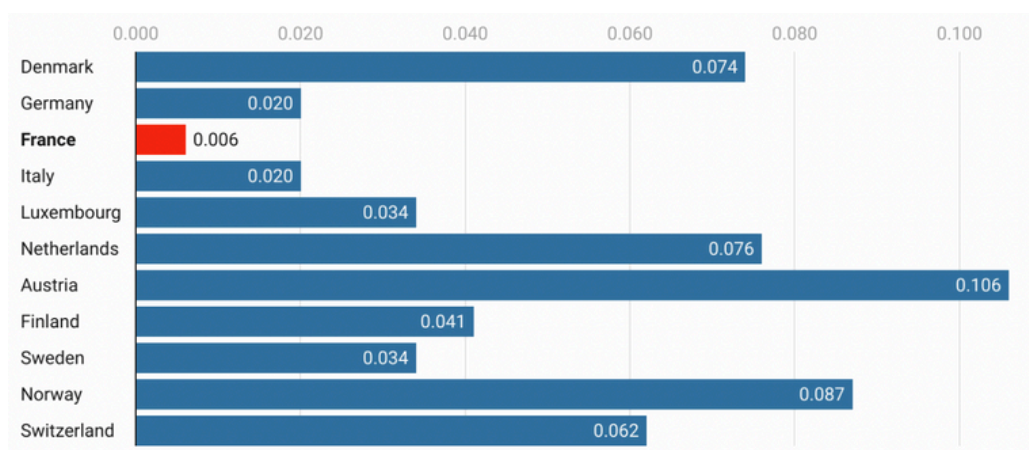
Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

This graph compares France to a number of other Western European states of varying sizes, which have experienced significant flows of migrants and which have suspended Schengen at some point since 2015. But the similarities between France and these countries end in the case of minor asylum seekers. The data is striking; asylum claims from minors in France constitute a relatively very low percentage of the total claims made in the country. The fraction of asylum claims made by minors ‘flatlines;’ it consistently represents under 0.01% of the total claims made.

The other European nations being analyzed may have at times prioritized asylum seekers who are unaccompanied minors, leading to peaks in the percentage of applications from this demographic, especially around 2015-2017. This appears not to have occurred in France.

It is important to note that the data is heavily skewed due to the vastly differing national responses to the Syrian crisis in 2015-2017. But even considering just the past four years, the average fraction of asylum seekers who are minors in France is significantly lower than in the other countries in this sample. Indeed, the fraction of asylum-seeking minors in France is a third of what it is in Germany and Italy and a 20th of that in Austria.

AVERAGE FRACTION OF ASYLUM APPLICANTS WHO WERE UNACCOMPANIED MINORS (2019-2022)

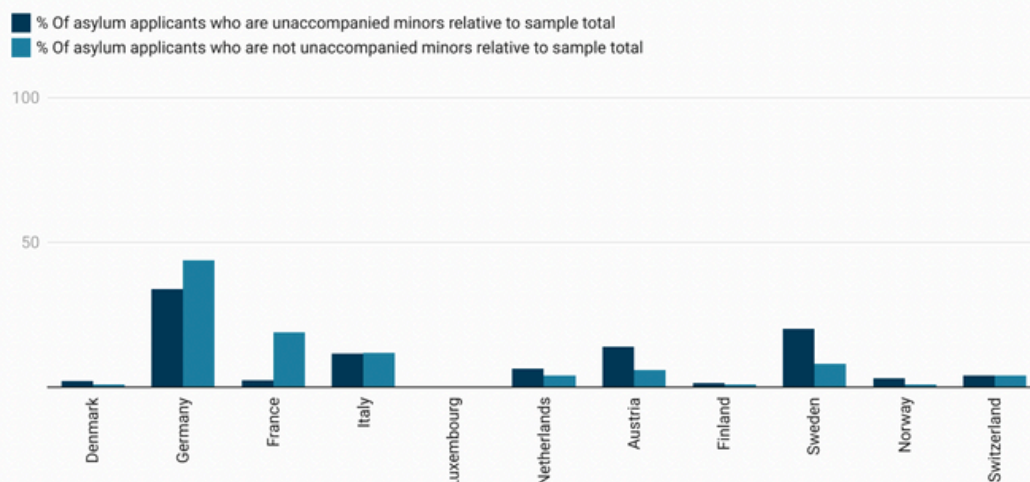


Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

This data does not suggest that France is ‘keeping unaccompanied minors out.’ However, it may indicate that France often subjects them to the same controls as adults. In contrast, other European countries perhaps apply a different standard to unaccompanied minors wishing to enter their territory. Returning to the ‘flatline,’ unaccompanied minor asylum applicants consistently represent a small fraction of France's general asylum claims. Under the Dublin Accord, the greater entitlement of unaccompanied minors to claim asylum would theoretically result in a higher fraction of claims from this demographic with each general influx of migrants, producing a data set with peaks.

COMPARATIVE DISTRIBUTION OF UNACCOMPANIED MINOR VS. NON-UNACCOMPANIED MINOR ASYLUM SEEKERS (2011-2022)

Aggregate unaccompanied minor asylum applicants per country as a percentage of the total number of unaccompanied minor applicants within the sample from 2011-2022. Compared to aggregate non-unaccompanied minor asylum applicants per country as a percentage of the total number of non-unaccompanied minor applicants within the sample from 2011-2022.



Additionally, as displayed above, in many sample countries, unaccompanied minor asylum applicants account for a greater proportion of the sample total (the sum of applications across all 11 states being considered) than non-unaccompanied-minor asylum applicants. Again, this perhaps demonstrates that unaccompanied minors are appropriately granted exceptions to the Dublin Accord or privileged over general asylum seekers regarding making an asylum request. While in France, general asylum seekers account for a relatively large percentage of the sample total, unaccompanied minors represent a relatively low percentage. Though a country like Luxembourg constitutes a low percentage of the sample total for unaccompanied minor asylum applicants, it demonstrates an equally low number of general applicants, representing the overall lower entry of people into this country. This data can be reframed in terms of burden sharing: while France takes responsibility for a notable percentage of asylum applications from adults and accompanied minors in the continent, it hosts a relatively small fraction of unaccompanied minor asylum seekers.

Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

This data alone cannot confirm anything concrete about the practices at the Franco-Italian border. It identifies an oddly low number of unaccompanied minor asylum seekers in France relative to general applicants, but this could be explained by many factors, such as minors not being interested in claiming asylum in France. Equally, the 'Flatline' appearance may be caused by how high the number of general asylum applicants is in France, as opposed to a particular deficit of unaccompanied minors.

This data would mean little if it wasn't corroborated by qualitative evidence collected by numerous NGOs,⁴⁵ including Stories In Motion. In the hours of observation we completed, many unaccompanied minors reported having had their names miswritten, their dates of birth falsified, their birth certificates ripped or taken away, their signatures forged, their birth dates changed, and their complaints ignored. Many people also reported being initially misregistered in Lampedusa or other arrival hotspots. We have witnessed firsthand the practices that could explain the French 'flatline': **A systematic and conscious deprivation of the rights of minor asylum seekers along the Franco-Italian border.**

An instance of such violations has been reported during a permanence on January 22, 2023:

A group exits the police station. They are wearing jackets, it's a cold morning. Despite the night certainly spent in a cramped cell, likely sitting upright, they look to be in good form. We strike up a conversation and explain that Ventimiglia is quite far; they will have to walk because no buses run on Sunday.

As we talk more, it becomes clear they are almost all minors; 16, 17, and one of them, 18. They show us their rejection papers. Falsified signatures and falsified birth dates; one by one, they explain their cases. The first boy steps forward, "I gave them my birth date, 01/05/2006, and they put 01/05/2004" he points to another section of his refusal of entrance, and "here, they signed in my place, that's not my signature." He hadn't even read the sheet he explained. He points to the papers of his friends, "they all have the same signature and all the same date of birth."

⁴⁵ January Report from French-Italian Border." PUSH, pushbackmap.org/2020/01/31/january-report-from-french-italian-border/. Accessed 27 May 2023.

Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

The right to asylum is established by the United Nations Convention on the Rights of the Child; Article 22 declares that “State Parties shall take all appropriate measures to ensure that a child seeking refugee status...receive appropriate protection and humanitarian assistance.”⁴⁶ According to a European Commission-funded study by France Terre d’Asile, the right to asylum is provided by a European and international legal framework that binds states to provide the right to asylum. Thus the failure to ensure minors’ right to claim asylum at the French-Italian border amounts to a violation of International and European law. France’s adherence to international legal frameworks ensures that its national legal institutions recognize the illegality of the pushback of minors. For instance, in 2018, the Nice administrative court ruled that sending minors who enter French territory back to Italy contradicted French law.⁴⁷ Indeed, the European Council on Refugees and Exiles maintains that Asylum-seeking children must be considered as children before they are considered asylum seekers. This means they ought to be awarded all the rights guaranteed to children in the United Nations Charter of the Rights of the Child.⁴⁸ The Nice court found that French authorities were guilty of “a serious violation of the higher interests of the minors.”⁴⁹

Beyond this, according to legal counsel Jacopo Colomba, the “principle Declaratif,” which is applicable in Italy and France, asserts that those who claim to be minors should be believed. This migration expert confirmed that the common practice of ignoring or falsifying the documents of minors at the border is illegal. Under “Principe Declaratif,” determination of a minor’s age can only be achieved through socio-medical assessment: border police have no authority to contest the claim of minor status. In fact, there is a standardized procedure for age assessment in France which includes the involvement of a cultural mediator and a social worker.

This procedure is rarely respected by the Polices aux Frontiere (PAF), as exemplified in this testimony from January 22. While holding up his rejection paper, a minor who will remain anonymous reported:

“My birthdate is the 23 of April 2007, they put the 23 of April 2004.” [Volunteer notes: He describes how the police wrote down a name that was not his own, how they held them overnight without food, only to send them back to Italy in the morning.] “With all this suffering, I ask myself why the French behave in this way, why are they cruel to us? We are minors.”

⁴⁶ DELBOS, Laurent. “Right to Asylum for Unaccompanied Minors in the European Union.” France Terre d’asile, www.france-terre-asile.org/images/stories/mineurs-isoles-etranangers/mi-an-consolide-web.pdf. Accessed 28 May 2023.

⁴⁷ “Nice Court Rules Sending Back Minors at Border Illegal.” InfoMigrants, 1 Feb. 2018, www.infomigrants.net/en/post/7327/nice-court-rules-sending-back-minors-at-border-illegal.

⁴⁸ “ECRE’s Work on the Rights of Refugee Children.” European Council on Refugees and Exiles (ECRE), ECRE’s work on the rights of refugee children | European Council on Refugees and Exiles (ECRE). Accessed 27 May 2023.

⁴⁹ “Nice Court Rules Sending Back Minors at Border Illegal.” InfoMigrants, 1 Feb. 2018, www.infomigrants.net/en/post/7327/nice-court-rules-sending-back-minors-at-border-illegal.

Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

Colomba reports that since the beginning of 2023, there has been an unprecedented number of unaccompanied minors along the Franco-Italian border, which has prompted a number of changes to border protocol. The Nice Prefecture and PAF have recently signed an agreement with "Aide Sociale à l'enfance" to propose a process for age checking in the pushback phase at the border.

Colomba seems skeptical of this development, asserting that the agreement is part of a series of countermeasures to avoid taking charge of minors in France. Indeed, it will provide a legal basis for the immediate rejection of those who claim to be minors, whereas currently, the practice remains illegal. Despite the numerous denunciations of the pushback of minors from both local and international humanitarian organizations, the French police have continued the practice.

This was the case for two people we encountered at the border on Sunday 26 March 2023, who both claimed to be minors. They reported that when they arrived in Europe, they were registered as minors in Italy– their country of first entry. They spent some time in a refugee camp for minors and still carried with them the paper with their number assigned by the camp coordinators, on which the word "min" from "minore" in Italian was written. They also had documentation with them (without their picture on it). Despite being registered as minors, they were not allowed to continue their journey and pass to the French side of the border because that day the "fingerprint machine was broken" according to Italian border authorities. Repeatedly, volunteers have observed that technical issues at border police stations are quickly used to justify the non-completion of due process. On March 26, 2023, we encountered another group of minors with documents proving their age who claimed to have been registered as minors in Italy:

Volunteer notes: The boys reported that they had left a camp for minors in Lampedusa as the conditions were unbearable. Given this, we approached the Italian police and asked why the boys were rejected. They told us the machine to check the registry for their age was broken and that they should come back the next day. When they returned the following day, they were allowed to pass into France.

Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

Volunteers observed many cases in which French Police forged signatures and dates of birth. One such case is detailed in this testimony from March 12, 2023:

Volunteer notes: A boy is released from the Italian police station at about 17:00. He tells us that the police have entered his age incorrectly. He was born in 2007, yet the police registered his date of birth as 2004. A second boy – the cousin of the first we are informed– relays a similar story, adding another detail; He has proof of his age and identity. The boy pulls a document from his pocket proving he was born in 2007.

The two boys wait for a while, they have a friend who has yet to be released. By this point, it's past 18:00, which means they will not make it in time to Ventimiglia for the food distribution. All at once, fourteen people are released from the Italian police station. Most of them look young. And indeed, as they pause briefly to speak with us, five more people report that their age was written incorrectly on their rejection forms. Three of them have proof of identity, a variety of cards, and booklets, all of which contain a photo along with their information.

At this point, we approach the Italian police station and ask if the fingerprints of these minors have been checked. The police tell us that yes, fingerprints were taken, and all of the boys are registered as above 18 in the system. Returning to the boys with this news, we are met with confusion. We ask them if their fingerprints had been taken before, and they tell us that, yes in Lampedusa, prints were taken.

One boy explains that here, police also ignored the birthdate he gave them and registered him as 18. Another boy says that he encountered the same experience. However, he maintains that this issue was corrected in Milan, and he was re-registered as a minor. We cannot corroborate this account. However, he also had identity documents proving his age.

Especially in cases where individuals can present documents that prove their status as minors, it should not be at the discretion of French border police to determine whether these documents are sufficient proof of minor status. Once again, they have a responsibility to treat those claiming to be minors to a socio-medical assessment. Ultimately, French police have no legal authority to arbitrarily determine who is a minor, however, our observations confirm that police are exercising this authority.

Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

At the same time, the issue of an incorrect age registry in Italy, preventing recognition of minor status at the French border, was prevalent throughout this study. In March and April, volunteers reported encounters with minors who were registered as adults in Lampedusa. Concurrently, Lampedusa is facing immense capacity challenges, receiving four times as many new arrivals between January and April of 2023 as the same period in 2022.⁵⁰ A testimony from April 30, 2023, suggests that this is contributing to the increased incorrect registration of minors:

Volunteer notes: It is raining, lending to an already exhausted atmosphere. People huddle in groups under the meager awning of the police station. Already, the morning has been tense as the Red Cross has stopped coming to the border– their vehicle is broken and it's unclear when they will fix it. All at once, a large group of men are released. Some look very young; we approach a group of three and ask their age. The boy in the middle says he is 15, while the two boys with him say they are 16. Yet all of them were registered as 19 in Lampedusa. They report that authorities there told them there were too many minors and thus marked down their birth year as 2004. Now, they are formally recognized as [adults] by the Italian registry– a fact which prevents them from accessing their right to asylum in France.

Though this illegal incorrect registration does not occur at the Franco-Italian border, it is a relevant pattern to recognize in this report as it ensures the perpetual deprivation of fundamental rights for unofficial minors throughout the EU. Time and time again, we have encountered children who ought to be allowed to claim asylum in France, trapped in Italy due to their incorrect registration in Lampedusa. Under the European data-sharing arrangement, the age under which an individual is initially registered has implications for their treatment across the continent as a whole. Even when an individual has documents to prove their status as a minor, an incorrect registration justifies their rejection from French territories. Though it is possible to change the age under which an asylum seeker is registered, this is a lengthy and demanding process that requires the support of a lawyer.

It is important to note that these practices of arbitrary rejection and document falsification are made possible by the disclarity of law in the border zone, where several legal frameworks converge. Paired with the continual update of European and French migration policy and the suspension of Schengen, authorities are given a wide margin for legal interpretation and selectivity in this zone. Thus, though the French police are individually responsible for continuously violating both French and international law through the pushback of minors, poor legal infrastructure at the border also facilitates the practice. Combatting this well-documented violation of rights cannot be accomplished simply through the condemnation of authorities, rather a unified legal framework– which conforms to European and International human rights requirements– must be constructed and applied in this region.

50 "Italy Declares State of Emergency to Deal with Rise in Migrant Crisis." Marine Insight, 13 Apr. 2023, www.marineinsight.com/shipping-news/italy-declares-state-of-emergency-to-deal-with-rise-in-migrant-crises/. Wallis, Emma. "Italian Coast Guard Rescues Thousands of Migrants over Easter Weekend." InfoMigrants, 11 Apr. 2023, www.infomigrants.net/en/post/48120/italian-coast-guard-rescues-thousands-of-migrants-over-easter-weekend.

Racialized, Systematic, and Militarized Border Control

On Monday, February 6, 2023, a commemoration of migrants who lost their lives attempting to cross the border took place in Menton Garavan, an area in the town that lies around 1 km from the border (see Figure 2). This commemorative event was a memento of the horrendous killing of at least 15 migrants at the Spanish border in Ceuta, which took place on the same day in 2014. This is far from being an isolated circumstance, for instance, the local Franco-Italian border has also claimed many lives.

Figure 2

Photo of commemoration of migrants who lost their lives trying to cross the border.



On November 7, 2022, 19 years old Ahmed Safi died on the highway after a collision with a truck.⁵¹ Yet another death at the Franco-Italian border occurred on January 9, 2023, when a suspected migrant was found dead on the roof of a train at Menton train station, and the likely cause of his death was electrocution.⁵² Electrocution and incidents on the highway are not the only deadly threats for migrants seeking to cross the border to France. Strengthened police and military presence spurs migrants attempting to cross the border to resort to more and more dangerous means of doing so, such as taking unsafe mountain paths at night and facing the ever-present hazard of falling to their death from a cliff, hiding on top of the trains with the high risk of being electrocuted or walking on the tracks and facing a potentially deadly collision with a train.

51 Fischetti, Antonio. "Les encombrants cadavres des migrants à Menton." 1587 (2022). Accessed on May 28 2023.

52 "Suspected Migrant Found Dead on Roof of Train Arriving in France." InfoMigrants. 11 janv. 2023. Web. 28 May 2023.

Racialized, Systematic, and Militarized Border Control

On April 8th, in the center of Menton, we found a man who asked us to call the ambulance for him. It was 3 am. He was cold and seemed very stressed out, and when we asked him what he needed an ambulance for, he told us he had fallen while running and that his legs and his stomach were in pain now. When the emergency medics picked up the phone, we were asked about the specifics of the accident and the man's name. We gave him the phone so he could tell the woman from the hospital. He told her his name, and as it clearly did not seem like a French name, she asked him whether he had any legal documents and how he arrived in France. He explained to her that he had been running on the train tracks when crossing from Ventimiglia to Menton. After the fall, he had to walk for another hour to get into Menton. He also denied having any official documents on him. After the call, we waited for the ambulance together. After fifteen minutes, the police arrived and asked us whether we were the ones that had called the police. We confirmed and asked the police officers (there were three of them) when the ambulance would arrive. One police officer called the ambulance again and was told they would not come, as the police were now with him. The police officers started asking him questions. He repeated what he'd told the hospital on the phone. When he told them that he had fallen on the train tracks, they responded that walking on the train tracks was dangerous and that he should avoid doing that. One policeman then urged him to stand up, as he wanted to see whether the man was actually hurt. He commented that the man seemed in good shape and that he couldn't see anything on his pants that would indicate that he had actually fallen. The policeman even made a comment saying "oh, tu nous fais un spectacle ou quoi?" ("You're putting up a show or what?"). When we demanded that a doctor assess how serious the man's pain and injury were, the police didn't reply. The man eventually pulled up his pants, and you could see a bloody cut on his lower leg. He added that this was not the main source of pain, as he had mainly hurt his upper leg. Eventually, the police told him that he had to go with them and that they would be the ones that were responsible for taking medical care of him now. He left with them. The next day, he contacted us on WhatsApp. He told us that he was feeling better but that no one at the police station had shed another look at his injuries. It was also that day that he tried again to go from Ventimiglia to Nice, which he managed to do. He later informed us that he felt very sick when he arrived in Nice, so he went to the police there. They sent him to the hospital in Nice, where he was treated for a few days. He told me that this concerned not his injury from the first night but that he had an illness that needed treatment.

Racialized, Systematic, and Militarized Border Control

Another volunteer report describes meeting an injured migrant on April 16th on the upper border:

We encountered a 19-year-old Tunisian man who was injured. A van with military men (presumably Italian military) dropped him off. He was not asked to sit at the border police station but was given the paper explaining why he was rejected. He walked towards us with a limp, his ankle was wrapped, and he had one crutch that was visibly too short for his height. When we approached him, it was clear that there were new scars over both his arms. These scars were visibly very fresh and red. His foot, with the broken ankle, had turned another color. We asked if he wanted us to call him a taxi, but he had no money. When we talked to him, he told us he had fallen while crossing the mountains that morning. When he saw the military approaching him, he ran and slipped down a slope. It was the military that helped wrap up his ankle. The Italian police could clearly see that he was in pain and had difficulty walking, yet they still did nothing to help him. He told us that they did not call an ambulance for him.

Even on these dangerous roads, militarization is becoming more and more omnipresent. Crossing itself is not the only danger migrants coming to France might face, as reports of police violence are numerous. ⁵³

After the series of terror attacks between 2015 and 2016, French laws concerning when police officers can shoot their weapons changed from strictly in cases of self-defense to “in cases of absolute necessity and in a strictly proportionate manner.” One of the most infamous cases in the area was the shooting of Omar Elkhoul. On Sept. 7, 2022, another fatal shooting occurred in Nice. The victim was a 24-year-old Tunisian man, whom police allege was driving a stolen vehicle and refusing to obey an order to stop. A video circulating on social media shows an officer firing his gun toward the car’s windshield as it backs away from him. On the same day, a 22-year-old woman was fatally shot by Police in Rennes during an anti-drug operation. A report from the IGP published in 2021 found that the frequency of officers “firing at vehicles in motion” has increased from an average of 119.2 instances annually from 2012–2016 to an average of 165.8 from 2017–2021. This is a statistically significant increase of approximately 39% from 2012 to 2016. ⁵⁴

⁵³ Kesha Niya Kitchen. “New Report: We Have Listened to an Impressive Amount of Violence Stories in This Week of Christmas.” Kesha Niya, 28 Dec. 2020, keshaniya.org/2020/12/28/new-report-we-have-listened-to-an-impressive-amount-of-violence-stories-in-this-week-of-christmas/.
⁵⁴ Aherne, Saoirse. “Police Shoot Undocumented Individual in Nice: The Killing of Omar Elkhoul.” Series in Motion, 2023. storiesinmotion.glitch.me/omar.html

Other times when migrants are not subjected to outright violence, they might face psychological abuse or cruel treatment, as this observation from April 30th shows.

A woman from the Cote D'Ivoire and her son, who looks to be about 4, arrive at the Italian station from France. They pause outside the station and appear to discuss with police, then they walk back in the direction of France only to return about fifteen minutes later. When they are released from the Italian station, we approach them and offer them tea. We begin to discuss and the woman informs us that the French police took her son's medical documents which are very important. Her son had fallen severely ill when they first arrived in Italy; he was hospitalized and at one point in a coma. The papers which documented this experience and his condition were taken by the French police and not returned. This is why the woman and her son had returned to the French side of the border- to ask again for the papers. She reports saying to the French officer "You are cruel" to which he replied "yes, I'm cruel." (translated exchange).

Death Path

From Ventimiglia, an asphalted street overlooking the sea takes, by foot or by bus, to Grimaldi, the last small village located right where Italy becomes France. The bus stops at the intersection of two roads. One of them steeps up and leads to the small center of the village, before turning into a tortuous path up the mountain. The village is called Grimaldi and it is one of the beginnings of the Death Path.

"Ah I see, you're looking for the pass. I don't know where it is. I see many of those, you know, extracomunitari ⁵⁵ looking for it. But I don't know where it is" says a woman who lives there, when asked for directions. As soon as the road enters the forest, lying on the ground among rocks and grass is an endless trail of the most diverse objects, traces of previous human movement. There are documents, train tickets, clothes and toothbrushes, food wraps, and baby diapers. There are arrows spray painted on rocks and trees. They say, "don't go there, it's too dangerous," or "France is the other way." There's an abandoned farm where some have spent a night waiting for the dark to cross the border.

On the Death Path, cliffs are as high as 100 mt, the road is steep and narrow, and it must be walked at night, to reduce chances of being seen by the police. Drones and helicopters monitor the mountain of the Baisse de St. Paul, which leads to Col du Berceau, and police patrol the trail. Not everyone is an experienced hiker, and it's relatively easy to get lost on this mountain, despite the directions people have left spray painted on the rock. One must keep to the right, as even though the first French city, Menton, looks close, it can't actually be reached directly from above without risking being stuck or falling from a cliff.

⁵⁵ Meaning non EU-national, illegal immigrant (translation by authors)

Death Path

Author and historian Enzo Barnabà, who lives in Grimaldi, told us that the path has been called "Passe du paradis" (Heaven pass) due to a mistranslation of the Occitan word "Paradoux", which actually indicates an aqueduct. This isn't the first time that people use the path to cross the border. During the war and after racial laws were enforced by the Fascist government in Italy, the border started seeing the first mass migration waves, and identity checks were implemented. However, the nature of the border changed during Fascism as the objective of the regime was to prevent its citizens from fleeing the country. According to Barnabà, this is when a major shift in the economy of Ventimiglia happened, as people resorted to trafficking and other illegal activities. Based on his archival research, the border has changed and shifted, and seen differences in the people who crossed it, from Italian Jews to Yugoslavian refugees, Middle Easterners to Sub-Saharan Africans. What hasn't changed, in his opinion, is the fact that this border pass represents what he calls a "colonization of the imaginary": those who try to cross the border do so because they think that going to France is going to improve their life, which is increasingly less the case.

The stakes of attempting to cross via the mountains are high. Castellar is a small village perched on the heights of Menton on the French side of the Death Path. The Italian border is about two kilometers from Castellar and at first glance it seems that neither police posts nor patrols are monitoring the border. However as we follow the road that ascends along the municipal cemetery, the first signs of reinforced border surveillance appear. The cemetery's Chapel of Saint Sebastian is filled with military equipment, backpacks, semi-automatic rifles, and what appear to be folding beds leaning against the walls that can be seen. It seems that the cemetery serves as a base camp for law enforcement operations where a group of CRS are kept on standby to act and repel any attempt to cross the border.

If we continue to climb along the path that encircles the Roc d'Orméa, no abnormal activity is to be reported, nor across the path that climbs up to the Passo del Corne, the pass that delimits France from Italy. There is only a white helicopter, different from those of the tourist companies, recurrently circulating along the border (observed approximately every half hour). It appears that aerial patrols are used to coordinate action with the military, and we cannot exclude the existence of other means of detection, such as sensors. In the whole day of our observation, we did not encounter any migrants attempting to cross, but it cannot be ruled out that they take different paths or attempt the passage during the night.

Death Path

Indeed, on Wednesday, March 8, at ten o'clock at night, the hypothesis of the presence of armed forces hidden in the mountains was clarified. Indeed, there is a path from Sospel that goes up the mountains and reaches the border with the Italian border, where two paths (the one coming from Sospel and one coming from Italy) intersect and start descending to Menton (a village located on the French side of the border). On this path, one of our observers was walking with a flashlight. Upon being seen, two young armed military men came out from a bush and asked them if they were lost. They were polite and gave them directions. In any case, this proves a militarization of the mountain path to Menton. We are currently not aware of the precise guard posts in the Castellar sector.

On February 23rd, 2023 a 60-year-old man from Ethiopia was declared missing on the Death Path; officials were alerted of his disappearance, as well as the fact that he has mobility problems. According to Barnabà, the responsible authorities for rescue services are those on the side where the person was first lost track of, which in this case was Italy. However, despite being informed, the fire brigade claimed unaware of the disappearance. "It was probably my colleague from the earlier shift who took the message, I know nothing about this", said one fireman when asked about what efforts were being deployed to get ahead on the search and rescue of the 60-year and.

A similar occurrence was reported by civil society actors who on May 6th, 2023 reported that:

A man got stuck on a cliff's edge on the Death Path. After at least 2 hours, the helicopter arrived. They took a long time to figure out whose responsibility it was (France or Italy) while the man kept screaming in panic. We asked the firefighters if it was not possible to use a megaphone to explain to him that the helicopter would arrive soon. They told us that he would not have heard and, anyway, they would have arrived soon. Yes, we said, but he is in a panic and doesn't know that, but we received no answer. Finally, as the boy started to panic and scream more and more, a policeman with a powerful voice shouted at him to calm down because help was on the road, and he calmed down. The French rescuers arrived at 8.25 pm. They saved him and brought him to Menton. Journalists on the scene said he had been screaming since 6 p.m.

Death Path



In the pictures

A trail on the Death Path, and an abandoned house used as shelter by those attempting to cross through the mountains.

Below: an arrow indicating the direction of France.

Credits: Federica Ballardini



The Consequences of Border Militarization

The border has clearly been subjected to increasing militarization since 2015. Right now, multiple police forces are operating on the ground, including the French Police aux Frontières, the CRS, the Gendarmerie, the anti-terrorist Force Sentinelle, the French National Police Reservists, the Italian border police, the Italian railway police, the Italian military and various private security services.

The militarization of the border is aimed at preventing people from crossing the border illegally. Yet we did not observe this deterring passage of the border, rather migrants perpetually resort to illegal and increasingly dangerous means of entering France. On March 12th, 2023, an activist reported having heard from a group of four migrants who had managed to cross the border from Ventimiglia to Nice, France. However, for 4 people who make it, dozens don't; the militarization of the border is not correlated with a decrease of immigrants in France, but only with an enhanced reliance on more dangerous crossing practices. One of them is that of "passeurs" (in English, human traffickers or smugglers), very controversial figures in the dictionary of immigration. During our border presence, we have also encountered some:

On February 12, 2023, around 14:15, a man, whom we highly suspect to be a passeur, arrived at the border and conversed briefly with us in Italian. He was wearing expensive clothes and said he had spent the last nine years working in Ventimiglia and was originally from an Arabic-speaking country. One of the two refugees we spoke with in the last minutes implicitly "accused" him of being a passeur. After that, the alleged passeur said to the two guys, "venite" (come), they followed him into his car and left together. He returned 15 minutes afterward and did the same with three other refugees. After another 10-15 minutes, the same two initial refugees arrived walking, explaining that the passeur had dropped them on the road a few meters after taking them in because they had no money with them.

On March 28th, 2023, 13 smugglers were arrested in a joint operation by the Italian and French border police, called "Operation Pantograph,"⁵⁶ as migrants were smuggled via trains directed to France and hidden in different parts of the trains, including the electric pantographs on top of the railway cars, with a high risk of electrocution. We visited the bridge by the Roya River in Ventimiglia to ask people who reside there what they thought of the operation. Many said that the operation was a façade, the police had taken people randomly, that they weren't traffickers but just migrants residing like them under the bridge. We don't have the information to corroborate this statement, but we do want to underline the seemingly arbitrary arrest practices, the failed disclosure of the charges and proof of accusation from the side of the police.

⁵⁶ "Frontiera: 13 arresti nell'operazione "Pantografo"". Polizia di Stato. N.p., s. d. Web. 28 May 2023. .

The Consequences of Border Militarization

The police is one among the very few state-affiliated institutions that deals first-hand with migrants. An independent volunteer in Menton whom we interviewed, underlines the lack of the state's presence at the Franco-Italian border which does little to ensure that the people pushed back to Ventimiglia are provided with accommodation, legal aid, along with decent sanitary and living conditions. This leaves everything in the hands of local NGOs, who, despite constituting a supportive net of 25 associations who, last year, distributed 45000 meals, have limited resources and energy.

A paradoxical consequence of the state's negligence towards the needs and rights of the "sans papiers" and the police's behaviors is that people on the move see themselves forced to resort to smugglers. Several people have emphasized the fact that they have been put in danger, blackmailed, or scammed by smugglers, as reported in the testimony below.

On February 12th, 2023, we met a 17-year-old Egyptian boy whom the French police had pushed back despite a document stating that he was a minor. He was going to France to live with his uncle, who lived there and allegedly had legal papers. While he was on his own in Ventimiglia, before trying to cross the border, two Tunisian men approached him and claimed to be able to help him cross the border. They said that they would bring him a car and that they would drive him across the border. He was holding 500 euros and his phone in his hand. The two Tunisian men snatched the money from his hand without his consent. He then gave his phone to the two men, as they claimed that was the price to pay to cross the border. The two men never came back, and hence he lost his phone and all his money.

Our anonymous interviewee expressed that it's not so much the presence of migrants but the closure of the border that produces effects such as the presence of violence and smugglers. She has been living in Menton since 2011, so she has seen the transition from a Schengen to a post-Schengen system. "At one point, there were about one hundred sixty thousand people in Ventimiglia, the city couldn't handle it – she says. The whole trafficking thing was set up because of it: if there weren't this problem of border closure, there wouldn't have been smugglers. There wouldn't have been all the abuses and violence because people can't cross. (...) Everything will be this way so long as this border will continue to be closed."

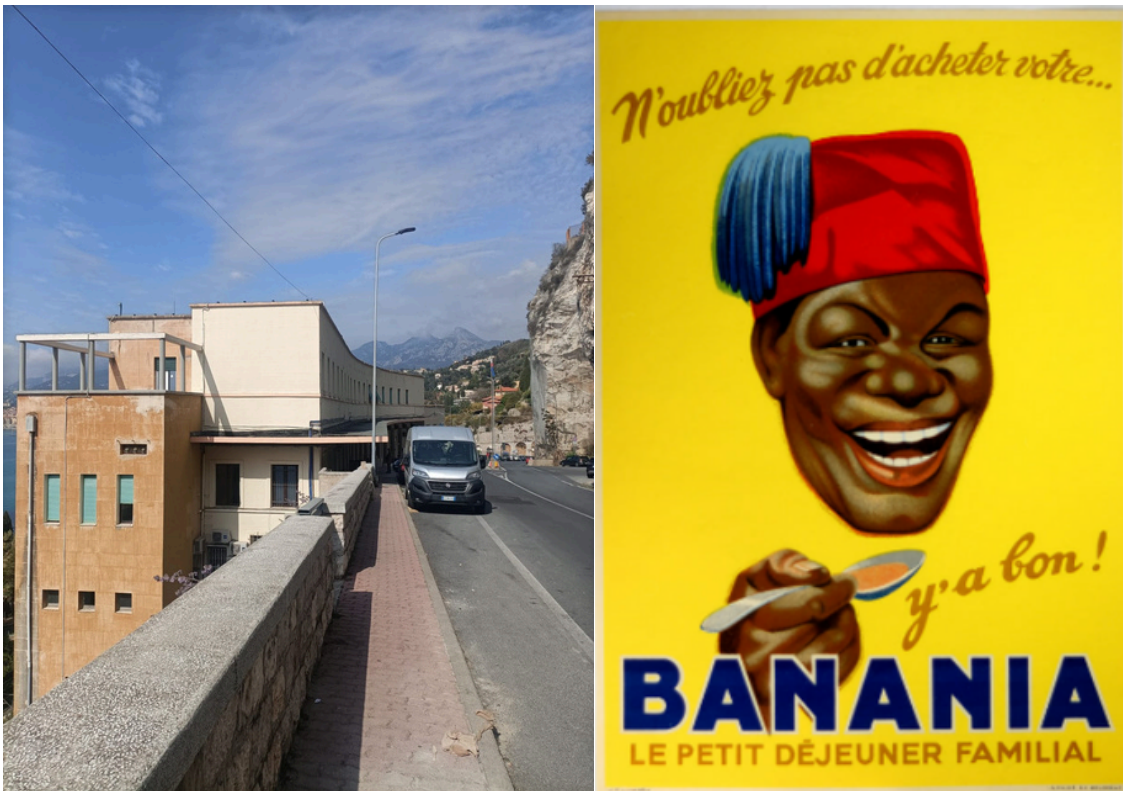
Another implication of the Schengen suspension and its consequent systemic border control is the arbitrary basis on which identity checks are effectuated. Systemic controls don't signify that the police are forced to check everyone's documents but simply that they can perform them at their individual discretion, which has brought about a pervasive issue of racial discrimination and racial profiling. This dynamic is felt by migrants especially, but by inhabitants of the region alike, who have reported being subjected to ID checks more often if they displayed "non-western" anatomy.

The Consequences of Border Militarization

In the Menton Garavan train station, an undocumented person was reported by a volunteer to have been stopped and forced to get off the train by French police. The person was demanded aggressively to move towards the police van that takes people from the train station to the PAF. The police officer screamed at the person that he was saving his life by not allowing him to go to Nice. He further insulted him by calling him "Y a bon banania" repeatedly. This is an advertising character for the Banania brand of cocoa powder, drawn in 1915 by the artist Giacomo de Andreis.

In the pictures

On the left, the Italian border police station and on the right, the racist advertisement that the policeman in Menton Garavan referred to.



In Summer 2023, part of the Stories In Motion team will work with the Italian ASGI Medea association (a group of migration jurists), to expand this section on racist border controls by collecting quantitative and qualitative data that will be compiled into a report and sent to the Committee on the Elimination of Racial Discrimination.

Deprivation of Basic Rights in Border Holding Facilities

Although this report focuses on the study of the French-Italian border, it is important to note that many of the people who decide to leave Italy to enter France do so after having spent weeks inside a refugee camp. We have collected several testimonies denouncing the living conditions inside these camps, with inadequate food, hygiene, and health services.

On March 5, 2023 "Some people who were held at the Italian border police station, waiting for the Red Cross to arrive to take them to Ventimiglia, commented on the reasons why they wished to leave/escape from Italy. They were terrified of being sent back to the refugee camps, which they defined as hell on earth. They commented on the lack of good food (they were given only small portions of pasta), the lack of medical care and the unsanitary conditions in which they were living."

Once people leave a reception camp in Italy for over three days, going back is very difficult. Most people we encountered seemed to be aware of this, which might indicate that they still preferred losing this service and trying to cross the border, rather than completing the asylum process, which may take several months and end in a negation of this status.

On Sunday, April 30th a volunteer reported: "A group of women from Cote d'Ivoire exit the police station. Today, the Red Cross will not be coming as their vehicle is broken. One of the women is pregnant and has a baby who is around six months old strapped to her back. She seems eager to speak to us. She describes how she and her friends had been staying in a refugee camp in Italy. The conditions were horrific, she reports. No diapers for her baby, nowhere to wash her clothes, 60 people crammed into a small living facility, no hot water or wifi, not enough food nor any medical services. She repeats that she is pregnant. Her health declined while she was in this camp, 'look at my skin' she says, 'I am unwell.' In such conditions, she had no choice but to leave. In such a place, her baby was not healthy nor safe. Later in the morning, we encountered three unaccompanied minors who had left a camp in Lampedusa. They reported similar unlivable conditions: scarce food, overcrowding, and lack of hygiene services. One boy tells us he had to dig through garbage to find the clothes he was wearing."

This last testimony, in turn, illustrates the need to implement a transport system on Sundays from the Italian border to Ventimiglia. It is a 1 hour and 48 minute walk from the Border Police to the first town in Italy, Ventimiglia. On weekdays, there is a bus that takes you from the border to this village.

Deprivation of Basic Rights in Border Holding Facilities

However, on Sundays, there is no bus line passing through meaning that on Sundays, women with babies and children, and people who are sick or weakened by hunger, are forced to make the walk to this town under all weather conditions. The only option left is the Red Cross, which, on Sunday mornings, is supposed to pick up families with young children at the border so that they do not have to walk.

On February 18th, 2023, a woman in her twenties reported foot pain due to a fractured bone, which prevented her from walking to Ventimiglia. Given that it was Sunday, she awaited the arrival of the Red Cross to avoid walking. Meanwhile, her brother, residing legally in Nice, promptly boarded a train from Nice and journeyed to the border with the intention of providing support and assistance. Regrettably, they could not locate each other at the train station, as the Red Cross van arrived and the woman decided to leave the Italian police station in it, so they missed each other.

However, the arrival of the Red Cross does not happen automatically every Sunday. In theory, the Italian police are in charge of calling the Red Cross if there are people on the move with children or women with mobility difficulties. However, even under the insistence of the project's volunteers, it is sometimes difficult to enforce this precisely.

At nine o'clock in the morning, the Red Cross van had still not shown up. There was a family with a baby and a pregnant woman who had been waiting since eight in the morning for the Red Cross to arrive. It was preferable for them to have an automatic transport available. Together with another volunteer, we decided to ask the Italian police to call the Red Cross organization in Ventimiglia (the NGO prefers the border security agents to call) and they replied that we had to wait, and that the van would arrive later. About forty minutes later, the van still had not shown up. I had to go and insist, standing in front of the front door of the building so that the Italian police would call the Red Cross. The volunteer who answered the call told the Italian police that they could not assist that morning because they were overwhelmed. If it had not been for an independent volunteer's car, all these vulnerable people would have had to walk all the way.

July 31st, 2020 marked the day of the shutting down of Camp Roya in Ventimiglia. This Red Cross reception center had been a haven for those in transit, having housed 800 people during the height of the humanitarian crisis. Migrants could shower, eat and pray in the camp's facilities.

Specificities of PAF's Provisional Border Holding Facility

While officials cited the COVID-19 pandemic as the reason for these closures, as of 2023, there has yet to be a new reception center. The closure of this camp has exacerbated the harsh conditions that migrants in Ventimiglia face daily. Cristian Papini, director of Caritas Ventimiglia, one of the largest aid organizations in Ventimiglia, told the press that “after the closure of the transit camp, the situation deteriorated and today public institutions are absent. The people who arrive are tired, they are losing hope.”⁵⁷ The Red Cross has requested permission to reopen its camp, but the local prefecture has continuously denied it.

As multiple human rights organizations have noted, the current suspension of the Schengen agreement and the consequent transformation of this internal border into a de facto external one has a series of implications for practices inside the police stations' holding facilities and practices during the pushback at large. According to Agnes Lerolle, part of the CAFI project, ever since the suspension of Schengen in 2015, this de facto external border has allowed for systematic identity checks and for expedited readmissions (the pushback procedure that we outlined in section 2), without however upholding the rights that people should have at such border zones, such as the “jour franc”, a day in which people who are being detained should have access to legal and medical assistance. Moreover, in this context we see a deprivation of freedom: the confinement in border police premises (PAF) during the night is not recognized formally in this border zone. As ANAFÉ reports, police confinements are categorized as “mise à l’abris” (shelter), which is not formally a concept in French law.⁵⁸ Migrants who try to cross the border and are stopped are taken to the French Station called Police Aux Frontières (PAF), and if their refus d’entrée is not processed in time before closing hours, they will spend the night in an informal detention center, often defined as a prison. Colomba told us that more than a “legal gray zone” it’s a “legal black hole”.

The border zone can be qualified as such based on accounts of people we have met, such as a woman from Nigeria who, on March 19th, 2023, told us how she and her family “can always cross the border because we have a French recepissé. I don’t know what happened this time but they didn’t let us through, even if they usually do thanks to the recepissé.” The woman told us the police made her sleep at the Menton Garavan train station. A few days later, we met her again at SaveTheChildren and she added that the French police had separated her and her child from her husband, bringing her husband to sleep at PAF and letting her and her child sleep at the train station.

⁵⁷ “Abandoned at Italy's Borders: Stories of People on the Move | MSF.” Médecins Sans Frontières (MSF) International. N.p., s. d. Web. 28 May 2023.

⁵⁸ Pesselier, Emilie. “Enfermement illégal à La Frontière Franco-Italienne : Le Conseil d’Etat s’en Lave Les Mains [Communiqué de Presse Inter-Associatif].” Anafé, 28 Apr. 2021. www.anafe.org/spip.php?article600.

“Les lieux d’enfermement à la frontière franco-italienne.” Web: https://ferme.yeswiki.net/fermons_les_zones_d-attente/?PagePrincipale [consulté le 31 May 2023].

Specificities of PAF's Provisional Border Holding Facility

A very similar situation was reported by a volunteer about a 33-year-old man on October 16th, 2022: He had "domiciliation" (domicile) in France, proof of residence (or residence permit - "recepissé"), but he was still taken by the police [whether his documents were expired or invalid is unknown]. He told us that there were "more than 50 people in the French police station that morning and the police forced them to sit even though the rooms are small and there's no space."

On April 30th, we met a group of minors who told us that the Italian and French authorities did not leave them much time to express that they were not of age. Especially if the biometric data in the database shows that they are older than 18, because they were registered as soon as they arrived in a first-entry European country, the chance that police will double check this information or listen to their opinion is low.

On the same day, October 16th 2022, a man from Guinea told us: "I have never spent a night in the PAF police station - I'd never do that. I took the train from Ventimiglia in the morning. The French police are much worse than the Italian police; this is of course my experience, not a general statement. At least the Italians don't put you in prison. First, they (the French) colonized us, and now this. The Italians are fine, the French are racist. I received a "refus d'entrée"; I understand what it means because I've seen the document before. But they didn't explain it to me. Another man with me refused to sign it because he didn't understand what it meant."

Because a "mise à l'abris" is not a CDA/CRA (Centro di Detenzione Amministrativa in Italian and Centre de Rétention Administrative in French, Administrative Detention Centre), no organization, government body or civilian is allowed to enter and those who are inside can't possibly appeal to their detention there.

Specificities of PAF's Provisional Border Holding Facility

According to Lerolle, "In 2019, EU and French MPs asked to visit the border police premises in Menton and Montgenèvre; according to European law, this should be allowed. However, France has a different law that provides a list of all detention centers that are qualified as such and can hence be accessed by public officials and organizations. Menton and Montgenèvre don't figure in this list, so the MPs couldn't enter. This was a minor success for us, because the border police detention center had to be then defined, and having a word, a concept [*mise à l'abris*] is a step towards regularizing it and preventing human rights violations."

Medici del Mondo (Medicins du Monde) and ANAFÉ have filed a request for access to this place [the Police Aux Frontières Informal Detention Centre], said Jacopo Colomba, but the Nice Prefecture (TAR) only accorded them one pre-determined hour once a week to carry out an observation. This would not have been very representative of the situation within the PAF, so they [MSF and Anafé] did not accept this. "If a place where people are kept doesn't formally exist under French law and nobody apart from the police can enter, then we can talk of a suspension of fundamental rights and rule of law. Colomba called the PAF detention center a "non-luogo", a non-place. Moreover, if this is indeed treated as an external border, the facility should be complete with socio-sanitary experts, a cultural mediator, a lawyer, a translator, and social workers.

On March 12th, a woman from Sierra Leone we met told us:

"On the 14th of February I arrived in Lampedusa, Italy. The police there were very nice. I spent three nights in Milan and two in Ventimiglia sleeping on the street. I want to go to France because that's where my family is. I speak French, too. I arrived here [at the French police station] at 7 o'clock [pm], then they put us in a prison here [she shows, it's next to the Italian police station], they locked us up. There is no bed, not much food. They wrote my name in a document, but they didn't make me sign anything. They kept shouting at me, patting me down. The police in Italy, in Lampedusa, they are very nice. But the police here, especially the French police, they are not."

We received a similar account on March 12, 2023, when "a group of three migrants who had just spent the night in the Italian police station, reported they had to sleep on the floor because there wasn't enough room for them all to sleep on the mattresses. They were given food and water."

Specificities of PAF's Provisional Border Holding Facility

The lack of access to healthcare is one of the main issues that characterizes Ventimiglia as a border-city and the border zone alike; this has taken a toll on the physical and mental health of people on the move residing in Ventimiglia. In a report, Doctors Without Borders noted that the recalling of traumatic events was widespread, leading to “the repetition of mental health issues including depression, a sense of abandonment, post-traumatic symptoms, apathy, symptoms of adjustment anxiety and, in certain cases, psychosomatic problems.”⁵⁹

Mental Health

According to the World Health Organization (WHO), mental health conditions are more prevalent in migrants than in host populations because of the varied difficulties they face at different stages of the migration process. During their migration process,⁶⁰ they are exposed to life-threatening conditions in the transit stage and can face difficulties assimilating during settlement. While these stressors increase the likelihood of developing mental health conditions, they also exacerbate pre-existing conditions.

Out of the 2,452 psychological consultations that they have done for migrants in Ventimiglia, Médecins Sans Frontières observed that one in five of their patients showed mental health disorders. ⁶¹

An Ethiopian man who told us his story is one of the many people who experienced this trauma:

“I crossed to Europe by boat, a passage that was very, very hard. After arriving, I stayed in Italy for a few months during the COVID-19 pandemic in 2020 and have since moved to Ventimiglia. While my wife stayed in Libya, I was in a constant state of fear for her safety. After some time, my wife was also able to cross by boat. She, like me, was traumatized from this journey, which she has yet to recover from.”

While Camp Roya in Ventimiglia was still in operation, the workers noticed a spike in mental health issues of migrants as they entered the camp. While they may have experienced trauma during their travels, a large causing factor includes the processes they have to go through as they arrive in Italy. Constantly facing uncertainty perpetuates mental health symptoms such as depression, apathy, anxiety, and even psychosomatic problems.⁶² Many migrants re-experience the traumatic events that they hoped to escape from by suffering through humiliation, imprisonment, and physical violence.

⁵⁹ “Harsh Living Conditions for Migrants in Ventimiglia.” Médecins Sans Frontières, 3 Aug. 2017, <https://www.msf.org/franceitaly-harsh-living-conditions-migrants-ventimiglia>. Accessed 1 June 2023.

⁶⁰ “Mental Health and Forced Displacement.” World Health Organization, 31 Aug. 2021, www.who.int/news-room/fact-sheets/detail/mental-health-and-forced-displacement.

⁶¹ « HARMFUL BORDERS, An analysis of the daily struggle of migrants as they attempt to leave Ventimiglia for northern Europe ». Médecins sans frontières, 2018. Web. 28 mai 2023.

⁶² “Harsh Living Conditions for Migrants in Ventimiglia.” Médecins Sans Frontières, 3 Aug. 2017, <https://www.msf.org/franceitaly-harsh-living-conditions-migrants-ventimiglia>. Accessed 1 June 2023.

This is heightened by the contrasts that are made between the dynamics within the camp and their lives before migrating. Having to rely on Camp Roya workers for all their needs stripped these migrants of their sense of autonomy.⁶³ The dependence migrants have on the camp workers can create a hierarchical relationship, an infantilization process.⁶⁴ This is even displayed in some of the workers' words toward them. A study by Beneduce revealed that Camp Roya's role as a "space of containment and control" contributed to the worsening of these migrants' mental health.⁶⁵

Even within these camps, some migrants cannot assimilate and often feel disconnected from each other. These camps house migrants from various backgrounds, so language and cultural barriers can hinder communication. This barrier also prevents some migrants from properly expressing their needs and concerns to camp personnel. A large portion of migrants in Italy come from Francophone countries and cannot speak Italian, making the integration process all the more difficult. These feelings are expressed in the following testimony from a Cameroonian man one of our volunteers encountered:

"The hardest part about living in Italy has been the language. I want to live in France, where I can speak the language and work. Some Italians say that we have not been integrating well, but how can I do that without speaking Italian?"

The aforementioned solidarity actor whom we interviewed for this project, stressed that the language barrier adds a further level of difficulty to the already cumbersome process of dealing with Italian bureaucracy. She explains that people on the move are rarely provided with a comprehensive explanation of the steps to undertake to request asylum and that, if it was not for NGOs and their legal departments, they would have been left with no guidance at all. According to the numerous stories she has listened to, the most difficult part of a migrant's journey starts when people settle: this is when they need to deal with complex and slow bureaucratic processes, with the lack of the state's efforts to facilitate their integration and with the nightmares from their journey.

⁶³ Aru, Silvia. "Abandonment, Agency, Control: Migrants' Camps in Ventimiglia." *Antipode*, vol. 53, no. 6, 2021, pp. 1619–1638, <https://doi.org/10.1111/anti.12738>.

⁶⁴ Altin R and Minca C (2016) The ambivalent camp: Mobility and excess in a quasi-carceral Italian asylum seekers hospitality centre. In J Turner and K Peters (eds) *Carceral Mobilities* (pp 54– 67). New York: Routledge

⁶⁵ Beneduce, Roberto. "The Moral Economy of Lying: Subjectcraft, Narrative Capital, and Uncertainty in the Politics of Asylum." *Medical Anthropology*, vol. 34, no. 6, 2015, pp. 551–571, <https://doi.org/10.1080/01459740.2015.1074576>.

Mental Health

As the provision of mental health services continues to be limited and sometimes even non-existent, there is insufficient data to assess the current mental health of migrants living in Ventimiglia. Even if these care centers were available to them, there are still certain barriers that prevent them from being able to receive the proper care that they deserve. According to a study done by Medecins Sans Frontieres, migrants who lived in Camp Roya did not seek care for fear of being denounced and because of a lack of information.⁶⁶ Those who lived in the Roya River Settlement faced a larger array of problems accessing health services such as long waiting lists, lack of cultural mediators, and long distances. These conditions were not only present in Camp Roya, but have been reported present in living facilities across Italy.

For example, on the 26th of March, one of our volunteers encountered a 16-year-old who had lived in a camp in Lampedusa for a while:

Volunteer notes: Like most people on the move, he suffered a very violent experience while crossing to the other side of the Mediterranean Sea in an unstable and unsafe boat. As he tearfully told us, there were 44 of them who left Tunisia at night on that boat, hoping to go to Europe. However, the boat turned over at five o'clock in the morning and they were not rescued until the beginning of the next day by Tunisian fishermen. There were only 9 survivors, who were left floating, trying to keep their heads out of the water. 35 lives now lie at the bottom of the sea. 9 and 44, numbers that he kept repeating.

Having experienced various traumas, the deprivation of basic rights in the Lampedusa camp had worsened his condition.

The food was scarce, they had to sleep on the floor and had no access to medical care or basic sanitary conditions. That's why he escaped, he said. And he was not the only one. Four other young people with him confirmed what he had said.

It is hence unsurprising that there remains a strong desire for migrants to escape these living conditions. However, while doing so, they lose their right to accessing reception services (after 3 days of leaving their camp, they may not re-enter it; of course, their right to claim asylum is preserved) and they might incur in situations with equally dire administrative and human conditions.

⁶⁶ « HARMFUL BORDERS, An analysis of the daily struggle of migrants as they attempt to leave Ventimiglia for northern Europe ». Médecins sans frontières, 2018. Web. 28 mai 2023.

Mental Health

When migrants are released from the Italian border police station in Menton, they are often in a distressed state. During our border permanence shifts, our volunteers have encountered migrants that were crying, stressed, or displaying signs of serious mental health conditions. Some practices of the border police directly contribute to worsening their mental state; practices such as splitting up of families, extended confinement in small spaces, screaming. This was observed by one of our volunteers on the 7th of March:

Outside of the Italian border police station, there was a woman in tears. When asked about what was wrong, she told us that her brother was still inside the police station and not being released. The police told her that they were checking his documents, but she doesn't understand whether something is wrong. They had arrived at 2 pm the day before and spent the night at the PAF, then were brought to IPS at 7 am that day, questioned, and then she was released.

Last year on the 13th of November, another one of our volunteers encountered a man from Ghana who experienced a panic attack. He was sleep deprived, exhausted, and delusional. He had a bad experience with an NGO in Toscana, hence why he was determined to cross into France. The practices of the border police have clearly exacerbated pre-existing mental conditions that the migrants have. At every stage of the migration journey, there seem to be factors that contribute to worsening one's mental health.

On February 18, 2023, during the morning shift at the Italian border, individuals who had stayed overnight were released by the Italian police. Among them was an Algerian woman who displayed visible signs of distress, leading her approximately 8-year-old daughter to cry as well while embracing her. In contrast, the older daughter, around 13 years old, remained tearless but appeared distant and aware of the situation. The woman expressed her hunger, revealing that they had not eaten for two days. Although the Italian police usually provide food to overnight detainees, this particular family had arrived too late and no provisions were available.

It's important to recognize how, throughout these stages, the family remains an important source of support; separating family members can cause additional stress or trauma.

Sexual Health

On March 5, 2023, a volunteer reported:

A woman at the border approached me to ask me if the box of medicine I had in my hand was for morning-after pills. As the medicine was for headaches and nausea, I had to tell her this was not the case. She asked me to please write how to say it in Italian on a piece of paper. I was guessing it was for her to buy one in Ventimiglia. Another woman approached me to ask the same thing when I did this. From what I understood, men had sexually assaulted them the night before in Ventimiglia. Since the pills must be taken as soon as possible to be effective and the Red Cross van was not arriving (it never did), I asked an independent volunteer – who is a long-term volunteer at the border – to take them in his car to Ventimiglia and help them find the pills that they needed. He immediately agreed to take them. While the first woman agreed to go in the car, the second woman hesitantly decided not to.

Under the EU Charter of Fundamental Rights: IV Solidarity Article 35 – Health care “Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.”⁶⁷

However, in practice, application to people on the move is harder. Italy has a public healthcare system (Sistema Sanitario Nazionale) that is quite inclusive of undocumented migrants. Based on Immigration Law 1998, undocumented migrants shall have access to urgent and essential care, including pregnancy and maternity care, childcare, etc. Even though healthcare workers can not report undocumented migrants to the police, barriers to access to healthcare exist.

A study conducted by the Monitoring System of Health Status and Healthcare of the Immigrant Population (MSHIP) published in 2022 shows that immigrant women seek less gynecological care than Italian women, as 12% of them had their first prenatal check later than in the 12th week, and about 3.8% of them had one or no ultrasound during their pregnancy.⁶⁸ This indicates strong barriers to accessing reproductive health services. However, as this study concerned foreign residents in Italy, the statistics concerning undocumented migrants and asylum seekers might paint an even harsher picture, as additional data show that undocumented migrants accounted only for 0.4% of hospitalizations in 2010 and between 1998–2017, just about 0.2% of annual National Health Fund was allocated to providing care to UMs.⁶⁹

⁶⁷ “Article 35 – Health Care.” European Union Agency for Fundamental Rights. N.p., 25 avr. 2015. Web. 28 May 2023.

⁶⁸ Di Napoli, Anteo et al. “Barriers to Accessing Primary Care and Appropriateness of Healthcare Among Immigrants in Italy.” *Frontiers in Public Health* 10 (2022): 817696. PubMed Central. Web. 28 May 2023.

⁶⁹ Perna, Robert. “Healthcare for Undocumented Migrants in Italy: Policy Inclusiveness and Exclusionary Claims.” *Institut Convergences Migrations*, 28 Feb. 2022, www.icmigrations.cnrs.fr/en/2022/07/25/defacto-031-06/. Web. 28 May 2023.

Sexual Health

Compared to Italy, undocumented migrants seeking health treatment in France are in a more precarious situation, as undocumented migrants cannot benefit from health insurance there. Historically AME (Aide Médicale de l'Etat) provided undocumented migrants with health protection, but recently introduced conditions of residence and financial contributions make access more difficult. The data from Mèdecins du Monde also show that this option is critically underused as only 10.2% of undocumented migrant patients in their health facilities have access to AME.⁷⁰ This can make obtaining reproductive health – and other medical services – practically impossible for many undocumented migrants.

Emergency contraception is widely available in France, as of January 1, 2023, as it is available in pharmacies, without medical prescription and without advance payment, for any minor or adult.⁷¹ Yet, undocumented migrants encounter a dead end here as a *carte vitale*, or AME card must be presented by an adult to obtain it. For minors, a simple declaration of honor is sufficient to justify age.⁷² Similarly, with very limited access to health insurance and AME, getting an abortion becomes incredibly hard. Still, undocumented migrants may be able to obtain a morning-after pill without social coverage in sexual health centers like centers de *planification* or *d'éducation familiale*.

The medical support accessible to undocumented migrants following sexual assault is insufficient, as is legal support, given that in most situations, irregular migrants face a real risk of disclosing their irregular status and being removed as a consequence of reporting crime.⁷³ European law tried to address the lack of safe reporting practices through temporary residence permits for victims of human trafficking (Directive 2004/81), in exceptional situations labor exploitation victims (Directive 2004/115/EC), and granting residence permits to domestic violence victims on dependent visas (Istanbul Convention), but comprehensive safe reporting mechanics are missing.⁷⁴ In France in July 2010, the Law on Violence Against Women established a protection order (*ordonnance de protection*) obliging the Prefecture to provide temporary resident cards to undocumented women migrants facing violence. Nevertheless, irregularities, delays, and discretionary demands for evidence were reported by CNDF.⁷⁵ Under the circumstances, it is no wonder that undocumented women are reluctant to report a crime as it enhances their vulnerability to victimization,⁷⁶ while perpetrators do not fear facing legal consequences because police are not on the side of their victims.

⁷¹ Direction de l'information légale et administrative (Première ministre). "The 'Morning after Pill' Is 100% Taken without a Prescription." Public.Fr, 9 Feb. 2023, www.service-public.fr/particuliers/actualites/A16291?lang=en.

⁷² Ibid.

⁷³ Delvino, Nicola. University of Oxford's Centre on Migration, Policy and Society, 2022, Safe Reporting of Crime for Victims and Witnesses with Irregular Migration Status in the United States and Europe, <https://www.compas.ox.ac.uk/wp-content/uploads/Safe-reporting-project-Research-Highlights-and-Learnings-for-the-EU-Victims-Strategy-Final.pdf>. Accessed 31 May 2023.

⁷⁴ Ibid.

⁷⁵ Platform for International Cooperation on Undocumented Migrants. Undocumented Migrant Women's Lack of Access to Justice in Europe. Office of the United Nations High Commissioner for Human Rights, 18 Feb. 2013.

⁷⁶ Delvino, Nicola. University of Oxford's Centre on Migration, Policy and Society, 2022, Safe Reporting of Crime for Victims and Witnesses with Irregular Migration Status in the United States and Europe, <https://www.compas.ox.ac.uk/wp-content/uploads/Safe-reporting-project-Research-Highlights-and-Learnings-for-the-EU-Victims-Strategy-Final.pdf>. Accessed 31 May 2023.

Criminalization of Border Solidarity

On February 15, 2023, Italy's lower chamber passed a decree currently under discussion in the Senate. Named "Piantedosi" after the new Interior Minister under the Meloni government, the law prevents sea rescue boats from carrying out more than one rescue per journey, thereby increasing the difficulty in their work, and also contravening international law. Article 98 of the United Nations charter for the law at sea,⁷⁷ titled "Duty to Render Assistance" requires every boat to assist persons at sea and every coastal State to promote the "establishment, operation and maintenance of an adequate and effective search and rescue service (...)".

In January, MSF (Medicins Sans Frontières) called out Italian authorities for their decision of assigning La Spezia (1235 km from the Libyan coast, close to Ventimiglia) as a safe port for their rescue ship, GeoBarents, instead of much closer harbors such as Palermo, Sicily, which are 760 km away from the international waterline with Libya.⁷⁸ This decision was made based on the aforementioned law, which has been de facto in use since the beginning of the year.

These efforts to undermine rescue activities come at a time when criminalization and obstruction of solidarity in the Mediterranean, and an overarching climate of suspicion are widespread. These continuous efforts to police, restrict and criminalize border solidarity extend well beyond the sea, even though the exact tactics might differ. In Ventimiglia, the most resonant arguments against local organizations are the alleged illegality of funding for NGOs (or their collaboration with human traffickers) or their attempt at becoming a "pulling factor" for migrants to Europe. This plays out in many ways, even on a small scale. In 2017, the mayor of Ventimiglia was forced by strong public discontent, backed by Amnesty International and Medicins Sans Frontières, to revoke an ordinance aimed at banning food distributions to migrants on public soil by unauthorized individuals.⁷⁹ Spontaneous action by civilians has however become increasingly necessary as Camp Roya was shut down in 2020, which left hundreds stranded in the town center without amenities or health assistance.

⁷¹ Convention on the Law of the Sea, Montego, 10 December 1982, available from https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

⁷⁸ Reuters, "Go Further North! Italy exasperates migrant rescue boats." Euractiv, 2023. <https://www.euractiv.com/section/justice-home-affairs/news/go-further-north-italy-exasperates-migrant-rescue-boats/>

⁷⁹ Gjergji, Orinaldo. "The migrant emergency and Ventimiglia." European Data Journalism Network, 2019. https://www.europeandatajournalism.eu/cp_data_news/the-migrant-emergency-and-ventimiglia/

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Starting from this testimony on how even the smallest acts of solidarity are oftentimes met with intimidation from the authorities, this section of the report explores some of the dynamics of criminalization of border solidarity specific to Ventimiglia and Menton, and the consequences it has on the lives of people on the move.

A few months ago, my partner and I were picking up an Amazon package at Menton Garavan. While we were accessing the package, the police were pulling people off of the stopped train. The train left before we were done, and we went to buy tickets to Menton Station where we live nearby. While at the ticket machine, we noticed a man tied up on the ground, surrounded by police. We sat down a long way down the platform to wait for the next train. By the time we sat down, the individual restrained on the ground had been moved by the police over to the ticket machine. He started making constant, animalistic noises that indicated he was in intense pain. We couldn't see clearly, but based on the nature of the sounds he may have been gagged. He was surrounded by at least 5 officers standing over him, not attempting to help in any way. There were very few other people on the platform. We were immensely concerned and disturbed and began discussing our options to intervene. We decided that we didn't have the power to stop the situation, but we could at least document it. My partner began very subtly filming with his phone. Within a few seconds, the police (several meters down the platform) noticed and walked over to us. My partner stopped the recording as he walked up. Throughout the interaction, the police officer lied to us about our rights, which we had Googled beforehand. He told us it was illegal to film the police at all. Then, he told us it was illegal to take any photos or images in train stations. He insisted that my partner delete the video from his phone. We denied that we took a video as they had no evidence and no right to search his phone. When the police couldn't convince us to give up the video, they began intimidating us. He asked for our passports, which we did not have as we had just been at school and gone to pick up a package. We provided our American IDs, digital scans of our passports, and our VLS-TS confirmations. However, the police officer told us that we must carry our passports at all times. He said if we were ever caught without our passports again we would be arrested. He wrote down our full names and addresses. He told us that if they saw the video online they would immediately arrest us. After about ten minutes, he brought over another officer with a special band around his arm. The aggressive lies and intimidation continued until the next train came, at which point they let us go with more warnings. The man on the ground continued making noises of extreme pain throughout the entire interaction. Not a single of the many police officers standing over him helped. We were both deeply shaken by the human rights abuses we had witnessed, and the fact that even the slightest act of resistance or dissent resulted in police intimidation.

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A volunteer for Amnesty Menton was interviewed by us about her experiences observing the activities in front of the PAF (Police Aux Frontières) and at the Menton Garavan train station. She explained that the observation process followed a non-intervention principle, focusing on documenting events without direct interaction with migrants or inquiring about their experiences. She mentioned all observations were carried out by two pairs of volunteers, one of which was assigned to the Menton-Garavan train station, while the other was stationed at the PAF to control the flow of people from Garavan and mark those who were taken from the train to the French border police before being pushed back. Regarding the Garavan observations, she said:

I witnessed instances of police officers making racist and sexist comments not only towards migrants but also towards us volunteers, trying to undermine our efforts. Ethnic profiling was also distressingly common, with arbitrary checks of toilets and identity papers. I distinctly remember an incident where a police officer engaged in a conversation with an individual on the second floor of the train. The police officer didn't check his documents, however, once he left, the man started banging and holding his head in frustration and despair.

This is in line with a testimony some of our volunteers gathered in the train station:

On March 1st, 2023, after the 19.30 shift, we were waiting at the Menton Garavan station to hear back if a minor we helped out had made it to Ventimiglia. We sat at the benches that were closest to the entrance. This was on the platform side coming from the Ventimiglia (Direction Grasse). The police told us that we should not be sitting on those benches. When we asked why, he said "That's for the migrants and they have diseases. You know what I mean right? It's for your own good."

Amnesty volunteers' testimonies about the Police Aux Frontières are especially important for us as, without specific permission, groups are not allowed to perform observations there. As we were stationed a few meters above, in front of the Italian border police, we did not request permission. However, their testimonies are valuable in light of all the accounts by people held in the PAF of the French police screaming and insulting detainees.

As noted by a volunteer: at the PAF, the situation varied, with moments of relative calm and other times when the authorities struggled to cope with the sheer number of people. I overheard police officers making derogatory and demeaning remarks while interacting with migrants.

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That was also the case on March 26th, 2023 at the Italian border, as reported by one of our volunteers:

While we were on the Italian side of the border, we met two migrants who had plans to cross the border. We offered them tea and were able to talk to them for a bit. They told us they had never crossed the border before, and it was their first time there. While we were talking, two men approached us in civilian clothes. They started talking to the migrants in French. Presumably, they had seen the migrants previously, as they seemed surprised that the migrants had not left yet (or were still around). We had a short conversation with the men. They asked what we were doing, and we responded that we were handing out tea to migrants that had been pushed back. They asked what else we were doing to help and mentioned that what the migrants really needed was shelter. They asked us if we planned to shelter the migrants, given that they would probably be sleeping outside tonight. While we said no, they laughed and said we shouldn't tell them anyway since they were French police officers.

We continued to deny that we would do anything that could be construed as illegal (such as lodging migrants) while the policemen gave us the quintessential spiel on migrants: obviously, it's nice to help, but we can't take all of them, some are ok, but some are violent, there are crimes such as murder and robberies, they just don't want to integrate, France will become "too saturated" etc.

We told them that in the 2.5 hours we had been there, we had seen multiple families with small children, sick people, etc. to which they had no answer other than the body language equivalent of "Well, what can you do...". They asked where we were from (due to the non-native French) and upon finding out one of us was from Turkey, made some comments on the issue of Syrian refugees in Turkey ("Will you look after all 3 million Syrians in Turkey? etc.). We assured them again that we were only trying to help on a small scale and had no illusions of saving the world, just handing out hot drinks and snacks to people that had been through a hard time. They confirmed several times that we were students in France and that we lived in Menton. Eventually, they wished us luck and left. "Migrants increase violence," they told us.

Beyond the border itself in the town of Menton solidarity is often concealed, as people do not want their neighbors, acquaintances, and such to know. This applies both to helping people crossing the border illegally as the following account shows, and in cases of assisting people with official legal refugee status.

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On November 2022, on the train, at the Menton Garavan station, a woman in her sixties warned a passenger who was trying to get to Nice illegally to get off the train so as not to be stopped by the French police. She told him to walk along the coast. A student from Sciences Po met him on the street. He asked her for directions. The student offered to accompany him to the bus station. They chatted for a while as they walked and, suddenly, in the distance, the person on the move recognized the woman from the train, who was waiting for him to try to help him reach Nice. She told him "I was sure I was going to find you on the coast. Come with me to the bus station so you can take a bus to Nice without getting lost". There, the student from Sciences Po said goodbye to both of them since she was sure the lady was going to take care of the matter.

Looking into the provision of help to documented refugees and migrants we conducted an interview with activists from Menton involved in the Welcome Program to talk about their experience. The Welcome Program is a project set up several years ago by the Jesuit Refugee Service (JRS) which consists of welcoming refugees into families for a period of four to six weeks. We interviewed Bernadette (name changed). According to her, the trigger for her interest in humanitarian aid to refugees was the Arab Spring and War in Syria, which triggered a large migration wave out of the country.

This led her to want to get involved, which she did with the Welcome project. In the beginning, it was an act of courage for her as she gave her keys to a stranger. She said she did not talk about it much to those around her. However, when her close circle of friends and family heard about this decision, they were very surprised and most of them did not understand why they were doing it. The general reaction was "Well, it's her thing", as if it was a hobby.

This experience gave her a better understanding of the migration crisis. She exclaimed several times that it was a before and after: she went from talking about numbers of people trying to cross the border to associating migration with fates, with concrete lives at stake. For a long time, she was alone in this program. However, a few years ago Bernadette and her husband told other families about the project, which led to the creation of a chain of solidarity in Menton between host families. However, the program is not widely known or advertised in Menton and the participants prefer to remain anonymous due to fear of the public's reaction.

Conclusion

Borders highlight the difficult dynamic that exists between individuals' behavior and structural issues. Despite the responsibility that each public official holds, the current state of affairs, with the suspension of the Schengen agreement and the militarization of the border, results in the systematic violation of human rights and international migration law. Due to the lack of a sufficient system of reception and integration, as well as of coordination between EU countries, institutions, and organizations are overwhelmed. Instead of increasing the budget to inflate reception capacity or making the legal framework more slim and effective, the administrations in France and Italy, just like in many of their other EU counterparts, are favoring policies that are slowing down the asylum practices and engulfing the reception centers. As of May 07, 2023, we have witnessed "expulsion papers" issued by the border authorities to those who allegedly have no ongoing asylum process in a member state. This means that the individual who receives it has 7 days to exit EU territory. The rationale behind this would be trying to prevent people from giving false information in the absence of official documents to prove their identity. However, this solution so far doesn't seem to produce results, as it is not only an example of lack of accountability for border authorities but also a further cause for the slowdown of the reception system: birthdates or misspelled names may take months or years to get rectified and individuals in these situations remain stuck in bureaucratic limbo.

In 2018, a team of researchers working for Anafé noticed that the French police was taking unaccompanied minors in Menton-Garavan (the train station) and putting them on the first train back to Italy, without a document that could prove this and that they could appeal to try to enter France legally as a minor. This denunciation by the group was heard by the local prefecture, which issued a ban of such "ghost rejections". This goes to show that collective observations and investigations of illegal border practices are possible and that they hold immense power. We call on other NGOs and research groups to keep authorities at their border zones accountable to the law and to demand better structures and treatment of people at the border.

If the treatment of people on the move and the general policy is informed by the current social and political environments, this is also true the other way around. We hold that the "migration crisis" is not brought about by migrants themselves but rather by a system that cannot adequately welcome them. Human movement is a coping mechanism rather than a choice, and it is unlikely that we will see it decrease in the future. The question then becomes how to better accommodate it rather than how to stop it.

Conclusion

We met scholar Thomas Nail last April, a philosopher of movement who holds that borders are not so much about “stopping things from moving, but about movement itself,” since they merely shift and funnel people into different directions. Thomas Nail calls this “kinopolitics”, the politics of movement. Borders divide and determine, they are political, cultural, social, economic and territorial. They are a political statement in that they promote “expansion by redirection”: in Nail’s words, societies expand juridically and politically by redirecting towards danger and death. Even though borders are strongly political, our work in this report has tried to be first and foremost human in nature: we listened to stories and tried to go beyond numbers and generalizations. We analyzed observable dynamics, read legal sources and compared them with the realities present here in the format of direct testimonies from people we meet on the move.

We realize our limitations in the work we do along with the fact that we will never fully understand the experience of irregular migration, and we are aware of our incredible privilege in being able to talk to these people, and even write a report about their stories. However, we are also aware of our distance from “the other side” – the inhumanity of a system of illegality and indignity. So, we choose to pick this side and learn to do it as best as we can. It is, however, a constant work in progress – after all at the core of each of our human activities is, always, movement.

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CONTACT

Stories In Motion

website | storiesinmotion.glitch.me

email | sprhmenton@gmail.com

Instagram | [@st0riesinm0ti0n](https://www.instagram.com/st0riesinm0ti0n)

