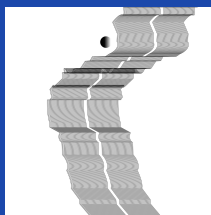


# STORIES IN MOTION

A COLLABORATIVE  
RESEARCH 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 Steiskalová  
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 context 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 establishing 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. Since the suspension of the Schengen agreement due to alleged security threats, the Franco-Italian border has undergone continuous fortification and increased police presence since this time.<sup>1</sup>

In July 2016, an official reception center, Camp Roya, was established in Ventimiglia to be administered by the Red Cross. At the height of the migrant crisis, Camp Roya housed approximately 800 people.<sup>2</sup> In 2017, the camp expanded to accommodate women and children.

However, in 2020, Camp Roya shut down in response to the Covid-19 pandemic, leaving 200 people without shelter.<sup>3</sup> No official camp in Ventimiglia has existed since then, forcing migrants to sleep in informal settlements by the river and under the bridge. Even though in 2022, it was announced that a new permanent hosting center would be opening in Mortola, on the outskirts of Ventimiglia, to shelter migrants <sup>4</sup>, following the right-wing party, Lega per Salvini Premier (Lega)'s victory in the municipal elections on May 28th, 2023, this seems extremely unlikely. While the center's opening is put off, the border remains dangerous for migrants. As of February 2023, over 40 deaths have been recorded along the French-Italian border, according to ASGI Medea. <sup>5</sup>

1 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/](http://www.icmigrations.cnrs.fr/en/2022/03/28/defacto-032-01/). Web. 28 May 2023.

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

3 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/](http://refugee-rights.eu/2020/09/06/closure-of-the-red-cross-reception-centre-in-ventimiglia/). Web. 28 May 2023.

4 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](http://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](http://www.infomigrants.net/fr/post/42589/increasing-numbers-of-migrants-seen-in-ventimiglia-says-caritas). Web. 28 May 2023.

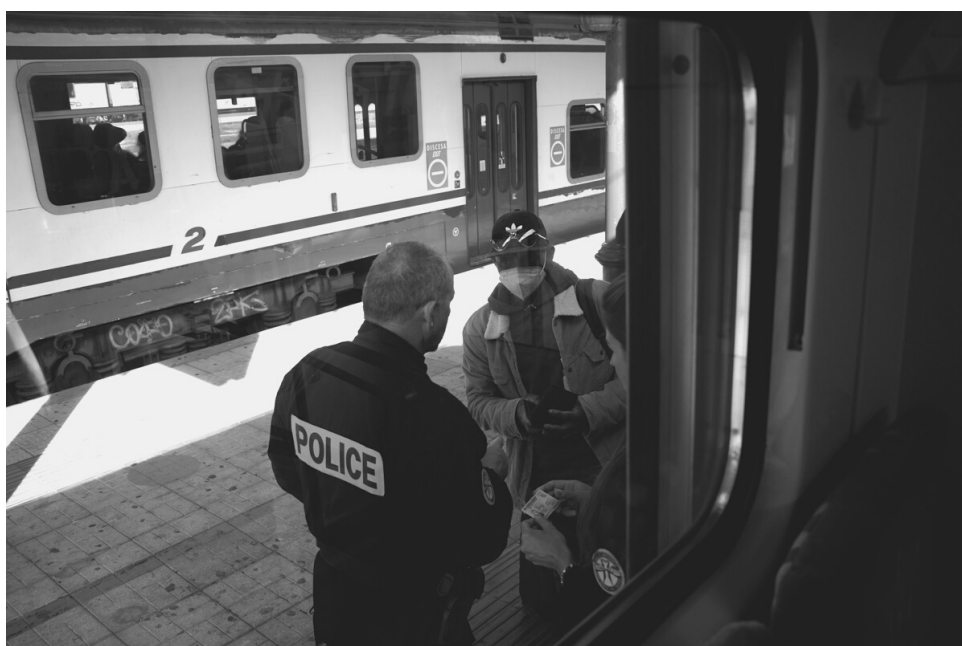
5 "Concerns Raised for Violence at French-Italian Border after Several Death Reports." SchengenVisaInfo.Com, 23 June 2022, [www.schengenvisa.info.com/news/concerns-raised-for-violence-at-french-italian-border-after-several-death-reports/](http://www.schengenvisa.info.com/news/concerns-raised-for-violence-at-french-italian-border-after-several-death-reports/). 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 hardly begin to capture the scale of abuse occurring at the border, nor the diverse and complex experiences of those who attempt to traverse it. This report aims to add depth to data, highlighting the humans behind this crisis through testimonies from migrants and local solidarity actors alike. Data helps in understanding of the situation, but it does not account for the nuanced experiences and voices that animate this border. Stories In Motion is an account of some of these voices.

Therefore, following a protocol drafted appositely, the volunteers asked the people subjected to the pushbacks 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 Ventimiglia.



# 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 rather than their final destination. Italy's northern borders constitute, thus, an important site of passage to countries such as France<sup>6</sup>, 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. These two frontier towns are reached upon a long journey, which may last months or years and will often continue for a significant time.

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 are gathered between 01/01/2023 and 14/05/2023)<sup>7</sup>. Compared to 2022, the disembarkations in Italy have spiked, rising from 6,832 between January and March 2022 to 27,690 between the same months of 2023<sup>8</sup>. The migratory demographic composition has also undergone a noteworthy change. For instance, according to the UNHCR'S esteems, 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 succeeded 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. 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%.

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%).

<sup>6</sup> "Italy Sea Arrivals Dashboard." March 2023, Operational Data Portal Refugee Situation, UNHCR, 2023, p.3. <https://data.unhcr.org/en/documents/details/100615>. 28 May 2023.

<sup>7</sup> "Italy Weekly Snapshot." 15 May 2023, Operational Data Portal Refugee Situation, UNHCR, 2023. <https://data.unhcr.org/en/documents/details/100675>. 28 May 2023.

<sup>8</sup> "Italy Sea Arrivals Dashboard." March 2023, Operational Data Portal Refugee Situation, UNHCR, 2023. <https://data.unhcr.org/en/documents/details/100615>. 28 May 2023.

# Demographic Landscape of People on the Move in Italy

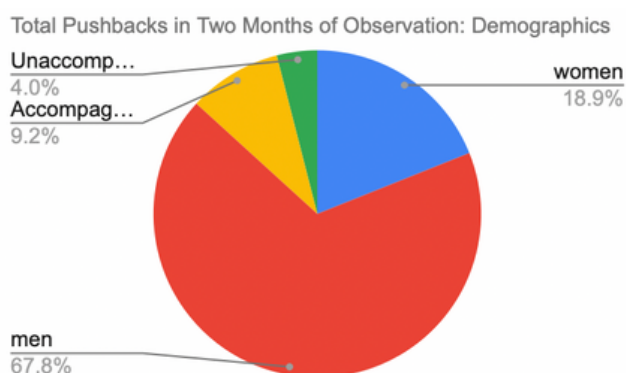
These figures are of utmost relevance when considering that, historically, Libya has been the main nodal point of sea departures toward Italy. UNHCR identified the explanation of this phenomenon in the increasing number of Sub-Saharan nationals traveling along this route, which, until mid-2022, was utilized mainly by Tunisians. Tunisia had become home for several Subsharian workers in the last years, whose living conditions became more precarious and insecure with the economic instability hitting the country after the war in Ukraine and the Covid-19 pandemic and with President Kais Saied February declarations antagonizing and securitizing Subsaharian workers in Tunisia. Moreover, the country's "VISA free" policies applicable to a significant part of West Africa contributed to the increase in sea departures from the country.

Despite the widespread essentialization of the figure of the migrant as a black man traveling alone, the demographic composition of migration influxes is far more complex than that. According to UNHCR, in the three initial months of 2023, 71% of the people arriving in Italy were men, a share which has maintained relatively stable in the last years, swinging from 67% (2021) to 76% (2022). 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).

The results collected in three months of observation at the border confirm most of the aforementioned trends. Among the 877 people we met, 67.8% (595) of them were men, whereas the women amounted to 18.9% (166) (see Figure 1).

Figure 1

Description



# Demographic Landscape of People on the Move in Italy

Several women were traveling with children, who made up 9.2% (81) of the people pushed back during our permanence. The greatest majority of them were under the age of 12. According to our estimates, we encountered more accompanied minors than unaccompanied ones, who were only 35.4% of the total. However, this can be explained by the fact that unaccompanied minors are not identifiable at first sight, as children under 12 are. Hence, we included under the category of “unaccompanied minors” only individuals who were explicitly reported to us by other people as underage and alone. Moreover, 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 the limited number of hours – our data does not concern people who made it to France on the first attempt. Thus, it offers a partial overview of demographic composition.

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



Credits: Hugo Lagergren



# Demographic Landscape of People on the Move in Italy

Although having a quantitative and demographical estimate of the people on the move undertaking the routes is crucial to grasp the structural nature of contemporary migratory phenomena, it is also important to keep them from hyper-rationalizing them. For instance, the number of embarkations leaving to reach Italy does not correspond to the number of arrivals since many incur shipwrecks or other incidents. UNHCR emphasizes that a further reason explaining the trend reversal, which sees Subsaharians constituting the majority of arrivals in Italy and Tunisia being the preferred point of departure, lies in the type of vessel available on the Tunisian shores. In fact, after having been smuggled by Subsharian smugglers to Tunisia, the great majority of Subsaharians gathers in the southern city of Sfax, where Tunisian smugglers – since the end of 2022 – arrange for them extremely precarious makeshift metal boats, often built during the night and not apt to cross the Mediterranean. One of the border solidarity actors we interviewed and who asked to stay anonymous, observed that numerous people on the move who arrived in Italy from the Tunisians shores reported that the boats' conditions were aggravated by the racism and contempt nourished by smugglers towards Subsharians. For example, she explains, many expressed the feeling that "some things – such as the holes present in the boats - were done on purpose". Such embarkations are significantly cheaper than the fishing boats boarded mainly by Tunisians in the north of the country, enticing Subsaharians. UNHCR reported that such vessels aggravate "the deadliness of this sea route." At least 983 people who sought to reach Europe by sea or land were reported dead or missing this year (until May 14).

As the 2021 report published by Alarm Phone and Arci Porco Rosso underlines, a phenomenon associated with the Mediterranean route is the criminalisation of the so-called "scafisti"<sup>9</sup>. "Scafisti" is the Italian term to designate the captains of the boats transporting people on the move from one side of the sea to the other. In Italy, considering the efforts of the Italian right-wing to depict this generalized group of people as criminals, this term is charged with a strong political connotation. The report, however, emphasizes the complexity of the situation. The boat captains can be, by and large, grouped into four different categories: some are obliged by the smugglers to be in command of the embarkation, others find themselves taking the role of captain in emergency situations, others do it because of the financial remuneration offered by smugglers and only some are smugglers part of the criminal organization.

<sup>9</sup> 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

The anonymous activist we interviewed 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 undertaken journey.

Italy's main point of arrival is Sicily, the country's biggest island, where 37,598 people disembarked in 2023. Most people arrive in Lampedusa, while Catania, Augusta, and Roccella Ionica witnessed around 2,000 arrivals this year. Relatively to 2022, this year, the number of people on the move deciding to stop their journey in Italy and apply for asylum spiked. For instance, between January and February 2023, there were 19,167 asylum applications, whereas there were only 8,160, less than half, in the same period one year before. However, residing legally in Italy is a long process, hampered by the bureaucratic slowness and the harshness of first-instance decisions. For instance, throughout 2022, 52% of First-instance RSD decisions consisted of denying the request, either because of rejections, cases closed, or no-shows.

## Schengen Borders Code & Pushbacks

Many individuals without European citizenship do not have a right to reside and work in, or even visit, an EU country without a visa. Albeit the case that residence permits and visas are required to live in European Union countries, the actual act of crossing a European border is regulated differently. In theory, many European borders ought to be completely uncontrolled, allowing for the free movement of people across the continent. 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, allowing for the free movement of people and goods within the area. 10

# Legal Context of the Border

## Schengen Borders Code & Pushbacks

Under this agreement, the French authorities should not be able to ask for identity documents at the Franco-Italian border, nor should a framework be in place to systematically expel those lacking such documents. However, the Schengen Borders Code (SBC) allows Member States to temporarily reintroduce border control at the internal borders in the event of a serious threat to public policy or internal security. 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.

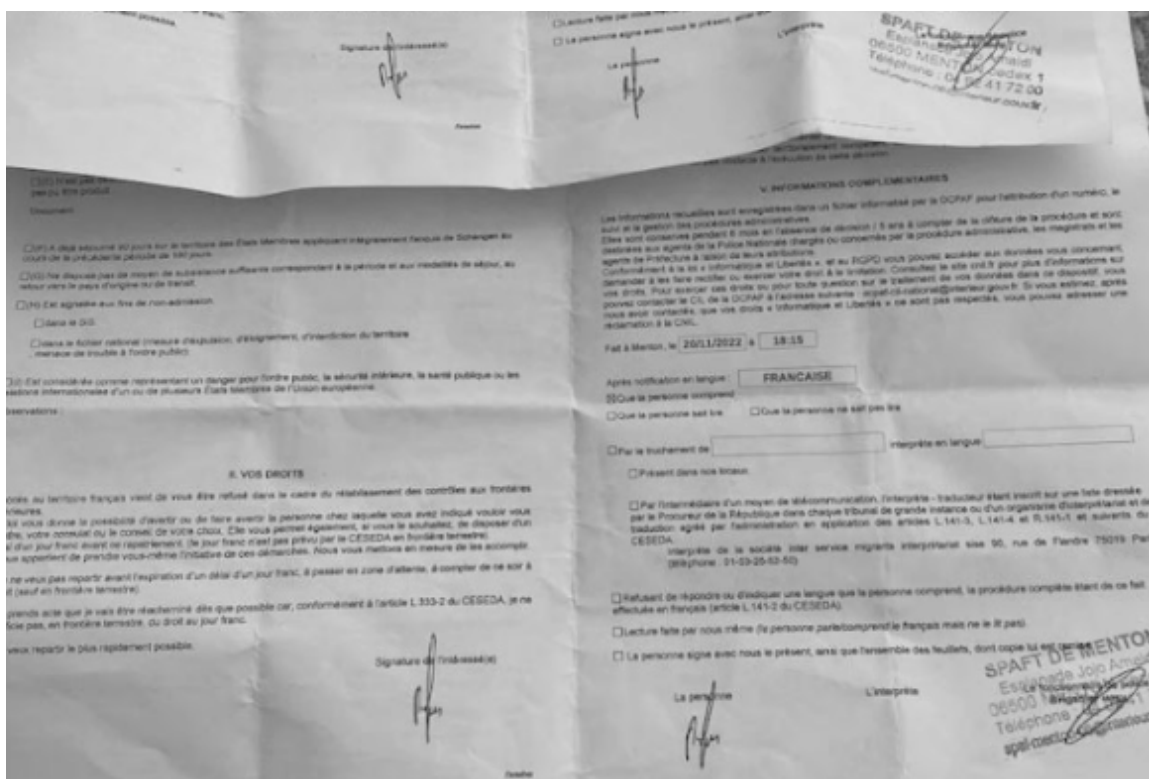


Photo taken by a volunteer for Stories in Motion. As you can see, these documents belong to two different people; hence the signatures should be distinct. However, they are the same. Why is that?

## Schengen Borders Code & Pushbacks

France temporarily reintroduced border controls in November 2015 following the terrorist attacks in Paris. Since then, France has extended the temporary border controls multiple times, citing security concerns such as organized crime and the ongoing terrorist threat. The European Commission reports that the last renewal has made the temporary border controls effective from May 1st, 2023, to October 31st, 2023. This would be because of “New terrorist threats, increasing risk of terrorist organizations present on national territory targeting the Rugby World Cup taking place in September and October 2023.” 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, even though they might own personal identity documents. However, another contradiction emerges regarding border controls, as suspending the Schengen agreement and turning the Franco-Italian internal border into a de facto external border should grant the right to request asylum upon entry to any European country. This does not occur 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.

The Dublin Regulation protocol partially justifies this practice, establishing that all people older than 18 will have their asylum requests processed in the first EU country where their fingerprints have been taken. Exceptions to this rule can be made only 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. <sup>11</sup>

Thus in many cases, from the moment an individual who has irregularly crossed a border has their fingerprints taken, an asylum application is opened in the country where they have been detained. 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. <sup>12</sup> 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.

<sup>11</sup> 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

<sup>12</sup> “Fingerprints in Italy.” Refugee Info, <https://italy.refugee.info/hc/en-us/articles/5388942558567-Fingerprints-in-Italy>. Accessed 28 May 2023.

## Schengen Borders Code & Pushbacks

However, it does not provide biographical data (place, date of birth, etc.).<sup>13</sup> Under Dublin, fingerprint data can be stored for up to two years in the Eurodac central system. By the end of 2018, this system had 5.3 million fingerprint datasets, 97% of which belonged to registered asylum seekers, whereas the other 3% related to irregular border crossing.<sup>14</sup> If a person refuses to provide their fingerprints, they are detained until they comply.<sup>15</sup>

As a result of the Dublin protocol, the French authorities are justified in rejecting asylum requests from those who have made an asylum request in Italy. However, they have no legal basis for their systematic prevention of asylum requests being made. The Dublin protocol should not result in suspending the right to request asylum in French territory. Nonetheless, on the Franco-Italian border, French law grants police the power to deport migrants arriving from Italy through an expedited procedure known as “refusal of entry.”<sup>16</sup> 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, Amnesty International, and public institutions.<sup>17</sup> This makes the practice of issuing a “refusal of entry,” i.e., a pushback, already illegal under international law.

## Mechanics of a Pushback

The 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 crossing the border. On a largely arbitrary and racialized basis, authorities will 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.

<sup>13</sup> 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](http://www.thalesgroup.com/en/markets/digital-identity-and-security/government/customer-cases/eurodac). Accessed 27 May 2023.

<sup>14</sup> Ventimiglia: Adesione Del Comune per La Rete Di Accoglienza Migranti ..., [www.sanremonews.it/2023/03/23/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-adesione-del-comune-per-larete-di-accoglienza-migranti-ecco-come-si-svolgera.html](http://www.sanremonews.it/2023/03/23/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-adesione-del-comune-per-larete-di-accoglienza-migranti-ecco-come-si-svolgera.html). Accessed 28 May 2023.

<sup>15</sup> “Fingerprints in Italy.” Refugee Info, [italy.refugee.info/hc/en-us/articles/5388942556567-Fingerprints-in-Italy](http://italy.refugee.info/hc/en-us/articles/5388942556567-Fingerprints-in-Italy). Accessed 28 May 2023.

<sup>16</sup> “France: Police Expelling Migrant Children.” Human Rights Watch, 8 Nov. 2021, [www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children](http://www.hrw.org/news/2021/05/05/france-police-expelling-migrant-children)

<sup>17</sup> “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/](http://www.icmigrations.cnrs.fr/en/2022/03/28/defacto-032-01/). Accessed 27 May 2023.

## Mechanics of a Pushback

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. Upon their release, people have reported being held in a small room with up to 50 other individuals. The 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, 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 data 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. <sup>18</sup> According to Emilie Pesselier, coordinator of the project on French Internal Borders for the National Association for the Assistance of Foreigners at Borders, 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. <sup>19</sup> Instead, there is no guarantee of rights for detained and rejected individuals.

## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

The legal disclarity of French Border policy renders it quite 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.

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.

<sup>18</sup> Ventimiglia: riunione del Comitato di Sicurezza, il Prefetto “Saranno istituiti punti di assistenza diffusa per i migranti” - Sanremonews.it Al confine di Ventimiglia, dove i controlli rendono i passeur l'ultima speranza dei migranti. 28 May 2023.

<sup>19</sup> A l’abri des regards: l’enfermement ex frame à la frontière franco-italienne, Anafé, September 2022, p.62. Available at: [http://www.anafe.org/IMG/pdf/lpl\\_-\\_note\\_d\\_analyse\\_-\\_vf.pdf](http://www.anafe.org/IMG/pdf/lpl_-_note_d_analyse_-_vf.pdf). 28 May 2023.

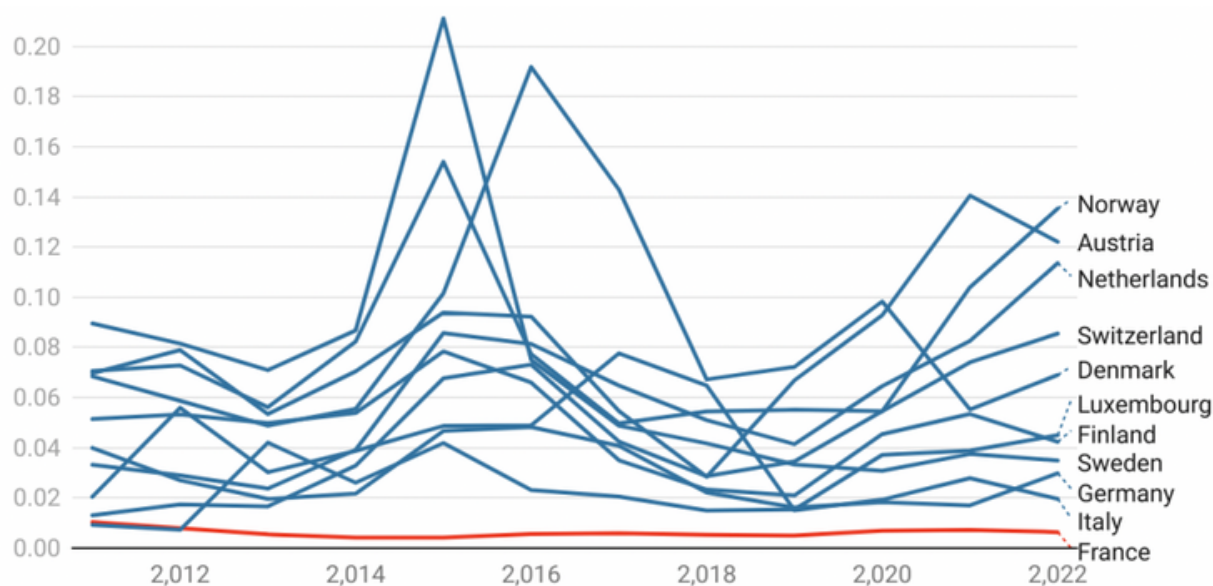
## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

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. Compared to other European countries, do patterns of Minor’s asylum claims in France match the continental trend? If not, this suggests that where other countries in the EU recognize the particular status of unaccompanied minors, France perhaps does not, applying the same rigid rejection procedure to anyone detained at the border.

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. 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. In terms of pure numbers, France has hosted many asylum applicants, both generally and of unaccompanied minor status. But a different story emerges when one considers the fraction of unaccompanied minor applicants compared to overall applicants.

### 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.

## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

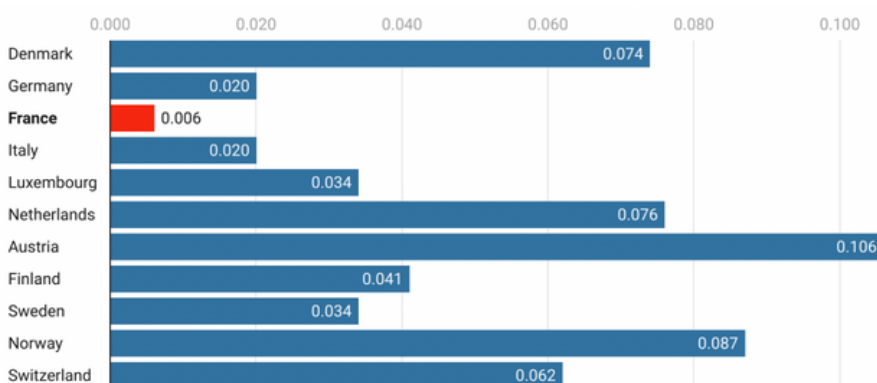
This graph compares France to a number of other Western European states of varying sizes, which have experienced significant flows of migrants and which have suspended Schengen at some point since 2015. But the similarities between France and these countries end in the case of minor asylum seekers. The data is striking; in the case of France, asylum claims from minors constitute a relatively very low percentage of the total claims made in the country. In France, the fraction of asylum claims made by minors ‘flatlines;’ consistently represents under 0.01% of the total claims made. This does not show that applications from unaccompanied minors increase and decrease proportionally to general applications. However, the fraction of unaccompanied minors is consistently so small that it appears that way.

It seems other European nations have sometimes prioritized asylum seekers who are unaccompanied minors, leading to peaks in applications from this demographic.

However, the data suggests active policies to allow unaccompanied minors to make asylum claims; this is certainly the case in 2015–2017. Whereas French policy seems not to apply any different standard to this vulnerable demographic. However, the data is heavily skewed due to the 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.

The fact that the fraction of unaccompanied minor asylum applications in France does not match continental patterns can be confirmed more conclusively through statistical testing.

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





## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

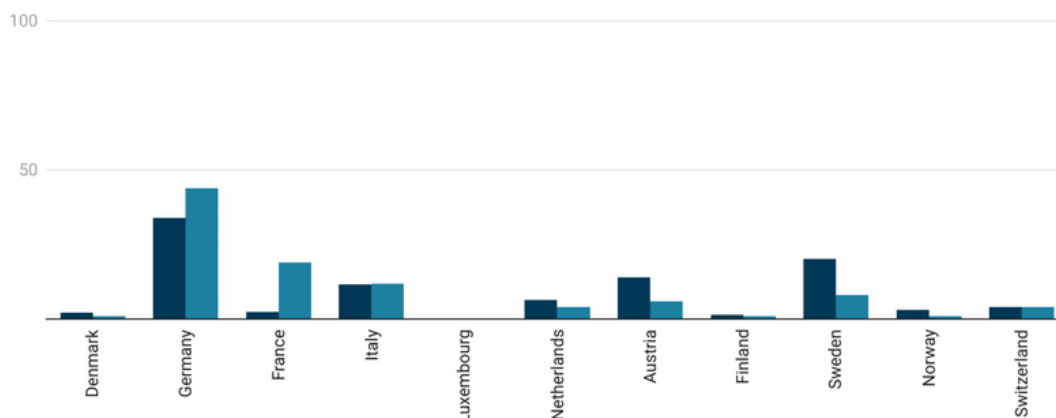
This data does not suggest France is 'keeping unaccompanied minors out.' However, it may indicate that France subjects them to the same controls as adults. In contrast, other European countries likely apply a different standard to unaccompanied minors wishing to enter their territory. Returning to the '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. Thus the data does not suggest that minors are specifically targeted by border controls in France, simply deprived of the special treatment they are entitled to.

As displayed above, in many sample countries, unaccompanied minor asylum applicants account for a greater proportion of the sample total 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. Despite many people clearly entering France, unaccompanied minors represent a suspiciously low percentage of applicants.

### 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.

■ % Of asylum applicants who are unaccompanied minors relative to sample total  
■ % Of asylum applicants who are not unaccompanied minors relative to sample total



## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

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. At the same time, it is important to note that Eurostat is composed of data gathered by institutions at the national level. As a result, the French results may be a case of collection error or a differing documentation practice. Nonetheless, Eurostat remains the primary source of data on European asylum claims.

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 having an interest in claiming asylum in France. Equally, the 'Flatline' appearance may be more 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 observation groups <sup>20</sup>, including Stories In Motion. In the hours of observation, many unaccompanied minors we met 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 unlistened. Many people report being initially misdocumented 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 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."*

<sup>20</sup> "January Report from French-Italian Border." PUSH, [pushbackmap.org/2020/01/31/january-report-from-french-italian-border/](https://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 establishes the right to asylum, which states in Article 22, “State Parties shall take all appropriate measures to ensure that a child seeking refugee status...receive appropriate protection and humanitarian assistance.”<sup>21</sup> 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 binding for states to provide the right to asylum. Furthermore, the pushback of minors violates French law itself, as in 2018, the Nice administrative court ruled that it is illegal to send minors who enter French territory back to Italy. The European Council on Refugees and Exiles maintains that Asylum seeking children must be considered as children before they are considered as 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.<sup>22</sup> The court, however, found the French authorities guilty of “a serious violation of the higher interests of the minors.”<sup>23</sup>

Beyond this, according to legal counsel Jacopo Colomba, the “principle Declaratif” is applicable in Italy and France, asserting 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 determined through sociomedical 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 à la Frontiere (PAF), where another minor the same January 22 reported, while holding up his rejection paper:

*“My birthdate is the 23 of April 2007, they put the 23 of April 2004.” 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.”*

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.

<sup>21</sup> 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](http://www.france-terre-asile.org/images/stories/mineurs-isoles-etranangers/mi-an-consolide-web.pdf). Accessed 28 May 2023.

<sup>22</sup> “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.

<sup>23</sup> “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](http://www.infomigrants.net/en/post/7327/nice-court-rules-sending-back-minors-at-border-illegal).

Colomba seems skeptical of this development, asserting that the agreement is part of a series of countermeasures to avoid the taking in 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.

In spite of 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 met at the border on Sunday 26 March 2023:

*There were two boys that morning at the border who claimed to be minors. They arrived in Europe and were labeled as minors in Italy, the country which they first landed in after leaving Africa. 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. The word "min" from "minore" in Italian was clearly written on the paper (see photo attached). 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 the French side of the border because that day the "fingerprint machine was broken". Last Sunday this same incident had already happened. In turn, they were made to sign a paper without first being given the possibility to read the document.*

Albeit true that many minors are first incorrectly registered as major when they arrive in Italy, and thus appear as such in the system on the Italian side of the border, French police remain accountable for the forgery of signatures and dates of birth. This was the case for a group of unaccompanied minors who we encountered on March 12, 2023:

*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.*

## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

*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 asked them if they had had their fingerprints 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 border police to determine whether these documents are sufficient proof of minor status.

On March 26, 2023, we encountered a group of minors with documents proving their age who claimed to have been registered as minors in Italy. They said 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 being rejected. They told us the machine to check the registry for the boys' 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. Volunteers have reported this occurring multiple times in the past months.

Ultimately, French police have no actual legal authority to determine who is a minor, however, gaps in the vague border protocol have resulted in police exercising this authority. In March and April, volunteers performing permanences reported increasing frequency in encounters with minors who were incorrectly registered in Lampedusa. It seems that in light of capacity challenges, authorities in Lampedusa have been systematically misdocumenting the age of minors. In comparison to 2022, Italy has seen four times the number of new arrivals between January and April. <sup>24</sup>

<sup>24</sup> "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/](http://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](http://www.infomigrants.net/en/post/48120/italian-coast-guard-rescues-thousands-of-migrants-over-easter-weekend).

## Flatline: A Data Investigation on the Pushback of Unaccompanied Minors

*At the end of the month, on April 30, 2023, this was confirmed by the account of three unaccompanied minors.*

*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 such by the Italian registry– a fact which prevents them from accessing their right to asylum in France.*

Though this illegal mis-documentation does not occur at the Franco-Italian border, it is a relevant pattern to recognize in this report as it ensures the continued deprivation of fundamental rights for dozens of unofficial minors throughout their journey. Time and time again, we have encountered children who ought to be allowed claim asylum in France, trapped in Italy due to their incorrect registry in Lampedusa. By virtue of 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 registry provides a justification for their rejection from French territories thus facilitating the neglect of minor's asylum-seeking rights along the Franco-Italian border. 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 falsification are made possible by the disclarity of law in the border zone. A confluence of legal frameworks converge in this meeting point between France and Italy, 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. Thus, though the French police are continuously violating both French and international law through the pushback of minors, the poor legal infrastructure in this region facilitates the continuation of this practice. Combatting this well-documented violation of human 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.

# 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, also the local Franco-Italian border has already 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 <sup>25</sup>. 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 <sup>26</sup>. 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.

<sup>25</sup> Fischetti, Antonio. "Les encombrants cadavres des migrants à Menton." 1587 (2022). Web. May 28 2023.

<sup>26</sup> "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

We encountered yet another 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 <sup>27</sup>.

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 (read the full article on <https://storiesinmotion.glitch.me/omar.html>).

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 IGPN 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.

<sup>27</sup> Kitchen. "New Report: We Have Listened To An Impressive Amount Of Violence Stories In This Week Of Christmas." - Kesha Niya ». 28 Dec. 2020. Web. 28 May 2023.

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 **28** 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 meters, the road is steep and narrow, and it must be walked at night to reduce the 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.

28 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. The cemetery seems to serve as a base camp for law enforcement operations where a group of CRS is 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 presence detectors. 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 very 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 (show map) 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 dispersed 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 was unaware of this event. "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-old.

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. What we witness is an increase in illegal (and more dangerous) means of border crossing.

On March 12th, 2023, an activist reported having heard from a group of four migrants who had managed to cross the border from Ventimiglia all the way 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" <sup>29</sup>, 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, and that they weren't traffickers but just migrants residing like them under the bridge. We don't have the information to corroborate this statement. Still, we want to underline the seemingly arbitrary arrest practices, the failed disclosure of the charges, and proof of accusation from the side of the police.

<sup>29</sup> "Frontiera: 13 arresti nell'operazione "Pantografo"". Polizia di Stato. N.p., s. d. Web. 28 May 2023. .

## The consequences of border militarization

The police are one of the few state-affiliated institutions dealing first-hand with migrants. The 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, decent sanitary and living conditions. This leaves everything in the hands of local NGOs, who, despite constituting a supportive net of (more or less) 25 associations who, last year, distributed 45000 meals, have limited resources and energies.

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 are forced to resort to smugglers and ask them for help. Several people have emphasized that they have been put in danger, blackmailed, or scammed by smugglers, as reported in the testimony below, collected by our volunteers.

*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.*

The volunteer from Menton 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, it's clear that 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

The Italian border police station and the racist advertisement that the policeman in 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, we met some people who were held at the Italian border police station, waiting for the Red Cross to arrive to take them to Ventimiglia, and 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 lived.*

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 negating this status.

*On Sunday, April 30th, 2023, 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 her friends and herself 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 or 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 the 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, a bus takes people from the border to this village.

# Deprivation of Basic Rights in Border Holding Facilities

However, on Sundays, no bus line passes through, and migrants are not allowed to walk to the Menton Garavan train station (located in France) to return to Italy. This means 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 make the crossing.

*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.

*On Sunday, March 5th, a volunteer reports: At nine o'clock in the morning, the Red Cross van had still not shown up. A family with a baby and a pregnant woman had been waiting since eight in the morning for the Red Cross to arrive. It was preferable for them to have automatic transport available. 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 they could not assist that morning because they were overwhelmed. If not for an independent volunteer's car, all these vulnerable people would have had to walk all the way.*

July 31st, 2020, marked Camp Roya's shutdown 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, a new reception center has yet to be in place. In September 2015, an informal “No Borders” Camp was closed, forcing migrants to find refuge in the streets. The closure of these camps has exacerbated the living conditions that migrants in Ventimiglia face daily. Cristian Papini, director of Caritas Ventimiglia, one of Ventimiglia's largest operating aid organizations, told the press that “after the closure of the transit camp, the situation deteriorated, and today, public institutions are entirely absent. The people who arrive are tired, they are losing hope.”<sup>30</sup> 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 borderzones, 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 at this borderzone.

As ANAFÉ reports<sup>31</sup>, this borderzone is called “*mise à l'abris*” (shelter), which is not formally a concept in French law. 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 borderzone can be qualified as such through accounts of people we have met.

<sup>30</sup> “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.

<sup>31</sup> “Les lieux d'enfermement à la frontière franco-italienne.” Web: [https://ferme.yeswiki.net/fermons\\_les\\_zones\\_d\\_attente/?PagePrincipale](https://ferme.yeswiki.net/fermons_les_zones_d_attente/?PagePrincipale) [consulté le 31 May 2023].

## Specificities of PAF's Provisional Border Holding Facility

*For example, 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 tells us the police made her sleep at the Menton Garavan train station. A few days after, 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.*

*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."*

In general, this borderzone is first of all problematic regarding administration. 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, 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."*

<sup>30</sup> "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.

<sup>31</sup> "Les lieux d'enfermement à la frontière franco-italienne." Web: [https://ferme.yeswiki.net/fermons\\_les\\_zones\\_d-attente/?PagePrincipale](https://ferme.yeswiki.net/fermons_les_zones_d-attente/?PagePrincipale) [consulté le 31 May 2023].

## Specificities of PAF's Provisional Border Holding Facility

Because a "mise à l'abris" is not a CDA/CRA (Centro di Detenzione Amministrativa in Italian and Centre de Rétenion 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.

"In 2019, said Lerolle, 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 centres 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 actually a minor success for us, because the border police detention centre 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 in French, *Doctors of the World*) and ANAFÉ have filed a request 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," remarked Colomba. He 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 of 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.*

## Specificities of PAF's Provisional Border Holding Facility

*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.*

The lack of access to healthcare is one of the main issues that characterize Ventimiglia as a border city and the borderzone 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."<sup>32</sup>

### Mental Health

According to the World Health Organization (WHO), mental health conditions are more prevalent in migrants than in host populations because of their varied difficulties at different stages of the migration process. <sup>33</sup> During their migration process, they are exposed to life-threatening conditions in transit 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. <sup>34</sup>

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.*

<sup>32</sup> "France/Italy: Harsh Living Conditions for Migrants in Ventimiglia | MSF." Médecins Sans Frontières (MSF) International. N.p., s. d. Web. 28 May 2023.

<sup>33</sup> "Mental Health and Forced Displacement." N.p., s. d. Web. 28 May 2023.

<sup>34</sup> "HARMFUL BORDERS, An analysis of the daily struggle of migrants as they attempt to leave Ventimiglia for northern Europe." Médecins sans frontières, 2018. Web. May 28 2023

## Mental Health

While Camp Roya 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. <sup>35</sup> Many migrants re-experience the traumatic events that they hoped to escape from by suffering through humiliation, imprisonment, and physical violence.

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 has stripped these migrants of their sense of autonomy. <sup>36</sup> The dependence migrants have on the camp workers has created a hierarchical relationship, an infantilization process (Altin and Minca). <sup>37</sup> This is even displayed in some of the workers' words toward them. A study by Beneduce reveals that Camp Roya's role as a "space of containment and control" contributes to the worsening of these migrants' mental health. <sup>38</sup>

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. These barriers pertain to the larger issue experienced by migrants living in Ventimiglia. Most of these migrants 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 we interviewed 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 around the steps to undertake in order 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.

<sup>35</sup> « France/Italy: Harsh Living Conditions for Migrants in Ventimiglia | MSF ». Médecins Sans Frontières (MSF) International. N.p., s. d. Web. 28 mai 2023.

<sup>36</sup> Aru, Silvia. « Abandonment, Agency, Control: Migrants' Camps in Ventimiglia ». *Antipode* 53.6 (2021): 1619-1638. DOI.org (Crossref). Web. 28 mai 2023.

<sup>37</sup> Turner, Jennifer, and Kim Peters. « Carceral mobilities ». London: Routledge, 2017. [https://scholar.google.com/scholar\\_lookup?hl=en&publication\\_year=2016&pages=54-67&author=R+Altin+&author=C+Minca&isbn=%00null%00&title=Carceral+Mobilities](https://scholar.google.com/scholar_lookup?hl=en&publication_year=2016&pages=54-67&author=R+Altin+&author=C+Minca&isbn=%00null%00&title=Carceral+Mobilities) 28 mai 2023.

<sup>38</sup> Beneduce, Roberto. « The Moral Economy of Lying: Subjectcraft, Narrative Capital, and Uncertainty in the Politics of Asylum ». *Medical Anthropology* 34.6 (2015): 551-571. DOI.org (Crossref). Web. 28 mai 2023.

## Mental Health

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.

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.

**39** Those who lived in the Roya River Settlement faced many problems accessing health services, such as long waiting lists, lack of cultural mediators, and long distances. Camp Roya is often not the first camp that migrants stay at.

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:

*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 Tunisian fishermen did not rescue them until the beginning of the next day. Only nine survivors were left floating, trying to keep their heads out of the water; 35 lives now lie at the bottom of the sea. He kept repeating these numbers – nine and 44 – throughout the conversation.*

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.

39 « 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 encountered migrants 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, and 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.” 40

However, in practice, application to people on the move is harder. Sexual violence committed by migrants appears a lot in media and public discourse, but only little is little that committed on them. 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. 41 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. 42

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

41 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.

42 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 Médecins 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. <sup>43</sup> 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. <sup>44</sup> 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. <sup>45</sup> 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 in most situations, irregular migrants face a real risk of disclosing their irregular status and being removed as a consequence of reporting crime. <sup>46</sup> 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. <sup>47</sup> 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. <sup>48</sup> Under the circumstances, it is no wonder that undocumented women are reluctant to report a crime as it enhances their vulnerability to victimization, <sup>49</sup> while perpetrators do not fear facing legal consequences because police are not on the side of their victims.

<sup>43</sup> 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/](http://www.icmigrations.cnrs.fr/en/2022/07/25/defacto-031-06/).

<sup>44</sup> 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/](http://www.icmigrations.cnrs.fr/en/2022/07/25/defacto-031-06/).

<sup>45</sup> Ibid.

<sup>46</sup> 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.

<sup>47</sup> Ibid.

<sup>48</sup> 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.

<sup>49</sup> 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 50, titled "Duty to Render Assistance" requires every boat to provide assistance for persons at sea and every coastal State to promote the "establishment, operation and maintenance of an adequate and effective search and rescue service (...)".

On January 25, MSF (Medicins Sans Frontières) called out Italian authorities for their decision of assigning La Spezia (1235 km from the Libyan coast, close to Ventimiglia) to their rescue ship as a safe port, called GeoBarents, instead of much closer harbors such as Palermo, Sicily, which is 760 km away from the international waterline with Libya. 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. Spontaneous action by civilians has however become increasingly necessary as Camp Roya was shut down in 2020, which left thousands stranded in the town center without amenities or health assistance.

# Criminalization of Border Solidarity

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.*

# Criminalization of Border Solidarity

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 couples of volunteers, one of which was assigned to the 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.

*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.*

# Criminalization of Border Solidarity

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.

# Criminalization of Border Solidarity

*In 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 in Syria, where Bashar Al-Assad was repressing a large part of his population and the Islamic State was taking advantage of it to expand.

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 in the project 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, people in Menton are not aware that these families are part of this program and the participants prefer to remain anonymous due to mistrust and fear in their surroundings.



# 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, warrants the systematic violation of human rights and international migration law. Due to the lack of a sufficiently efficient system of reception and integration, as well as of coordination between EU countries, institutions, and organizations are increasingly overwhelmed. Instead of increasing the budget to inflate the reception sector 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. This 38 means that the individual who receives it has 7 days to exit EU territory. This practice doesn't seem to follow a pattern if not that of individuals with multiple birth dates or identities - which is for example the case for minors whose ages are registered wrong or individuals whose names are misspelled. 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”<sup>51</sup>, since they merely shift fluxes 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 in an objective way, 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 own limitations in the work we do and the fact that we will never fully understand the experience of irregular migration in Europe and beyond, 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](http://storiesinmotion.glitch.me)

email | [sprhmenton@gmail.com](mailto:sprhmenton@gmail.com)

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