

UK–France Migrant Swap Deal Faces Legal and Logistical Hurdles Despite Aims to Deter Crossings

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The recently announced UK–France migrant return agreement, which proposes a “one in, one out” system, may appear simple in concept, but is likely to face a complex path to implementation. Intended as a deterrent to curb illegal Channel crossings, the scheme’s early rollout is being

deliberately kept limited in scope as ministers and officials assess its viability.

Under the plan, for every migrant returned to France from the UK, a different individual, deemed to have a legitimate asylum claim, would be accepted into Britain. While Home Office officials have refrained from estimating numbers, the pilot is expected to start modestly, with the scale and frequency yet to be confirmed. Prime Minister Sir Keir Starmer, appearing alongside French President Emmanuel Macron, declined to provide further operational details, citing the need to protect the integrity of the process.

Though the principle underpinning the agreement is legally sound, given that the United Nations Refugee Convention does not grant migrants the right to choose their country of asylum, the actual implementation could prove far more contentious. Legal objections are expected, not to the concept itself, but to how individuals are selected and treated. There will also be concern within the European Union (EU) that migrants sent to France may eventually re-enter other EU territories. The UK, since leaving the EU, no longer has access to the Eurodac database, which previously helped track asylum claims across member states.

France, unlike Rwanda, presents no legal concerns in terms of compliance with international human rights standards. The now-defunct Rwanda plan faced criticism for being unsafe, whereas France's standing within international law is far more robust. Nonetheless, identifying which individuals in France should be brought to the UK raises additional practical and political questions, particularly regarding decision-making processes and criteria.

Historically, a similar scheme was trialled in 2002 when the Sangatte migrant camp was shut down. Under United Nations oversight, British officials in France processed asylum seekers deemed suitable for resettlement in the UK, offering precedent for cross-border screening.

The new scheme's small-scale launch reflects the uncertainty surrounding its effectiveness. Officials are cautious yet optimistic, believing that if successful, it could become a more credible tool in tackling illegal immigration. But with thousands still willing to risk the Channel crossing, the real challenge will be proving that a bureaucratic process can outweigh the desperation driving migrants to seek a new life in Britain.