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**Documentation of the conference**

## **New Sanctuary Movement in Europe Healing and Sanctifying Movement in the Churches**

**7th-10th of October 2010 in Berlin**

**Conference organised by the German Ecumenical Committee on  
Church Asylum in cooperation with CCME - Churches' Commission  
for Migrants in Europe**



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## Programme of the conference

### Thursday, October 7<sup>th</sup>, 2010

- 5.00 p.m. Arrival and registration, coffee and tea
- 5.30 p.m. Welcome and opening of the conference  
*Rev. Fanny Dethloff, Commissioner for Refugees and Human Rights of the Nordelbien Protestant Church*
- 6.00 p.m. Common roots: Experiences of the Sanctuary Movement in the USA and Canada  
*Rev. John Fife, USA; Mary Jo Leddy, Canada*
- 7.00 p.m. „World Map of Sanctuary“
- 7.45 p.m. Buffet
- afterwards Festive evening with cultural contributions: time for sharing

### Friday, October 8<sup>th</sup>, 2010

- 9.30 a.m. Commemoration of the refugees who have died at the borders
- 10.15 a.m. Europe closes down. Political challenges for the refugee protection movement of churches  
Statement of PICUM (Platform for International Cooperation on Undocumented Migrants)  
*Kadri Soova*  
Statement of Amnesty International  
*Berward Ostrop*  
Statement of CCME – Churches' Commission for Migrants in Europe  
*Doris Peschke*
- 11.15 a.m. Between claims, rhetorics and policy: What does the EU do for (or against) refugees and migrants? - Panel discussion with members of the European Parliament  
*Thomas Silberhorn MdB, CDU*  
*Nadja Hirsch MdEP, FDP*  
*Barbara Lochbihler MdEP, Grüne*  
*Dr. Cornelia Ernst MdEP, Linke*  
Moderation: *Katrin Hatzinger, EKD-Office in Brussels*
- 12.45 p.m. Lunch
- 2.00 p.m. Sanctuary Movement in Europe: Reports from East, West and North Belgium:  
*Nina Henkens, PICUM*  
Hungary:

*Dóra Kanizsai-Nagy, Projektmanager des Reformed Mission Centre  
- Refugess Mission, Budapest*

Finland:

*Jouni Lehikoinen*

Moderation: *Hanns Thomä, Commissioner for Integration and  
Migration of the Evangelical Church in Berlin-Brandenburg-  
schlesische Oberlausitz*

3.30 p.m.

Coffee break

4.00 p.m.

Working groups: East, West and North: In-depth conversations  
about the panel contributions, examples from other countries,  
exchange about framework conditions, opportunities and claims

6.30 p.m.

Dinner

7.30 p.m.

Musical drama „The Song of Cap Anamur“

### **Saturday, October 9<sup>th</sup>, 2010**

10.00 a.m.

Spiritual input for the day: Visions of the Kingdom of God in East,  
West, North and South

*Rev. Bernhard Fricke*

10.15 a.m.

Lectures and discussion: Why do we do what we do?

The theological dimension of sanctuary work

*Prof. Dr. Konrad Raiser, former General Secretary of the World  
Council of Churches*

The human rights dimension of sanctuary work

*Prof. Dr. Wolf-Dieter Just*

Moderation: *Hildegard Grosse, Executive Board of the German  
Ecumenical Sanctuary Movement*

11.40 a.m.

Coffee break

12.00 noon

Final meeting: Resumee and Conclusions

Suggestion for a common declaration/ CHARTA

Moderation: *Rev. Fanny Dethloff*

13.00 p.m.

Lunch, End of the Conference

15.00 p.m.

Optional program: guided tour through Berlin

“Places in Berlin between tolerance and persecution”

*Giselher Hickel*

### **Sunday, October 10<sup>th</sup>, 2010**

10.00 a.m.

Church Service focusing on the Sanctuary Movement

*Rev. Jürgen Quandt*

## **Introduction**

Fanny Dethloff

Sanctuary Movement in Europe  
Healing and Sanctifying Movements in the churches

What is this for a title? Is it not a wacky title?  
Political fight, resistive actions, challenges of political asylum – these are the titles that work.

What did we mean?  
Sanctuary addresses the discrediting of refugees and their biographies, their asylum histories, their stories of escape. During the process they are injured/damaged/hurt/violated, the emergency escape and their potential deportation are in the foreground and with this, many suffer injustices.  
To heal these violations is the starting point for sanctuary.  
It is healing, curative for the credibility of refugees.  
We bear witness with our faith and are witnesses for human rights.

But this witness is not healing alone for the affected but also even for us as Christians in the church – yes and for the church in general.

This witness that we live helps and heals the institution that is the church, which finds itself in a loss of credibility through abuse cases and other conflicts.

Standing up for refugees is not just a charitable occupation, it is also an ecclesiological approach. This standing up for refugees brings the stranger and the exposure to him back into the center of Christian belief. We live this biblical and practical approach and with it are a healing strength in society and in the church.

## Common roots

### Experiences of the Sanctuary Movement in the USA

Rev. John Fife

I am so grateful for your invitation to be a part of this conference on the Sanctuary Movement among the churches of Europe. I was invited a year and one-half ago with some members of the organization “No More Deaths” to learn first-hand of the work of the churches here in Germany in defense of the rights of migrants and refugees. During this visit we journeyed to Malta to observe the treatment of migrants and refugees on the frontier of Europe in the Mediterranean. We have much in common to challenge us as people of faith. I am very grateful to be back in Holy Cross Church with my friend and colleague in Sanctuary, Jürgen Quandt.

I will try to watch the time and be faithful to your agenda, but we have a lot of history to cover. I have a friend who says, “If you see a Presbyterian Pastor take off his watch and place it on the pulpit like this – It don’t mean a damn thing.”

I would like to begin with a brief history of the Sanctuary Movement in the United States on the 1980’s; and then talk with you about the current border enforcement strategy and immigration policy of the United States, and the response of the church to those systemic violations of human rights and international law.

In early 1980, the churches along the border between Mexico and the U.S. began to encounter refugees who were fleeing death-squads, torture, massacres of villages, and the persecution of the church in El Salvador and Guatemala. We began to defend those refugees from deportation with a legal aid strategy. Volunteer church-workers, paralegals, and lawyers assisted refugees to apply for political asylum and represented them in immigration courts. After a year it became clear that every case for political asylum from El Salvador and Guatemala was being denied by the government. Even refugees with physical evidence of torture were being ordered deported the next day.

Then my colleague, Jim Corbett, defined the ethical and faith challenge ahead for the churches. “Speaking only for myself”, he wrote, “I can see that if Central American refugees’ rights to political asylum are rejected by the government, active resistance will be the only alternative to abandoning refugees to their fate.”

As Jim and I gathered a small group of volunteers to smuggle refugees across the border and through the desert safely, our model from history was the Abolition Movement in the U.S. in the 19<sup>th</sup> Century to protect runaway slaves from capture. Our secret smuggling organization only lasted 8 months however. The Border Patrol sent us a message in late 1981, “We know what you are doing. Stop immediately or we will indict you.”

Corbett then defined the ethical imperative of the moment when he wrote to Southside Presbyterian Church in Tucson: Because the U.S. government takes the position that aiding undocumented Salvadoran and Guatemalan refugees in this country is a felony, we have no middle ground between collaboration and resistance. A maze of strategic dead ends can be averted if we face the imperative nature of this choice without attempting to delude ourselves or others. For those of us who would

be faithful in our allegiance to the Kingdom, there is also no way to avoid recognizing that in this case collaboration with the government is a betrayal of our faith, even if it is a passive or even loudly protesting collaboration that merely shuts out the undocumented refugee who is at our door. We can take our stand with the oppressed or we can take our stand with organized oppression. We can serve the Kingdom, or we can serve the kingdoms of this world – but we cannot do both. Maybe, as the gospel suggests, this choice is perennial and basic, but the presence of undocumented refugees here among us makes the definitive nature of our choice particularly clear and concrete. When the government itself sponsors the crucifixion of entire peoples and then makes it a felony to shelter those seeking refuge, a law-abiding protest merely trains us to live with atrocity.”

Our decision as a congregation to declare the church a Sanctuary for refugees from Central America was not, I confess, an idea to start a movement for social change. It was rather, a gesture in self-defense, to make public our protection for refugees. Maybe by going public, we would gain some support when the government charged us with crimes. And so, on March 24, 1982, Southside Presbyterian Church declared Sanctuary and received a family from El Salvador into the protection of the church. Much to our astonishment, the government decided not to indict us (although they continued to threaten to do so). But the national press and media began to do stories on Sanctuary on the border. To our even greater astonishment, a movement began across the United States. Churches and synagogues began to declare Sanctuary as they grappled with the ethical demands of their faith. Cities began to declare themselves “Sanctuary Cities” – New York, Chicago, Los Angeles, and San Francisco were the largest. Colleges and universities (in the tradition of the Free University) declared Sanctuary. The Sanctuary Movement of the 1980’s in the United States gathered strength. By 1984, 237 Protestant, Catholic, and Jewish congregations across the nation were public Sanctuaries. Seventeen cities had instructed their public employees (including police) not to cooperate with federal immigration authorities. What came to be called “The New Underground Railroad” moved refugees safely from church to church to synagogue across the country. Because Canada respected refugee rights as a nation, and recognized Central Americans as refugees, those at highest risk of deportation to death were sent to the border with Canada.

During this time of the expansion of the Sanctuary Movement in the U.S., we also received word that Holy Cross Church in Berlin, Germany, had declared Sanctuary and the idea was spreading across the churches in Europe. Hallelujah! We had now become colleagues in an international movement to protect refugees and refugee rights.

I must also confess at this point that when we began Sanctuary, I thought that we were doing “civil disobedience” – that we were violating a bad law and were willing to pay the price for that violation in order to change the law. I thought that we were doing “civil disobedience” in the tradition of Ghandi and Dr. Martin Luther King. And so, at the interfaith service that was held to declare Sanctuary in Tucson, I quoted again and again from Ghandi and King. About a month later, a phone call from a human rights lawyer in New York ended all of those eloquent quotations. The caller said to me, “You are doing more harm to human rights and refugee law than anyone else I know. Listen carefully! You are not doing civil disobedience. Civil disobedience is publically violating a bad law, and assuming the consequences in order to change

an unjust law. We don't want to change U.S. refugee law. It conforms to the international standards. The problem is that the government is violating the 1980 Refugee Act. The government is doing civil disobedience!" I then asked, "What should we call what we are doing?" The lawyer responded, "I don't know. Make it up!"

So Jim Corbett coined a new term for the practice of Sanctuary. He called it "civil initiative". The definition, of course, evolved with the practice. Now it is defined as "the legal right and the moral responsibility of civil society to protect the victims of human rights violations when the government is the violator". Corbett pointed to the Nuremburg Military Tribunals as the foundation for this legal principle. When the Nazi officials were tried in court, their legal defense was simply, "We were just following the orders of the nation." It was the U.S. prosecutor, Robert Jackson, who argued that there is a higher legal standard than the orders of the nation-state. That standard is human rights and international law. The Nuremburg Tribunal found that "just following orders" was not a defense. "The essence of the Charter (of the Tribunal) is that individuals have international duties that transcend the national obligation of obedience imposed by the individual state".

Nation-states that violate those human rights lose all claim to legitimacy. But Justice Jackson took his argument to a new level – personal responsibility and liability for the defense of human rights. In his opening statement at Nuremburg, Jackson said, "The principle of personal liability is as necessary as well as a logical one if International Law is to render real help to the maintenance of peace. An International Law which operates only on states can be enforced only by war because the most practicable method of coercing a state is warfare.

This visionary statement pointed beyond the legal principle of law, directly to the moral responsibility of civil society and civil initiative. Corbett wrote, "This simply points to an unfinished task that was implicit at the tribunal. It proclaimed everyone's right to aid the persecuted but failed to establish the social base for citizens to exercise this right. Sanctuary congregations are now forming that base; from the perspective established by international law, this is exactly what the provision of sanctuary does. Covenant communities' right and duty to protect the victims of government persecution must be conceded by the state if the proceedings at Nuremberg are to have any shred of judicial validity".

The Sanctuary Movement incarnated the social base capable of assuming the responsibility for protecting the victims of human rights violations. That social base was comprised of the congregations of a variety of faiths. Protestants, Catholics, Jews, Quakers, Unitarians, and Buddhists all recognized that responsibility from the tradition of their faith. Civil initiative bound them together in their legal responsibility as well. Corbett wrote, "Whenever a congregation that proclaims the prophetic faith abandons the poor and persecuted to organized violation, its unfaithfulness darkens the way for all humankind. And when it stands as a bulwark against the violation of human rights, it lights the way. The congregational obligation to protect victims of state crimes extends beyond our individual civic responsibilities, because only in this kind of covenant community can we provide sanctuary for the violated".

The foundation of Sanctuary, wherever it is being practiced in defense of human rights and international law, is that the church fulfills our legal responsibility as well as practices our faith.

So, in 1984, the U.S. government began to move against the Sanctuary Movement – to attempt to criminalize the leaders and intimidate the church. Undercover government agents, pretending to be volunteers, infiltrated the movement, making over 90 tape recordings of church meetings, conversations, with Pastors, and even secretly recorded worship services. Then in 1985, the U.S. government charged 16 Sanctuary workers with various crimes. Those charged included two Catholic Priests, myself, three nuns, the Director of the Tucson Ecumenical Council, and other church members. We were fully prepared to vigorously defend ourselves in court on the grounds of refugee law. But the Judge ruled before the trial that we could not offer any evidence on five subjects: International Refugee Law, U.S. Refugee Law, conditions in El Salvador and Guatemala, or our religious faith. So we did not put on a defense. We were, of course found guilty. But before we were sentenced, the Judge received thousands of letters from churches and church leaders from around the world. Human rights organizations and political leaders wrote as well. And so, at sentencing, the judge did not send any of us to prison – but sentenced us to 5 years probation. I know that some of you wrote those letters. Thank you!

The most important fact to remember out of all of this history is that the Sanctuary Movement more than doubled the number of public sanctuary congregations during our 7 month long trial. Church and synagogue responded to government threats with renewed faith and prophetic witness. While the movement continued to grow, we took the issue of refugee rights to Civil Court. The church sued the U.S. government for violations of U.S. Refugee Law by deporting refugees to Central America. When the judge hearing the case gave the churches the right to put the Attorney General of the U.S. and the Director of the U.S. Immigration Service under oath, and take their depositions before the trial, the government suddenly offered to negotiate a settlement.

The settlement reached in 1989 achieved the original goals of the Sanctuary Movement in the U.S.:

All deportations of undocumented refugees from El Salvador and Guatemala were stopped. All undocumented refugees from those countries were given work permits. A series of reforms of the political asylum policy were agreed to.

So we had a celebration and called an end to the Sanctuary Movement in the U.S. in 1989.

It was not a wise decision. Just 5 years later, in 1994, the Immigration and Naturalization Service began a new border enforcement strategy generally known as “Operation Gatekeeper”. The basic outline for the strategy can be summarized in a few sentences. Most of the migration between Mexico and the U.S. occurs in a handful of urban areas. Those urban areas can be sealed from migration by building 18 foot steel walls, adding four times the number of Border Patrol agents, and adding complex technology to enforcement. People will try to go around these barriers, and attempt crossing in the most hazardous part of the Sonoran Desert. When the word spreads about how hazardous the crossing has become, that will be a deterrent to others seeking to cross. Thereby, the government will gain control of the border.

As “Operation Gatekeeper” was enforced through the 1990’s, the thesis was to concentrate the enforcement along the Texas and California section of the border. The assumption was that the Sonoran Desert in Arizona would be too hazardous and deadly for migrants to cross. It would be a geographic barrier to migration. In 1999,

that assumption was proven false as the human migration and drug trafficking that had previously occurred along 2,400 miles of border began to funnel through the Sonoran Desert. The Tucson Sector of the border became the epicenter of Migration, drug trafficking, and death in the desert.

It is no coincidence that the very same year that the walls began to be built on the border, the North American Free Trade Agreement was implemented. In 1994, Mexico was required to end agricultural subsidies for staples such as corn. The result was that subsidized corn was imported from the U.S. and Canada at 24% under the cost of production in Mexico. Mexico went from a net exporter of corn in the 1980's to a net importer in the 1990's. By 2007 annual U.S. agricultural exports to Mexico stood at 12.7 billion dollars. Millions of small farmers were driven off the land as a direct result of NAFTA. They had nowhere to go to support their families but north across the border to the U.S.

So the faith communities along the border in the Southwest have been struggling once again to meet our legal and ethical responsibilities. Since 1998, the bodies of over 6,000 migrant workers have been found and tens of thousands of others have suffered serious wounds in their journey across the desert. In 2000, confronted by this unfolding human tragedy, a meeting was called off the churches and synagogues that had been part of the Sanctuary Movement of the 1980's. Since most of the deaths of the migrant workers were from dehydration and heat stroke, a decision was made to put water in the desert. A faith-based organization called Humane Borders was formed to place water stations marked by flagpoles in the critical areas where migrant bodies were being found. Each year, between 20 and 25 thousand gallons of water have been used by migrants. Countless lives have been saved.

Two years later, in 2002, a group called Samaritans was organized to put 4-wheel-drive vehicles on remote back roads every day. Volunteer doctors and nurses accompanied by fluent Spanish-speakers take food, water, and emergency medical equipment and actively search for migrants in distress. They have found hundreds upon hundreds of migrants suffering from heatstroke, broken limbs, twisted joints, rattlesnake bites, heart attacks, and strokes. They have discovered the victims of rape and beatings, the lost and abandoned. Only God knows how many lives have been saved.

Then in 2004, since record numbers of migrant deaths were being set each year despite these efforts, "No More Deaths" was organized. During the deadliest summer months, this organization puts camps in the critical areas of the desert. Volunteers come from across the U.S., Europe, and even Australia to live in the camps and hike the migrant trails in key locations. For the past five years, "No More Deaths" has also staffed aid stations on the border to treat migrants deported from the U.S. This is a partnership with the government of Mexico.

It is important to note here that the border enforcement strategy of the U.S. government has been determined to be a violation of human rights and international law. As long ago as 2003, a six judge panel of the Inter-American Court of Human Rights ruled unanimously that:

"The deaths of almost 2,000 Mexican and some Central American migrants is the strongest evidence that the United States has violated and continues to violate human rights by maintaining the so-called 'Operation Gatekeeper'".

In subsequent determinations, the United Nations Human Rights Commission, Amnesty International, and other international organizations have reached the same determination.

And in the past two years, the Obama administration has captured a record number of migrant workers through work-place raids with the cooperation of local police officials. In 2009, the U.S. deported a record 387,390 migrant workers, triple the number of deportations under the Bush administration. Just two months ago, the Inter-American Commission on Human Rights found:

“U.S. deportation policy violates fundamental human rights because it fails to consider evidence concerning the adverse impact of the destruction of families, the best interest of the children of deportees, and other humanitarian concerns.”

So, what we in the United States now call the “New Sanctuary Movement”, has emerged in the last five years. Churches and synagogues are again protecting the families of migrant workers when the parents of U.S. citizen children are threatened with deportation. I just returned from New York City where 35 congregations form the New Sanctuary Coalition. This coalition is currently protecting twelve migrant families from deportation.

As Jim Corbett challenged the church and synagogue decades ago, so the challenge is embraced today on both sides of the Atlantic. “Although there is now no question that international law is binding for everyone – not just for the state – and that citizens are legally obliged to disobey government officials rather than collaborate in the commission of state crimes, courts usually refuse to hold the government accountable for violations of international law ... Prophetic witness is then the community’s only nonviolent way to hold the state accountable – which means that it is up to the church ... Whenever a congregation that proclaims the prophetic faith abandons the poor and persecuted to organized violation, its unfaithfulness darkens the way for all humankind. And when it stands as a community’s bulwark against state violations of human rights, it lights the way.”

Or as Dr William Sloane Coffin said to the Sanctuary Movement: “It is not enough to resist with confession. We must confess with RESISTANCE.”

Such is the gift of God to the churches called Sanctuary.

## **Common roots**

### **Experiences of the Sanctuary Movement in Canada**

Mary Jo Leddy

I bring greetings from the Sanctuary Churches in Canada. I have come on behalf of a wide variety of Christian communities that have offered Sanctuary since the 1980s. Personally, I have been involved from the beginning of the Ontario Sanctuary Coalition in 1991. I have come to encourage you in your efforts and to find courage for our own, increasingly difficult, challenges.

Our Coalition has been strengthened by the witness and reflections of Sanctuary Movements in other countries. We were particularly influenced by the concept of “civil initiative” which originated with the Sanctuary group which formed in Arizona in the

80s in response to the dangers faced by Central American refugees. Jim Fife was the pastor of Southside Presbyterian when this articulation was developed. He is with us today and I want to thank him for his witness. We also take heart in the courageous actions of your churches in Europe.

## A VARIETY OF EXPERIENCES WITH COMMON FEATURES

There is no one “Canadian experience” of Sanctuary. Since the 80s there have been 50-60 Sanctuary experiences and each one has grown in response to specific persons and in response to a particular context and political situation. In some situations, for example, a family or person was publically living in the Church, at other times a family was “hidden” in the house of a religious community.

Yet, in spite of these diverse experiences there are some realities there are certain common features:

- 1) The move towards Sanctuary almost always involves a face to face encounter with a real person called a refugee.
- 2) This always leads to a long and difficult engagement with the bureaucracy of government
- 3) The experience of Sanctuary reveals Canadian myths of innocence
- 4) The Demand for Sanctuary is directly related to political factors.

### ***The Face to Face Encounter***

As I have listened to front line church workers, refugee advocates and immigration lawyers one reality emerges as a constant, that most of them got involved in “refugee work” through a personal encounter with a refugee or a refugee family.

This “conversion”, this change of mind and heart and moral imagination, through a personal relationship, was certainly my experience. It has also been true many times over according to church people who have been “faced” by a refugee in great need. This is, as Emmanuel Levinas has written, the ethical moment. This is the moment when you are summoned, addressed, commanded. This is the time of annunciation and visitation

This is the core of the ethical experience of Christians who have become involved in working with refugees. These Christian citizens are often rather middle class people who would not normally associate themselves with peace and justice “causes”. For many, the encounter with a real person called a refugee evokes feelings of profound compassion which lead to practical forms of kindness. It is within this reach of mercy that the necessity (and near impossibility) of justice begins to emerge.

In November 2007, a national consultation on Sanctuary was held at Romero House. Almost fifty people attended. In sharing their reflections, all of the participants remarked on the significance of this face to face encounter. It was summarized in this way by Michael Creal, the chair of the consultation: “It is important to understand that in the process of reaching a positive decision, members of the congregation have time to come to know the person/family more completely than immigration officials or refugee board judges. It is not a matter of the sanctuary providers being “better” than the immigration authorities but of their being in a position to see and hear the desperation of the refugee claimants and getting to know their stories more fully. This

is simply a fact though it may not fit well within the perspective of government officials.” (pg. 71, *Refuge* Spring 2009)

### ***The Struggle with Bureaucracies***

As church people become companions to real people called refugees, they begin to see the immigration system in Canada (and other systems such as the welfare and health systems) through different eyes.

These systems seem designed to deface human beings, to render them invisible, to muffle their cry for justice. This is a social and religious shock for the Christian who now knows the refugee by name, who now sees the face as the landscape of one particular history. This person has been given Client ID number and has been filed away. From time to time pro forma letters arrive to signal that another hurdle has been passed and that the end, the place of safety, has been reached.

However, sometimes the letter says, “You have not been determined to be a Convention Refugee”. And then, “You have fifteen days to present yourself at the Immigration Detention Centre.” Case closed. Another life is filed away.

The Immigration officer who issued the form letter never has to see the hand that trembles after the envelope is opened. The church worker sees and is afraid. Sometimes this fear galvanizes a whole church community into action. Then comes the long time of letters and visits to politicians and bureaucrats. A sense of futility grips those of little faith.

This is the time of temptation. It is all too easy to begin to demonize “the system” or particular people who are supposedly in charge of the system. It is tempting to engage in the struggle of US against THEM and indeed such a struggle tends to attract people inclined to this contemporary form of Manichean dualism. WE are right and THEY are wrong. WE are on the side of the angels against the unjust and deceiving enemies.

We have discovered that the authentically Christian response, in the midst of this struggle, is to remain life-size. The church worker who now knows the real refugee, who is neither better nor worse than the conventional stereotype, must resist the temptation to demonize immigration officials and/or politicians. The Christian must preach (in action more than words) that the employees of the system are also human and must be summoned to life-size responsibility.

There is indeed something demonic in this situation but it is not the officials in the system but rather the system itself. The reflections of the political thinker Hannah Arendt on bureaucratic systems are as relevant today as they were more than fifty years ago. She described the ways in which ordinary people doing a good job could contribute to evil of great consequence – without ever knowing it or willing it -- because the system acted as a buffer between their intentions and the consequences of their actions. Bureaucracies, in her analysis, are structured in such a way that it seems as if nobody is responsible for the terrible consequences of its cumulative action – not those on the top, who never see the people affected by their decisions; not those on the bottom who see the people but experience themselves as helpless victims. Those on the top can argue that they never really killed anyone

while those on the bottom can say that they were only following the orders of someone else.

She makes the important observation that, in some medieval paintings, the devil has a mask. He is the faceless one, the Nobody. In the various systems which hold the power of life and death over refugees, it often seems that NOBODY is responsible. Refugees who arrive in the West know what happens when NOBODY is responsible. NOBODY can kill you just as anybody or somebody could do so.

One of the challenges involved in working with refugees in Canada is to summon all concerned to face themselves. It is an act of ethical resistance to say: Systems have been created by human beings and therefore can be changed by human beings; systems must be changed so that human beings can face each other and face the consequences of their actions. For the church worker who knows a refugee as a person, this is not an abstract ethical statement about what ought to be done. It is the stubborn statement of someone who holds another by the hand...and trembles.

A sense of life-size responsibility is perhaps nowhere more evident than in the Sanctuary movement. In all of its various shapes and forms in North America today, it remains essentially a movement of conscience that usually begins with a knock at the door. "You must help us." No Church authority has ordered Sanctuary to start and no church authority can command local churches to stop offering this option for life.

I recall participating in a very interesting meeting with Judy Sgro, then the Minister of Immigration. She had been quoted as saying that the Church should not offer Sanctuary because it was illegal and because there were ways of resolving difficult situations within the system. In fact it, Canadian law seems to describe Sanctuary as "illegal" although Sanctuary has been violated only twice that we know of. The general attitude of the Immigration officials is that they will simply wait out the refugee.

After these remarks the Church leaders asked to meet with Minister Sgro. She said that she wanted to open a confidential process which would allow the Churches to present a list, of about 20 people a year, and their cases could be quietly resolved by the department. The Church leaders, to their credit, noted that they did not start Sanctuary and they could not stop it. This revealed the extent to which Sanctuary is a local grassroots response – usually to a particular individual or family who has "faced" the congregation. The Church leaders said that they could not withdraw the possibility of Sanctuary and that they would not be part of a process that was not open to other groups concerned about refugees.

In offering Sanctuary a church congregation is taking an action which is at once intensely religious and thoroughly political. It calls into question the laws and procedures which have left human beings in such a perilous situation. Sanctuary is a radical statement and is recognized as such, even by non-Christians or by those of no religious belief. It illustrates how religion, which can sometimes, for better or worse, be a conservative force in society can also become a liberating political force.

As I have mentioned, the practice of Sanctuary necessarily varies from context to context. For example, wherever Sanctuary was offered in the 80s in the United States, it was usually a short term matter. Refugees were moved from church to church, usually on their way up to Canada.

However, the situation has been much different in Canada. If a refugee had been refused by the Canadian refugee determination process, where would they go? To the United States? To Greenland? The one country was too dangerous and the other too distant.

As a result, the experience of offering Sanctuary in Canada has been a long drawn out process that has become a time of intense spiritual testing for the more than 30 church communities that have been involved. For example, an Iranian man lived in an Anglican Church in Vancouver for three years before he was eventually granted status on humanitarian grounds.

It takes immense inner reserve for a refugee to live in such confinement for so long. It takes spiritual resources of great substance for a church community to sustain a commitment to providing for a person or family in Sanctuary. There is the ongoing challenge of providing for the basic necessities of life, food, a place to live – and how to justify this expenditure when it means siphoning funds from other worthwhile projects and using space that would otherwise be used for a daycare.

On a more difficult level there is the reality of sheer boredom, the real and present possibility of despair and even suicide. For families, the strict confinement puts immense stress on marriages, on the relationships between parents and children. Some marriages cannot survive this time of forced togetherness.

Because there is nowhere else to go, the church inevitably becomes involved in the process of lobbying for the refugee with the various politicians and masters of the refugee universe. Thus begins the long and weary relationship with NOBODY.

It is usually at this point that church leaders get involved and go head to head with politicians and bureaucrats. Sometimes this helps and sometimes it does not. The media begin to cover a story and then weary of it. And then, quietly, someday, when everyone is looking the other way – the papers arrive and the refugee walks out of the church.

Needless to say, there are church communities that are still “in recovery” from such a situation. These parishes can hardly remember what it was like “before they came to live with us.” They have been sorely tested not only by the bureaucratic nobodies but also by the refugees themselves who have become petulant, demanding, ungrateful. Yet, most church people I have talked to will also say that the time of sanctuary was a time when they really discovered what it meant to be a church community, when they began to understand the gospel as a living commandment, as a way of life. A new standard of authenticity enters the life of that congregation. They know their church has become significant, weighty, consequential.

The public attention given to of the witness of Sanctuary today is telling. There was a time, in the 70s and 80s when statements by church leaders and ecclesial documents were considered a matter of public importance. The media was interested in what the churches had to say on a wide variety of social and political topics.

This is no longer the case. In a culture saturated with information, in churches demoralized by the revelations of sexual abuse, statements alone no longer have the power to convince. It is only the witness of lives that speaks now.

The witness of Sanctuary is living testimony to the fact that refugees are human beings. They cannot be filed away, they cannot be consigned to bureaucratic oblivion. Because they are not invisible, God is not invisible. The practice of Sanctuary is a statement that refugees are not disposable. Sanctuary enacts a contemporary Credo: that human beings are holy. In this consumer culture, that which cannot be and should not be thrown away is holy.

### ***Sanctuary Reveals Canadian Myths of Innocence***

However, it is not only the structures of our institutions which deface the refugee; it is also the way in which our Canadian political culture makes us look good in its historical mirror.

I take it as a given that most church people are generally compassionate to those in need. I know for a fact that most church people, when faced by a refugee in need, respond with decency and generosity. They tend to think of themselves as hard-working and decent and, if they read stories about refugees being mistreated, tend to assume that the refugees must have deserved it, must have done something wrong. We Canadians are so wrapped around by cultural myths of innocence that we are blind to the injustices of our own social systems which refugees know in their bones.

The Canadian myths of innocence are probably related to the fact that the country has never been an imperial power and tends to think that responsibility in the world lies with the other "great" powers. Canada has been a colony first of France, then of England and now of the United States. As a result, Canadians have developed a branch plant mentality which assumes that the centers of power and influence are elsewhere and that is where responsibility lies. There not here. It has been argued that Canadians prefer this colonial status which makes them morally innocent. For those who live with a branch plant morality, guilt lies with the powerful who are always elsewhere but not here.

It is a dangerous myth which blinds Canadians to the actual racism and injustice that has taken place in the past and which is present today, here. For example: Few Canadians know that their country had the worst record in the western world in terms of accepting Jewish refugees during the Second World War.

A few years ago Canadian bureaucrats finessed an agreement which closed the border to refugees seeking to enter Canada through the United States. The so-called "Safe Third Country Agreement" effectively cut the flow of refugee claimants to Canada by half. It was done quietly, in a "nice" Canadian way, through an administrative agreement that was implemented in the sleepy news time after Christmas. Church workers in refugee shelters on both sides of the border held prayer services and wept as the door was closed to desperate people. And the transport trucks full of things rolled on over the bridges at the border.

### ***Political Factors and the Demands for Sanctuary***

Sanctuary efforts in Canada are also influenced by government policy and changes in legislation. When we first started, in the early 90s, we were able to present our concerns to politicians or senior bureaucrats in an effort to resolve situations. However, our present Conservative government has been virtually inaccessible. We

have turned increasingly to the courts to try to resolve some of our situations and to challenge some laws and procedures.

Like so many other western governments, we are closing our doors very effectively. Canadian Consulates and Embassies overseas are virtually inaccessible to refugees. Those seeking to escape persecutions are regularly “interdicted” by airport officials. The few refugees who now make it to Canada tell us stories of relatives who have disappeared into the Mediterranean in their frantic efforts to escape. Only recently we had one boatload of refugees from Sri Lanka who arrived on our western coast – only to be immediately demonized by the government officials as “suspected terrorists”. Fewer and fewer refugees are able to come to Canada.

The tragedy of 9-11 has provided ample justification to implement the concept of a North American Security Perimeter – a virtual union of Canada and the United States. Our concern is that it will have the long term effect of “harmonizing” our refugee policy with that of the United States. Again and again, national “security concerns” trump human rights.

This spring a new Refugee Law (Bill C-11) was passed which is supposed to make the refugee determination process more efficient and speedy. We do support efforts to speed up the process as many are caught in backlogs for years. However, it is also possible that these efforts at efficiency may result in great injustices. We do not foresee any drop in the need for Sanctuary.

As this crisis deepens, the Churches have issued some guidelines for groups considering Sanctuary. The United Church has a very well developed policy on this and it has been used by other churches. One of the most important things we do as a coalition is to offer advice on particular cases that might involve Sanctuary. We try to do everything possible to avoid Sanctuary as it is so demanding but sometimes this is the only option left.

Our Sanctuary Coalition, based in Toronto, continues to meet every two weeks in a very disciplined fashion. Our meetings begin with a Quaker moment of silence and then we discuss for no longer than one hour. We have an excellent chairman, Michael Creal, who moves the early morning meeting along quickly. Even though we are a small group we have been able to make a significant impact on some legislation and we have helped to ensure a measure of justice for some refugees unjustly accused of being terrorists.

As we look ahead, we have talked about different ways of offering Sanctuary. We have had the thought of taking over an empty church and designating it as Sanctuary and grouping all the various refugees together in one place. The point of this would be to make the plight of these refugees more visible and to attract supporters who are specifically concerned. Above all, we know we must work in solidarity with Sanctuary groups in the United States, in Europe and elsewhere because the injustice experienced by refugees is now globalized. There are no really “safe” places for refugees anymore. We are gathered here because the churches offer a last and finest hope for safety.

REFERENCE: *Sanctuary in Context*, Refuge Vol. 26, No.1\_(Spring 2009)  
Centre for Refugee Studies, York University, Toronto

## **Europe closes down. Political challenges for the refugee protection movement of churches**

### **Statement of PICUM**

Kadri Soova

#### ***Undocumented migrants***

- Without residence permit: unsuccessful in the asylum process without necessary visa entered irregularly
- Estimates: 1.8 to 3 million in Europe (Clandestino project)
- Invisible in eyes of policy makers = enormous strain on local actors
- Legal status = obstacle in accessing basic social services
- Clashes between professional ethics and incriminatory discourse concerning undocumented migrants
- UDM extremely vulnerable group – great degree of marginalization
- Lack or very insufficient access to housing (poor living conditions) and health care (poor health conditions)
- Subject to unfair labour conditions
- Education for undocumented children is not fully guaranteed

UDM one of most socially excluded groups in Europe, but not yet a strategic response

The cost of doing nothing concerning undocumented migrants is high:

Risks for social cohesion, public health, eradication of poverty, general downgrading of labour conditions, enormous pressure on civil society

#### ***PICUM's history and activities***

- PICUM was founded in 2001 as a response to the Tampere Agreement in 1999, which established EU competency in the area of migration and asylum
- PICUM is founded by church organisations among the founding members was Hildegard Grosse from BAG Church Asylum

#### ***Role of the church***

##### **a) Conceptual role**

- In 2009, the Vatican criticised Italian legislation targeting undocumented migrants, stating that the group posed no danger to Italy and raised concerns that demonizing and criminalizing these migrants and would bring sorrow and difficulty to their lives. Source: [http://www.corriere.it/politica/09\\_luglio\\_02/voto\\_sicurezza\\_senato\\_563d6780-66e3-11de-9708-00144f02aabc.shtml](http://www.corriere.it/politica/09_luglio_02/voto_sicurezza_senato_563d6780-66e3-11de-9708-00144f02aabc.shtml)

##### **b) Practical role**

- Prominent role of Church groups
- Jesuit Refugee Service
- Caritas
- Churches Commission for Migrants in Europe

- c) Humanitarian activities
  - Provision of food, clothing, shelter, education
  - Church asylum
- d) Advocacy and funding
  - direct assistance and representation of migrants
  - political lobbying
  - awareness raising among the members of the church
  - funding organisations working for undocumented migrants' rights
- PICUM's network consists of 114 affiliated organisations and 126 individual members in 29 countries
- NGO that aims to promote respect for the human rights of undocumented migrants within Europe
  - Monitoring and reporting- newsletter
  - Awareness raising
  - Advocacy
  - Capacity-building
  - Global action on international migration
- Since its foundation, PICUM has successfully fostered understanding about undocumented migrants, their innate rights and the growing gulf between international human rights obligations and the legislation and practice implemented in Europe
- PICUM has strengthened networking amongst organisations dealing with undocumented migrants throughout Europe and mainstreamed their concerns within several key social policy debates at national and regional level
- PICUM's collaborative and measured approach means is regularly consulted by a diverse range of government agencies and policy makers in the field of social inclusion, public health, children's rights and gender equality
- PICUM's professional and human rights based approach has made it the preferred choice of partner for a variety of high level organisations and leading experts

### ***Pressing issues concerning undocumented migrants in Europe***

#### *Access to Health Care*

- EU member states: try to tackle irregular migration by restricting access to basic necessities with the aim of discouraging further irregular migration and encouraging those already in the country to depart
- July 2009 - Italian parliament adopted "the Security Package" which criminalized irregular entry and stay in Italy
  - Fines ranging from ranging from €5000 to €10,000 for unauthorised stay
  - Failure to comply with expulsion orders: punishable by 1-4 years imprisonment
- Italy: implications of security bill on UDM
  - Amnesty Italy annual country report (May 2010)
  - After Security Law adoption in July 2009, migrants have been

- dissuaded to report to the police on suffered maltreatments and abuses fearing of being arrested and deported
- The Minister of Home Affairs has released a clarification stating that all migrants have access to health care and doctors are not allowed to report undocumented migrants
- Yet recent legal developments still spark fear and confusion among migrants as well as health care providers
- PICUM research “Nowhereland” project: Some organisations reported a decrease of up to 50% of undocumented patients in clinics after the adoption of the law
- What are some of risks to NOT providing HC to UDM? (PICUM research on 11 EU MS):
  - Enormous strain on local actors (NGOs, health care professionals, local authorities) who are forced to work with limited resources to defend UDM fundamental rights
  - Health care professionals put in an unreasonable dilemma contrary to the basic ethical principles of health care professionals (Hippocratic oath)

#### *Vulnerabilities of Undocumented Children*

- In 2009, PICUM report *Undocumented Children in Europe: Invisible Victims of Immigration Restrictions*. (9 EU MS)
- Triple vulnerability:
  - As children; as migrants; and as undocumented (or whose parents are UDM)
  - A three-year-old Iranian child living in Britain is reported to have eaten hardly anything for two weeks after being traumatised by a raid on her home by UK immigration officials on 13 May. She and her parents are now being held in the Yarl's Wood detention centre, and face deportation to Iran
- Education:
  - NL and Poland: some school administrators were reluctant to enrol undocumented children, fearing state funds would be extended only to support new students who have residence papers. In the Czech Republic lack of access to health care services is an obstacle to exercising their right to education
  - Many localities excluded children from non-compulsory kindergarten or vocational training, and perceptions that lack of documents would preclude later employment presented a further bar to entering vocational programmes
  - In some countries, undocumented children could not obtain a diploma upon completing their studies
  - Even undocumented children who may attend school often cannot fully benefit: poverty prevents purchasing books or supplies, lack of travel documents denies access to school outings, and poor housing can lead to poor hygiene and subsequent bullying, for example

- Results – undocumented children:
  - More susceptible to exploitation and a life of poverty
  - Consequences for health, social integration, etc.
  - Irreversible damage for those who may be regularised at a later stage (denied education, they have little chance of integration)
  - Results – municipality level bypassing national law to promote social inclusion within their jurisdiction
  - Municipality of Florence, Italy recently acknowledged right of children of undocumented Migrants and/or undocumented Children to attend nursery school (whereas national law only recognizes right to education at primary level). Other municipalities have followed suit
  
- Housing:
  - Some local authorities house undocumented children:
    - But only if the children were first removed from their families
    - Others provide housing, but feared the lack of residence permits would prevent employment and make families long-term dependents of the local authority
  - Irregular status severely limits access to private housing
    - Often leaving undocumented children to face mistreatment by unscrupulous landlords, with little or no recourse
    - Or the physical dangers of dilapidated housing including long-term health threats like lead poisoning
    - Fear of detection was pervasive in all countries studied
  - European Committee of Social Rights (Decision on the Merits 20 October 2009 response to collective complaint submitted by Defence for Children Int'l):
    - Undocumented children evicted from Dutch reception centers following failed residence proceedings are put in a situation of outright helplessness and living on the street
    - Committee found that the current eviction policy of the Netherlands denies to these children their basic right to protection
    - This policy violates rights in European Social Charter, pointing out that that the right to shelter is directly linked to the rights to life, social protection, and respect for the child's human dignity and best interests

### *Fair working conditions*

- “Clandestino” research project, Undocumented Migration: Counting the Uncountable:
  - Found a high level of correlation between levels of irregular migration, demand on the part of employers for migrants, and poorly designed and operated immigration management systems across Europe
- Luc Beal-Rainaldy, labour inspector and national secretary of the trade union FSU denounced the great hypocrisy of authorities towards the problem of unauthorised labour. “Politicians continue to close their eyes to the problem and refrain from taking real effective action because to do so would be to attack very important economic interests.” (interview with Le Monde 12/3/2010)

- Yet policy development on EU and national level remains focused on labor migration channels for high-skilled workers
- “A worker is a worker is a worker!”
  - As response to widespread exploitation and abuse of undocumented workers, PICUM report: *Ten Ways to Protect Undocumented Workers*
  - Broad framework anchored in good practices undertaken by trade unions and NGOs in Europe U.S.A. to offer concrete and policy solutions for situations of abuse and exploitation of undocumented workers

### *Undocumented women*

- Protection from violence
  - Despite this increased exposure to ill-treatment, they risk deportation if they contact the police, are denied access to women’s shelters and are unable to obtain financial assistance granted to victims of violence
  - CIMADE recent campaign on violence against migrant women in France:
    - Having investigated the treatment of foreign victims of violence in 75 police stations in France, La Cimade found that in over one third of cases, women with an irregular status risk expulsion if reporting violence
    - For those without a residence permit, access to emergency shelters, hostels for the homeless and pregnant women refuges are very difficult to obtain. Confronted with a lack of space and resources, reception facilities can rarely offer secure accommodation to irregular migrant women as opportunities for social rehabilitation are limited to holders of a valid residence permit
  - Not allowing access creates a culture of impunity for the aggressor and not addressing serious human rights violations within the EU due to irregular status
- PICUM gender strategy: access to sexual and reproductive health care services, as well as fair working conditions

### **Recommendations**

- Increased data on undocumented migrants for evidence-based policy making
  - FRA-FRIM project on EU 27: health, housing, education, social care, employment status and fair working conditions and access to remedies against violations and abuse
- Reinforce international human rights standards within EU policies
  - EU member states should promote the ratification and implementation of all relevant international instruments
  - Migrant Workers’ Convention – 20 year anniversary in 2010 – campaign for EU ratification led by December 18, Amnesty International
- Fight marginalization and build social cohesion by ensuring that UDM have access to basic social services (e.g. health care, education, housing)
  - Mainstreaming of UDM in anti-poverty and social cohesion strategies
  - Even if undocumented migrants are one of the groups facing the greatest risks of poverty and social exclusion in Europe today, no mention in (National Action Plans) on social inclusion so far

- Aim to get more visibility of UDM within 2010 Year Against Poverty
- Strengthening the capacities of civil society (NGOs, unions, professionals from diverse fields):
  - *Issue Paper Criminalization of Migration in Europe: Human Rights Implications* (Commissioner for HR of CoE – Thomas Hammarberg)
  - Ensuring that they are not penalized or criminalized for providing assistance to undocumented migrants
  - Especially duty of confidentiality between health and education professionals and their patients/students should be respected and should never have to denounce UDM
- Stop using terms “illegal immigrants” and “illegal immigration,” and instead use “irregular migration” or “undocumented migrants”
- Promoting regularization measures to reduce exploitation and unprotected status of undocumented migrants

## **Europe closes down. Political challenges for the refugee protection movement of churches**

### **Statement of Amnesty International**

Berward Ostrop

What Amnesty expects from the church in the Refugee Movement:

- History reveals strong synergistic effects between the church and Amnesty in the practical and political work with refugees.
- The work of Amnesty in the refugee sphere limits itself to questions of deportation in important human rights violations; the work is a part of the preventative protection of human rights. The refugee work of the church can go over and above the work of Amnesty and can shift the question of refugee inclusion criteria to the foreground.
- At the local level, a very strong cooperation exists again and again – for instance, with the rendering of sanctuary. In this area, Amnesty admires the church's uncompromising, courageous commitment to the individual refugee.
- In addition to the commitment to the individual case at the local level, the church refugee policy should, as it also often does, uncompromisingly demand human rights conforming political asylum in Germany and Europe. At the core of the deficit of refugee protection in Europe and Germany is access to a fair procedure for granting the right to asylum. The European States attempt with every effort to hold all those seeking asylum at bay.
- Along with these efforts is the tightening of legislation, the rearmament on borders, and the control of the responsibility of the asylum process in the EU, that allow the countries on the outer borders of the EU to be overextended or tighten their legislation or outsource the refugee protection to other countries on the border.
- The current worst example is the Italy's cooperation with Libya. As a result of the conclusive Friendship Treaty of 2008, all refugees from the north African coast are pushed to Libya. There they expect arrest, ill-treatment, rape, and deportation.
- Nevertheless Germany and Europe remain silent. The church, who represents

and can reach a broader political spectrum, should emphasize this inequity and force the federal government and the European Commission to introduce a treaty violation proceeding and end all further migration control negotiations with Europe's gateways.

- The churches must support a uniform system of protection in Europe and denounce any departure of harmonization, like the federal government propagates with countries like France. The blatant lack of refugee protection must be remedied, like the European Commission has suggested.
- The church has played a remarkable roll for worldwide refugee solidarity in the past with the introduction of a new resettlement program. The program raised awareness within the member states and Germany. Together with NGOs, the church should support the introduction of this program in further member states. This supported program should never allow the individual right of asylum of a particular person who arrives in Europe will be infringed upon.

## **Sanctuary Movement in Europe – Reports from East, West and North**

### **Hungary**

Dora Kanizsai-Nagy

### **Who do Hungarians think about when they hear the word refugee?**

When we talk about the importance of offering help and shelter for refugees we like to remind Hungarians about 1956 and the year following the revolution when about 200 000 people fled the country and found shelter in Austria, Western Europe, the US, Canada and about 50 other countries.

Mary Jo told us yesterday that this sanctuary movements usually begin with a face to face encounter. My uncle was a refugee who fled Hungary after 1956 through Austria, than Germany to the US. After settling in in the US and having stable ground he himself welcomed refugees in his home for many years in Tucson.

### ***Historical background***

Hungary acceded to the 1951 Geneva Convention relating to the Situation of Refugees in 1989. By the time the Convention entered into force more than 30 000 Romanian citizens were staying in Hungary on the basis of temporary residence permits. Most of them being ethnic Hungarians they could stay in Hungary permanently. Special shelters for the refugees were set up first within churches and homes, than in schools and unused military buildings.

This kind of refugee assistance was well known and won a wide base of support within the church.

Following the arrival of ethnic Hungarians the second largest wave of refugees came from the former Yugoslavia.

Until 1998 when the Act of Asylum entered into force, Hungary only accepted refugees from European countries. Immediately after lifting this geographical limitation of the Geneva Convention half of the applicants were from Yugoslavia, other half from non-European states. The record number of asylum seekers came in

1999: there were 11 500 applications, 5 100 submitted from the ex-Yugoslavian states, 6 000 by non-European citizens.

### ***Statistics***

In 2009 the total number of asylum seekers was 4 672 (number of asylum applications by unaccompanied minors/separated children), 172 were granted refugee status, 62 subsidiary protection, 155 humanitarian cases, 1200 rejected or prolonged. Main countries of origin: Afghanistan, Serbia (incl. Kosovo), Somalia, Turkey, Georgia, Iraq.

There were 934 people returned to Hungary due to the Dublin II., 261 were sent from Germany, the second and third largest groups were sent from France and Austria. There were 634 deportations (most Serbs and Kosovar). Unfortunately the church has not yet started to monitor the deportations nor is able to provide counseling to the deportees.

Applications for citizenship: only 7% of total applicants were from non-European countries, according to UNHCR 30 refugees received citizenship in 2009. Most refugees live in Budapest hoping for better chances for employment. Unemployment among refugees is very high.

In Budapest schools there are 2 870 kids who are not Hungarian citizens, 1 700 are non-EU citizens. There are only two public schools in Budapest who are focusing on intercultural education, and developing effective teaching systems for migrant students. Education is free and available for recognized refugees but without an outside help refugee students can't overcome the challenge of learning a new language and perform in class at the same time.

### ***The Refugee Mission of the Reformed Church of Hungary***

My organization was set up by the Reformed Church and we are held accountable and supported by the General Synod. The Reformed Mission Centre coordinates 12 different social ministries throughout the country, each of them specialized to help a different marginalized group, eg. the homeless, hearing and vision impaired, imprisoned, hospitalized, the Roma and the refugees.

In the Refugee Mission we focus on three main aspects of social inclusion and integration of refugees: housing, schooling and employment. Our programs are financed by the European Refugee Fund, the European Integration Fund and the European Social Fund.

**The Housing Program** assists families who after having moved out of the reception centers can't find or provide for proper housing. The program pays for a flat and utilities for a year, helps to integrate and find a job or training, helps with the paper work, etc. In the second year the family has to pay the utilities and a monthly sum for savings that they will receive when the program is over at the end of the second year. Though the state provides some social aid for recognized refugees to find housing, it's a very big challenge financially and legally, while discrimination and prejudice is also a great factor of hindrance. Unfortunately there are much more families in need for this kind of help than we can include in our program.

**The school integration program** offers intense Hungarian language instruction and tutoring to youth between the ages of 12 and 20. This age we feel is particularly at risk and the gaps within the Hungarian educational system do not meet the needs of these individuals. When the youth is moving out from the camps to the city we assist them to find the right school in town, help with sensibilization of the future teachers, and through our social workers and teachers we have a constant presence in the school, thus being there for the students and for the teachers at the same time. We also provide these young people with assistance with housing in dormitories if necessary, school supplies, books and anything else we can to help them succeed in school. In addition to this, we offer them social work support, counseling when needed, fellowship through social activities and familiarization with the culture and history of Hungary.

**Work/employment** assistance is provided for refugees, eg. monitoring of job offers, assistance in writing CVs and applications, visits to employers and info sharing on the benefits of a multicultural job environment. In a pilot program we had 15 refugee women learn Hungarian, do a vocational training on kindergarten assistance, gain practical training in Reformed kindergartens. At the end of the program they received their official diploma and some of them were successfully hired in kindergartens. Some found jobs in different fields and some decided to stay at home with their children. But overall the need for programs like this has been proven. It's a community building time for isolated refugee women, it's also a convenient way to learn the language and learn a new profession. The church has a wide range of institutes and services where we are seeking future cooperation opportunities to provide work experience in Hungary so that they can step outside to the labor market with relevant experience.

### ***Budapest Scottish Church***

The Scottish Presbyterian church is an English speaking international church with a culturally and socially diverse congregation. Scottish missionary Jane Haining provided shelter in the church to Jews during the Nazi regime. The church and its neighboring school were brought under the protection of Raul Wallenberg. Today church services are followed by a coffee and cake and free lunch with different nationalities cooking each Sunday.

Congregation members help asylum seekers and people needed of protection by:

- Offering expertise, advice and support, and emergency financial aid,
- Offering free Hungarian lessons twice a week,
- organize free English lessons by American church volunteers for the staff of the various reception centers in Hungary,
- Help refugees to connect with lawyers, doctors and immigration experts,
- English language summer camps where refugee and immigrant kids can play with Hungarians, providing for a fun time of cultural exchange,
- a booklet is being developed on welcoming the stranger to share refugee stories and to present the Biblical perspective of asylum, the book is going to be distributed among congregations.

The Reformed Church of Hungary is the only church who even has a signed agreement with the state that it involves itself in refugee help. Immigration office asked for volunteers who would assist the social workers in the reception centers, where there are 3 social workers for 300 refugees.

### ***Gaps in the system***

Due to lack of information on the asylum procedures many applicants leave the country after receiving refugee status and move on to Western European states where they have friends and family. But due to Dublin II they will be returned to Hungary. Refugees who have left to other countries forfeit the entitlements such as free Hungarian classes and various financial assistance they would have been entitled to if they stayed in the country. This means that upon return to Hungary they are far worse off than before, many end up as homeless. Many of them are in their twenties or younger. In these months we are planning to set up a temporary shelter for these cases. Homeless shelters are not suitable for refugee youth to integrate. They are in need of a temporary home, so that they can start going to school, or start a vocational training and find employment.

### ***Migration Law***

This spring during the parliamentary elections the motto was to have order and peace and security. In the center of attention regarding interior affairs is the situation of the Roma people. Though the numbers of asylum seekers if gradually higher the numbers are still quite low, integration and immigration are not part of the public debates.

The draft of the migration law is being debated right now. Under the call to harmonize our legislation with EU norms and directives and to create better coherence they seem to be going to a direction where the focus is on deterrence and detention. Unfortunately parallel to this the integration and social inclusion is out of sight, the cuts on social aid and different tools to enable the better integration of refugees is disturbing.

## **Sanctuary Movement in Europe - Reports from East, West and North**

### **Belgium**

Nina Henkens

**The Movement for Undocumented Children** was founded in 2005 in Antwerp, Belgium by teachers and friends of undocumented children as a reaction to their arrests, detentions and deportations. Its goal is to protect and monitor the rights of undocumented children in Belgium, according to the International Convention on the Rights of the Child. De BvKZP wants to be a bridge between undocumented children and Belgian government policy makers. The board consist of volunteers and professionals working in the field of education, social work, fight against poverty, youth work and church organisations. The BvKZP is on the board of Picum, the Platform for International Cooperation on Undocumented Migrants.

## ***Our main activities***

The BvKZP is involved in the fight against the administrative detention of undocumented children and closely follows the Belgian government's effort to develop alternatives for detention. Every month we visit families that are awaiting their repatriation in one of the governments specially designed housing sites, to support them mentally, socially and legally, and to monitor the wellbeing of the children.

In 2010, the European year against poverty, we focus our activities on the fight against child poverty. Supported by a large network of field actors, volunteers and other organizations, we detect and report violations of undocumented children's rights in order to promote a sufficient standard of living adequate for the child's physical, mental, spiritual, moral and social development (art. 27 ICRC).

As undocumented children are generally unknown to official authorities, it is one of our primary goals to incite and encourage academic research in order to change government policy to include undocumented children as a visible group in the fight against child poverty. Borrowing from our own expertise, academic research and experiences abroad, the BvKZP develops policy proposals that make it possible for children without legal residency status to fully enjoy their rights in the fields of health care, education, integration and housing.

## ***The fight against child poverty***

2010 is the European Year against Poverty. The Belgian Presidency prioritizes child poverty. However, undocumented children have access to a very limited number of social rights. We strive to make undocumented children a distinct target group in the fight against child poverty in the first place. This means the government will have to research for the first time the number and characteristics of undocumented children. The BVKZP developed a few policy proposals that make it possible for undocumented children to claim their rights. After a presentation on the European conference 'Who cares? Roadmap for a recommendation to fight child poverty', held last month in Belgium by the Belgian presidency, the Belgian, Spanish and Hungarian presidency signed a declaration that for the first time mentioned undocumented children.

## ***Reception crisis and undocumented children's rights***

As the result of changes in the Belgian Reception Law in 2007 (change from financial to material support, no more right to work, more beneficiaries) and an increasing number and intensity of conflicts, the number of people who asked for asylum overgrew the places in reception centers. The crisis started in the summer of 2008 and is still going on today. More than 5000 asylum seekers do not have a place to sleep, also children. Another group is stationed in cheap hotels, sleeping with 5 or 6 people in the same room, no legal, social or medical support.

In Belgium, undocumented children and their families also have the right to stay in a reception center until the youngest child turns eighteen. These children are also refused shelter and are not even included in the statistics. The only way for them to get a place is go to court, which takes a lot of time and is not easy for a homeless

family. However, places are always granted by the Judge, because the actions of the Belgian government are clearly a violation of their own laws.

The Movement for Undocumented Children is extremely concerned about these developments. Even though the government has taken several different steps to solve the reception crisis, their solutions are never sufficient and, very important, the group of undocumented families is always left out.

## **Sanctuary Movement in Europe - Reports from East, West and North**

### **Finland**

Jouni Lehtikoinen

Dear Seminar participants, sisters, and brothers!

I am pleased that I may be here in Berlin, to learn new things and exchange experiences about sanctuary practices of the church.

In our church community, St. Michael's Parish in Turku, cases of asylum already belong to our daily routine. Those seeking help arrive almost weekly. At the moment we have two families that we try and help as much as we can. Later in my talk I will come back to these families.

It all began in June of 2007. During the church congress in May, the brochure "Asylum in the Church" was released and two weeks after its publication, the first asylum applicant stood at the door to our church. It was Naze Aghai, a woman from Iran, who had received a rejected asylum request from the immigration office and thereupon went into hiding. She had fled Iran in 2005, after it was discovered that she was a courier for the forbidden Komalah Party. With help she made it through Turkey and Russia to reach Finland. Now her friends brought her to our church, and as a church parish we decided to help her. The matter caused immense media interest, as this was the only such case in Finland. The topic of asylum was treated in a positive light in the media, which was extremely helpful for the entire process. The major opposition to the case came from inside the church. Many had the opinion that this case did not concern the church and that our parish would be treading along an illegal path. The greatest support for the case came astoundingly from circles that had little to do with the church. Expressions of appreciation that we had the courage to defend a woman in need came from those circles outside the church.

At the beginning, the immigration authorities had absolutely no understanding. I was ordered to the police authority for interrogation in the matter. They were of the opinion that we should quietly turn the asylum seeker over to police custody. The immigration authorities demonstrated just as little understanding. However they did invite the parish to a seminar and negotiating table in order to discuss the matter, assuring us understanding from all sides. This event looked completely different in reality, however. The immigration authorities did not stray from the usual line and also did not make use of the existing competence of the church in the matter.

Three months after the asylum seeker arrived at our church, the archbishop called me to his office and, following our conversation, granted his backing of our action.

One year after her arrival in our church, Naze Aghai received a permanent residence permit.

For our parish this is particularly edifying because we received the Peace Prize of the Finnish Peace Committee (Suomen Rauhanpuolustajat) as well as an honorable mention in Humanistic Achievement in 2007 from the Faculty of Humanities at the University of Turku.

For the sake of fairness, it is worth mentioning that our actions also produced another type of reaction. A group of neo-Nazis nailed a placard to the door of our church accusing the church of being anti-Finnish (since they were protected a foreigner) and reminded them about the day of the sword. Complaints about our actions were also submitted to the ombudsman of the Finnish Parliament.

The year 2007 appeared to be the beginning of the sanctuary movement in Finland. In different parts of the country several asylum seekers walked into church parishes. Some received help, others did not. Asylum seekers from other parts of Finland approached our church parish, but we tried, however, to refer each asylum seeker to the nearest parish. The friendly ties to neighboring Sweden were deepened, where, in particular, the Sisters of the Alsike Cloister have been supporting asylum seekers for a long time. They became our friends.

Within the last three years the St. Michael's parish in Turku has been involved in more than 20 asylum cases as well as several corresponding contacts and consultations. We have had, among others, asylum seekers from Iran, Afghanistan, India, Iraq, and El Salvador. Some of the applicants we could help, others not. Two cases proved to be fraudulent. It turned out that the asylum seekers' stories were invented.

Dealing with the public authorities is slowly improving. We have on occasion sat with the immigration authorities at a table and discussed cases frankly. We want to build up trust with the authorities. The police have assured us that our wards will not be taken from their housing, the cloister of the nearby Catholic Church. The asylum seekers live in Finland, not literally in the church. However, it is important that we can keep open contact with the authorities.

In our church parish we have a so-called asylum committee that is activated when an asylum seeker comes to the church parish. The group is made up of a signatory pastor, the general secretary for international work in the church, a member of the staff of Diakonie as well as two lay people.

An Albanian police chief and his family are currently under our protection. He fled Albania due to his attempted murder, a result of uncovering drug cartel and corruption involvement high up in government circles. The Finnish authorities did not grant the family asylum. They wanted to deport the family immediately, which we were able to prevent at the last minute with a new asylum petition. The chauffeur of the police chief had been granted asylum in Belgium and several associated new factors could then be added to the family's asylum application. The family have settled in well in Finland. The children go to school and can speak Finnish, the mother is studying and goes to work. But the father is unemployed and is afflicted with depression.

One major problem for asylum seekers, particularly for men, is that they do not have anything to do. We have developed community work so that mothers and children meet once a week for a family group and the fathers can repair the cars and mopeds with the parish's car club, an activity that I have organized.

The ombudsman of the Finnish Parliament gave our congregation a warning that the church parish is not allowed to use the word "asylum." They argue that asylum is a legal term and the church does not grant asylum; the State grants asylum exclusively. According to the ombudsman, one should use other terms, for example, the bestowing of protection.

Honored listeners. These were some highlights of the work of our congregation as asylum grantor. One could cover so much more, beginning with how the immigration authorities did not believe that an Afghan who had finished his Confirmation studies was a Christian. Or the many so-called sham marriages we have encountered.

The work carries on. It is demanding and difficult but also enriching. We take on the work as a duty and a challenge which were handed to us, and in doing so the good Lord bestows us strength. Anyone that needs protection is our fellow human being, and is beloved and irreplaceably precious in the eyes of Jesus. In her wisdom Mother Theresa once said, "We can not save the whole world, but we can save the whole world of one person." Maybe this motto will become the reality through the work of asylum in the church.

I wish you the presence of the good Lord and the blessing of your work in aiding "the least of our brothers and sisters."

## **Spiritual Input for the Day: Visions of the Kingdom of God in East, West, North, and South**

Pastor Bernhard Fricke

In the name of God, who is our Creator and Keeper.  
In the name of Jesus Christ, who is our Brother and Liberator.  
And in the name of the Holy Spirit, who lifts up our weaknesses and gives us courage.

SONG: Jesus, My Joy (Text from Volker von Törne)

Words from Psalm 107:1-8

Give thanks to the Lord, for he is good,  
for his kindness endures forever!  
Thus let the redeemed of the Lord say,  
those whom he has redeemed from the hand of the foe  
And gathered from the lands,  
from the east and the west, from the north and the south.  
They went astray in the desert wilderness;  
the way to an inhabited city they did not find.

Hungry and thirsty, their life was wasting away within them.  
They cried to the Lord in their distress;  
from their straits he rescued them.  
And he led them by a direct way  
to reach an inhabited city.  
Let them give thanks to the Lord for his kindness  
and his wondrous deeds to the children of men...

Laudate Omnes Gentes  
Praise, all peoples, praise

Dear conference participants,

After a long evening with dramatic musicals, commemoration of the deceased and the start of a journey, after a long night, today is a new day.

Our view is drawn forward by the biblical vision of a totally special new community. In a sermon Jesus says among other things: They will come from the east and the west, from the north and the south and will sit at the table of the Kingdom of God. And behold, he continues, for the last shall be first and the first shall be last.

So much future. So much promise. We can orient our thoughts and actions to this promise of the future – knowing that we do not raise ourselves, rather the future, the future that is from God, raises us.

In the Psalm that Jesus quotes, the one that we prayed, it is clear about whom it is written. It is written about those who fall by the wayside in the desert. The ones who are forbidden to prosper. The ones who are politically muzzled. The ones who are deported into uncertainty. The ones who seek a home, literally and figuratively.

They will sit at God's table, like the ones who live on the streets and in the alleyways, like the disabled and the sick, like the children who are excluded from belonging.

And when we accept the invitation from the Lord, accept on time, then we could also be there. We do not want to and may not come late, not to overlook Kairos, to lose the chance. We are camels and foolish virgins, let us use the small opportunity.

Let us not look back, rather let us look forward and go with those whom we yearn on the way. Everyone is welcome to His celebration.

He who wants to change the church into a cosmopolitan, into a sympathetic, into a living church. He who similarly wants to change society and, maybe with help from the church, also change life into a life full of dignity and human rights. He and she who wants this make this change need this vision, this completely clear promise standing before their eyes.

Here it is not about dreams and utopia, rather about prayer, about what is true and possible, that we are involved in. Joy spreads to those next to me and in front of me and behind me, full of ideas, hungry for life and thirsty for justice.

We do not forget the injustice, but we celebrate the justice.  
We do not forget the fault, but we celebrate the forgiveness.

We do not forget the oppression, but we celebrate the liberation.  
We do not forget the racist exclusion, but we celebrate God's love for all.

We are present. We are involved. We accept God's invitation, we celebrate with him. I am pleased that so many are already involved and that so many fight for those who are impeded and refused access to life by governmental rules. Today this is what we are experiencing: walls, borders, laws will no longer stand in our way - God invites us. He blesses us on our way. He blesses us today. Amen.

SONG: God's spirit sets our life free

Prayer:

God, Father and Mother, Brother and Companion, thank You for the invitation to Your community. Thank You for the invitation for all whom You love and want to have with You. Open our hearts and hands, our parish houses and churches, that we come willingly and welcome those in need or with joy, those searching or in doubt, those who are the the generous givers and the deserving poor, to knock on our door.

You are our future. Come meet us and set us free from our fears and judgements. We pray to You with the words of Your Son,

Our Father who art in Heaven, hallowed be thy name.  
Thy kingdom come, thy will be done  
on earth as it is in heaven.  
Give us this day our daily bread  
and forgive us our trespasses,  
as we forgive those who trespass against us,  
and lead us not into temptation,  
but deliver us from evil.  
For thine is the kingdom and the power, and the glory,  
for ever and ever. Amen

We ask God for His blessing on this day:

The Lord bless you and keep you  
The Lord let his face shine upon you, and be gracious to you  
The Lord look upon you kindly and give you peace.  
Amen.

## **Why do we do what we do?**

### **The Theological Dimension of Sanctuary Work**

Prof. Dr. Konrad Raiser

First of all I would like to thank you for the invitation to deliver the talk, the theological dimension of sanctuary work, on the last day of this conference. I accepted the invitation somewhat hesitantly because I have no personal experience with sanctuary work and joined the Ecumenical Church Asylum Movement in Germany just a few years ago. Of course I am theoretically familiar with the issues through my long association with the World Council of Churches which is also likely the reason they invited me to this ecumenical conference. But I had not closely followed the complicated discussion about the legal asylum rules in Germany and Europe. In order to prepare for this report, I had to try and familiarize myself with the material. I am therefore glad that I can leave the human rights aspects of the report to Wolf-Dieter Just. Naturally I tried to inform myself more specifically about the history of the sanctuary movement in Germany and its neighboring European countries. I also looked into the history of the sanctuary movement in North America, where the original momentum started and then was taken up by Europe. From the title of the conference, you have also figure out that three years ago churches in the USA took the initiative to form a “new sanctuary movement.” This was in reaction to the strengthening of legal measures and rules in view of the so-called illegal immigrant situation. Since the attacks on September 11, 2001, Europe, and above all the USA, have been busy with similar political trends: the attempt to seal off the country. This trend is supported by a broad reaching xenophobic atmosphere in the population of the world.

Therefore it is important that the churches strongly reinforce their prophetic mission. For instance, the churches could answer the call of the Conference of European Churches to name the World Refugee Day of June 20 as a day of prayer and remembrance for the refugees and migrants who lost their lives at Europe's external borders trying to find a humane life in Europe. Our conference takes place in connection with the 30 year long committed “Intercultural Week” and “Day of the Refugee” on October 1 in Germany. The collective word from the highest representatives of the three German Christian Churches strongly reminded the government and the public of our responsibility to refugees and migrants. The proposal to further develop the 1988 Charter of Groningen to a new Charter of “Sanctuary Movement in Europe,” which incorporates the changing conditions of today's refugees and asylum seekers, comes at the right time. Through stronger networks the Charter will hopefully give the European sanctuary movement new momentum. The commitments of the “new sanctuary movement” in the USA and the covenants contained in the draft of the Charter are nearly identical. Further, they conceive of a broad ecumenical basis for a collaboration. A collaboration that states the goal to grant protection for refugees, asylum seekers and migrants through the defense of fundamental rights while providing hospitality.

## I.

With the help of many lectures yesterday you have discussed the political challenges involved in the church's protection of refugees, the conflict regarding the legal rules at the European Union level, and concrete examples of sanctuary in European countries. I am not going to go into the context of these topics again. My theological dimensions apply much more to the role of the notion of asylum as they have been played in the biblical and church tradition. I can assume that the most of you are familiar with the relevant exegetical and church historical examination so that I can limit these references. What appears important to me above all is that the introduction of the function of asylum comes more from holy places like a church or temple than from a non-biblical, religious tradition from the ancient world. Asylum is documented only a few times in the bible. Almost always, it concerns the conflict between state law and God's higher authority. In each time period, state and political rulers tried to limit the ability of holy places to protect, specifically, they tried to bring holy places under their control. The Bible closely restricts the protection at the holy place of God's presence, strictly to the innocently persecuted and speaks out clearly against its abuse by people who are accused of a crime. But God's authority is not restricted to holy places and applies to all questions of justice in the life of the church community.

The sanctuary movement can cite a long tradition in the history of the church. The protective function of churches, cloisters, and other places related to the church providing asylum for the persecuted is documented, as is the tendency of political powers to limit this traditional law. But at the crux, the task of protecting refugees and threatened migrants is not tied to places of worship and specific spaces and in opposition to governmental measures. The place of worship or the space of worship stands much more symbolically for God's higher authority. It is God who can come into conflict with the rules and measures of governmental law. Translated into the secular language of the political debate, it is about the recognition and the protection of the inalienable dignity of each person's life by the authority of God. The policy statement of the World Council of Churches from 1995 about the "Solidarity with the Uprooted" recorded the first of three fundamental theological beliefs:

"We confirm the sacredness of all human life... All people are created in the image of God. The respect of human dignity and the worth of every person regardless of age, abilities, ethnicity, gender, class, nationality, and religion are the foundations to our Christian faith. Our faith compels us to ensure that human life, physical security and personal safety are upheld in law and institutions. No society can live in peace with itself or with the world without a full awareness of the worth and dignity of each human person and the sacredness of human life."

The recognition and the protection of human dignity find their legal expression in human rights or basic rights, that are currently also stipulated in the European Charter of Fundamental Rights. When existing legal rules of member States or of the EU as a whole contradict human fundamental rights, the Christian duty based on reasons of faith makes it necessary to act. This applies, for example, for the identification and treatment of refugees or migrants who do not have a valid documented as "illegal." The basic rights of a human being, recognized with the status of a legal person, is not allowed to be disputed only on the basis of being

“illegal,” meaning the valid statutory provisions not the corresponding arrival and the stay in the EU and the member states.

That all people have their own, inalienable rights is rooted in the Christian belief in the biblical testimony that all people are created in God's image. We profess God as the trinity of Father, Son and Holy Spirit. As the reality of God is life in relationship, so are people also created in relationship to God and one another. Our individual and collective identity, our mutual personhood is a related reality. It is threatened at its innermost core through the political walling off of the European nations against the hardship of refugees and migrants whose quest for protection and a life of human rights in Europe often fatally ends.

The policy that tries to maintain security for its own citizens through the deterrence and blocking off of the external borders ends in its own contradiction in terms, similar to that of the nuclear arms policy. The only policy that will prevail is the one that is aligned with “mutual and humane security” in the countries of origin of the refugees and migrants. To this the explanation of the World Council of Churches ecumenical Board on justice, “No society can live with itself or with the world in peace without a full awareness of the worth and dignity of every human being and the sacredness of the human life.” For the sake of inner peace and the preservation of democracy and the rule of law it is time to comment against the “spirit, logic, and practice” of the bordering off and sealing off policies.

In his famous essay on “The Church on the question of the Jew” in 1933, Bonhoeffer formulates, “The Church is bound to the victims of every social order in an unconditional way, also when the victims do not belong to the Christian community.” He ascertains that the church does not have the right to interfere directly in specific political actions of a country, but that the church must act if the country does not comply with its duties to provide law and order. The church could step in if there is either too much or too little law and order as a result of governmental disorder. The church understands the limits of the governmental power and it must for its own sake show the government where the limits are. Today this is one of the representative duties of the sanctuary movement. As back then concerning the Aryan clause, today's concerns involve the conflict between legality and legitimacy of governmental actions.

## II.

Even if in the biblical tradition the right of asylum plays a secondary role, based on the protective function of holy places, the biblical writings are all the clearer in advocating for the rights of the “foreigner” as singled-out expression of the divine legal will. In all three of the large Codes of Law of the Hebrew Bible, the protection of the “stranger” is granted an essential spot. So it is written in the Book of the Covenant, “You should not molest or oppress an alien, for you were once aliens yourselves in the land of Egypt.” (Ex 22:20) Or even more empathetic, “You shall not oppress an alien; you well know how it feels to be an alien, since you were once aliens yourselves in the land of Egypt.” (Ex 23:9) In the priestly source the mandate of protection of foreigners is directly connected with the mandate of charity, “When an alien resides with you in your land, do not molest him. You shall treat the alien who resides with you no differently than the natives born among you; have the same love for him as for yourself; for you too were once aliens in the land of Egypt.” (Lev 19:33-

34) In all of the corresponding points, the reason behind the mandate of protection of foreigners is the reminder of the experience of the tribes of Israel who lived as refugees and foreigners in Egypt. The Reform Act of Deuteronomy goes a step further and connects the protection of foreigners expressly to God's love as the unerring Lord of all rulers who the person does not see and does not accept gifts "(he) who executes justice for the orphan and the widow, and befriends the alien, feeding and clothing him. So you too must befriend the alien, for you were once aliens yourselves in the land of Egypt." (Deut 10:18-19)

The first two references in the Book of the Covenant frame all remaining social mandates of the protection of the poor and indebted, the widows and orphans, etc. Like Frank Crüsemann supposed, the sense of the "framing of all these topics through the mandate of protection for foreigners...obviously [lies] within, is that they become a scale for social behavior. Because with the foreigners there are all these groups and their problems and in fact increased, widows and orphans, poor and indebted. And because they themselves have little chance to see their own justice process prevail, they become, through the literary framing, a contextual scale from which the law and justice of a society can be measured." According to Crüsemann the translated term "stranger" from the Hebrew Bible describes people who stay indefinitely in a place where they have no kin and no property and therefore have no legal rights. This could be the Israelites from other tribes, in particular refugees from the end of the north kingdom, or people from the neighboring countries. Because Israel owes its freedom and land not to its own efficiency, rather to the liberation from God alone, one should meet vulnerable foreigners and refugees with the same love and care.

The most radical culmination of the fundamental convictions in the Codes of Law is in the demand of a complete equal rights for those native citizens and those foreign and is found in the Priestly Code, "You shall have but one rule, for alien and native alike. I, the Lord, am your God." (Lev 24:22) The demand arises solely from the conviction of the presence of God in and around his people who through God will be made holy. Crüsemann explains, "In His presence – and the people are the place of His presence – can not mean different things for different people. Who is near him has the same privileges and duties. Before God there is no difference, and therefore there are no differences between Israelites and foreigners...Therefore is it unthinkable that oppression, displacement, or unequal rights of foreigners can take place in this Presence... (Also) Christian congregations as place of the presence of God can only act as a place of protection for foreigners and their fundamental rights. To give them up would be a betrayal of the persecuted as well as of one's own God."

Needless to say, the particular historical and societal situation of ancient Israel is reflected in this instruction and legal rules. They hence, also do not have any direct acceptance of the Annunciation and Jesus in practice or in the writings of the New Testament. But the fundamental intention remains, because the "foreigner" stands for the the lost and the oppressed, whose God "created the law." In addition, even if the specific rules of the Biblical writings are not so easily conferrable, they do lay the foundation for today's church's actions. In 1997 the two large churches in Germany came together with the National Ecumenical Council and formulated the "The Joint Word from the Church on the Challenges of Migration and Escape." This determination of the church's position under the title, "...and the stranger within your gates," has been updated in the meantime through further opinions but continues to

offer a very helpful biblical-theological groundwork and determination of the ethical consequences for the actions of asylum. This is valid in particular for the question of legal rules for immigration and residence of refugees and migrants. The formerly formulated requirements of the legislators are today even more stringent if nothing else, in view of the rules in the European Union. I name for example, one requirement, "It is not about considering a foreign national from the perspective of the threat of public safety and order. It is about the subordination of their personal needs to the state's interest in security and with it, disregards their personal dignity." Where the sanctuary movement comes into conflict with immigration law and police law, one should feel covered and legitimized through today's church's inclusion of the biblical principles of the "Right of the foreigner."

### III.

The statement from the World Council of Churches of 1995, which has been already cited here, is characterized by the conviction that the question of protection and immigration for those without rights and those threatened with deportation, is, in the end, about the integrity of our belief as Christians and the church.

"When churches close themselves off to foreigners, when they no longer strive toward an integrated community, the symbol and anticipation of the Kingdom of God, then they lose their right to exist. We call the churches of the world to rediscover their identity, their integrity, their mission as churches of the foreigners. The service to an uprooted person was already recognized as social outreach, although many churches take on this service in a marginal way. We reinforce however, that it is a question of only one matter in the church. We are one church of the foreigner – the Church of Jesus Christ, the foreigner." (Matthew 25:31-46)

Given the increasingly restrictive immigration politics of the government and the growing public xenophobia in all parts of the world, the church stands before a new alternative: Will you decide to be the church of the foreigner and take the side of the uprooted, or will you turn away and ignore the question? Will you leave the issues of the uprooted to a refugee program or will you embody the concept of the universality of the Gospel and be a home for those who strive toward the recognition of their own human dignity?

To be the "Church of the foreigner" that is to say, the "Church of Jesus Christ, the foreigner" - therein is the church already prepared by the Hebrew Bible and then in the New Testament, where the deeper discernment of faith is expressed, that one meets God himself in the foreigner. The story of the three foreign men who visit Abraham and Sarah was formative in the church tradition. The meeting is and was interpreted by the historical and orthodox interpretation and iconography as a meeting with the three persons of the trinity. (Gen 18:1-15) The continuation of the story is found in the attempted abuse of the foreigner in Sodom. This old story is referred to in the Letter to the Hebrews as he writes, "Do not neglect to show hospitality, for by that means some have entertained angels without knowing it." (Heb 13:2)

That God is present on the earth in the form of a foreigner, characterizes the Gospel stories by meeting the person Jesus Christ. In all of the Gospels, from the story of the birth of Jesus in the Gospel of Luke and the flight to Egypt in the Gospel of Matthew,

to the witness in John's Gospel, "To his own he came, yet his own did not accept him." (John 1:11), God as Jesus Christ identifies himself with the experience and the lot of the foreigner. The parable of the Last Judgement comes to this conclusion most succinctly. The royal judge will judge the people on whether or not they took him in when he was a stranger among them. Because, "as often as you did it for one of my least brothers, you did it for me." (Matt 25:40)

But as God is in the form of a foreigner in the world and stops the contempt and maltreatment of the foreigner including the execution "outside the gate" (Heb 13:12), so will the way of the faith be shown by Abraham to the community of those who follow Jesus away from their home. The Letter to the Hebrews spans a long arch in Chapters 11- 13. It begins with Noah and Abraham, "By faith Abraham obeyed when he was called...he went forth, moreover, not knowing where he was going. By faith he sojourned as a stranger in the promised land as in a foreign country" (Heb 11:8-9) And he closed the arch with the warning, "Let us go to him outside the camp, bearing the insult which he bore. For here we have no lasting city; we are seeking one which is to come." (Heb 13:13-14) The same basic motive resonates in the First Letter of Peter, when the author turns "to the chosen strangers" in the church of the Asian Province (today's Turkey) and admonishes those "strangers and those in exile" to a righteous life. (1 Peter 1:1 and 2:11)

The experience of the early Christians are embodied in these linguistic symbols. First they were a foreign presence in their own Jewish community and then in the Hellenic surroundings of the Roman Empire. They belonged neither to one group nor the other, they were "foreign." Here the Greek word "paroikoi" echoes our term "parish": the Christian Church is the discipleship of the foreigner, Jesus Christ, and therefore does not let them fit easily into the rules of the society in which they live.

But the vision of unity in the First Letter of Paul to the Ephesians, which is based, on the contrary, on Jewish people and heathens, should also be taken into consideration. From the early Christian baptism sermon the author determines in one language, "But now in Christ Jesus you who were far off have been brought near through the blood of Christ...this means that you are strangers and aliens no longer. No, you are fellow citizens of the saints and members of the household of God." (Eph 2:13 and 19)

From this perspective, it is clear that the Sanctuary Movement is not only a specialized form of Christian social outreach, but also a central aspect of the identity and integrity in the church as a community who follows Jesus Christ, the foreigner. Because the Christian church of today stands in Jesus Christ's place as the foreigner, it becomes the disrupted foreign body and can put itself in the place of "the heart of the foreigner's." And so the statement from the World Council of Churches closes with the words, "We affirm that the place of the church is on the side of the uprooted. We call upon the member churches, through witness and service, to discover anew their identity as church of the foreigner on all levels of church life..." The Sanctuary Movement can also help our churches prove its original identity.

## Why do we do what we do?

### The Human Rights Dimension of Sanctuary Work

Prof. Dr. Wolf-Dieter Just

#### *Sanctuary Work as Human Rights Work*

On April 5, 1998 the German Ecumenical Committee on Church Asylum was awarded the “Dietrich Bonhoeffer Prize” of the Gütersloher Publishing House. On the award certificate it states:

*“The German Ecumenical Committee 'Church Asylum' committed themselves to and courageously - for the sake of the rule of law, but also in conflict with the governmental authorities - provided help, protection and assistance to those in need and in danger of body and soul, many of whom were threatened with deportation. At the same time, through this form of applied moral courage, many people in church communities and society were encouraged in their work for humanitarianism and **human rights**. Courageous advocacy and concrete actions lie in the spirit of Dietrich Bonhoeffer's witness of living faith in this world and are exemplary for Christian contemporaries today.”*

For the Jury: Wolfgang Huber, Bishop; Hans-Jürgen Meurer, Donor; Christian Kaiser, Gütersloher Publishing House.

The direct connection between the Sanctuary Movement and the commitment to the rule of law and human rights is established here. The German Ecumenical Committee as a human rights organization is indeed recognized as a member of a national human rights forum. They refer the justification of their actions not only to specific Christian arguments (the Christian obligation to assist the afflicted, for example) but also to basic constitutional law, specifically to Article 1 of the German Constitutional Law as the highest legal norm in the nation and society which states: the *inviolability of human dignity* and the *sanctity of human rights*.

We see ourselves and our actions legitimized not only as Christians – that does not suffice in discussions with politics and society, with departments and judicial courts and secular codes of law - but also through the highest norm of our constitution. We remind public authorities that the respect of human dignity is a duty of all governmental power, (Article 1(1), German Constitutional Law) and that the commitment of the German people to human rights binds all “legislation, executive power and judicial power to directly enforceable law.” (Article 1(3), German Constitutional Law)

Because we are here together as a *European Sanctuary Movement*, I would like to add that these normative specifications for legislation, law and executive power also apply in the European Union. *The Charter of the Basic Rights of the EU*, which became legally binding through the contract from the Lisbon Treaty in 2009, declares in its support for human dignity in the preamble of the *European Convention of Human Rights* (ECHR) and in Article 1; it states, “*The dignity of man is inviolable. It is to be respected and protected.*”

It was always important for us to emphasize these issues, especially given the accusation by some that sanctuary is a breach of law, even questioning the role of

the state as based on the rule of law in this context. (Herbert Schnoor, Günther Beckstein, Manfred Kanther, Rupert Scholz, etc) This is valid, if I understand it correctly, not only for the sanctuary movement debate in Germany, but also in other European nations. Our answer was and is:

*In the case of deportation where people's dignity and human rights are at risk, meaning their body, life, freedom and security are threatened, they need protection. If the state fails to act, then others must step in to help. Wolfgang Huber explained therefore correctly, that sanctuary is a "human rights protection subsidiary," specifically when the state does not fulfill its duties.*

From this background I reiterate what we have always represented,  
*We are, as a sanctuary movement network, not aiming to question the rule of law, rather to defend it.*

In addition to Article 1 of the German Constitutional Law we can call upon freedom of conscience and freedom of religion (Article 10 in the Charter of the Basic Rights of the EU and Article 4 of the German Constitutional Law) There is a Christian obligation to lend assistance to people in need. This means, according to the Berlin-Brandenburg church in a written-guidance-document on sanctuary, "No legal rule and no formally correct procedure can undo the fact that a conscience is bound so strongly by the Word of God that it comes into conflict with the actions of the State. According to the jurisdiction of the German Federal Constitutional Court, the fundamental right of freedom of conscience constitutes a basic norm enabling "order of values" type decisions, which is in practice a powerful agent in order of value decisions in every action of the state. The Constitution therefore entails a mandate to lean positively towards any conscience-based actions"<sup>1</sup>.

### ***But isn't the protection of human rights a concern of the state?***

One likes, in fact, to counter this argument that deportation of people who could be in danger of bodily harm, loss of life and freedom, torture, inhumane or degrading treatment or punishment is forbidden according to the United Nations Convention Relating to the Status of Refugees and the European Convention of Human Rights (in Germany implemented by the § 60 Residence Act) This argument is true. If the practice of deportation always followed these guidelines, we would not need sanctuary. But the reality looks completely different. If sanctuary however remains necessary, then because of the following reasons:

1. The new 2010 Amnesty International report once more published stories of deportation from Germany into detention and torture (this time as a result of the readmission agreement with Syria, page 142) – The Frankfurter Rundschau reported the harrowing conditions two Eritrean deserters suffered when they were deported from Germany in September. – The Romani, who are currently deported in large numbers to Romania, specifically Kosovo, await massive discrimination in the job market, in the housing market, in the education system and in health care. Furthermore their economic, social and cultural human rights will be violated there.

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1 From a written guidance document from the Evangelical Church in Berlin-Brandenburg – Silesian Lusatia

Similarly upsetting, Amnesty International reported on other European countries, Sweden and Denmark, for example, who deported hundreds of refugees to Iraq in 2009. And Italy deported refugees to Libya. In addition, the United Nations Convention Relating to the Status of Refugees is not well attended and countries chronically spurn human rights, etc. These examples show how necessary asylum from the church remains. Another reason is:

2. No country, no government agency and no court is immune from slip ups, falling into a trap, or overstepping their boundaries where their power is applied. In our context, these mistakes mean, for example, that grave errors of judgement in institutions can happen in formal and properly followed asylum proceedings as well. And so dangers that could threaten a refugee if deported can be overlooked or trivialized. Sanctuary movement communities are, as a rule, better informed about the endangerment of their ward in regard to their potential deportation as the federal office and the courts. This knowledge is related to the fact that these communities get to know their refugee better than the federal office employee does in the single 2-3 hour hearing they have. Church communities take more time to speak with the concerned person, build up trust and have a better understanding why they fled. - I was once again reminded of the miserable quality of hearings at some federal offices by our most recent sanctuary case in Duisburg. These hearings are intended to *establish the truth*. This goal is hardly ever reached if the refugee is given the impression from the beginning of the hearing that he is considered a fraud through the asking of catch-22 questions, intimidation or even defamation. (Quote from a hearing transcript, "The claimant is requested not to continue to play dumb like he has so far." Page 3) Our regular studies examining sanctuary success and failure demonstrate just how problematic the procedure for granting the right to asylum is. According to the last study, 87% of sanctuary cases were successful. These numbers mean that the re-examination of individual cases does show the refugees' reasons for seeking asylum or the potential persecution resulting from deportation do exist, which were overlooked in the governmental procedure for granting the right to asylum.
3. Currently the necessity for sanctuary appears through the so-called Dublin II Regulation of the EU (comparable to the German Third Country Regulation). About a third of all asylum seekers in Germany is subject to the Dublin Regulation. Recently asylum seekers in so-called "Dublin II cases" have proliferated. What does this mean?

Under the Dublin II Regulation, the European state agrees to be responsible for the examination of the asylum application. The goal of the regulation is to avoid so-called "asylum shopping," coined by the Federal Office for Migration and Refugees.<sup>2</sup> (side note: how much disrespect is inherent in this term!! What a *belittlement* of the experience of having to flee that is usually connected with the brutal violence and anguish? "Asylum shopping": one pictures refugees as people who stroll along the wide boulevard of EU countries. Terrific offers of protection, social security, health care and jobs are ready to be grabbed on the right and left, where a particularly attractive bargain lies.) But back to the reality of Dublin II: in order to avoid "asylum

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2 Migration, Asylum and Integration, Nuremberg 2006, page 41

shopping,” only *one* Member State is responsible for the asylum procedure. As a rule, it is the EU Member State that allowed the entry, or specifically, did not prevent the entry. This regulation largely affected the States on the south and east external borders of the EU. If an asylum seeker flees to another EU country, they can transfer the refugee back to the country of the original point of entry. This has two precarious consequences:

1. Each State tries with vehemence to get rid of as many refugees as possible to other States. The majority of refugees arrive in the States on the south and east borders of the EU. They are hopelessly overextended with refugee issues. And to boot, according to the Dublin II Regulation, the majority of refugees from EU States are transferred back to those countries. The majority of Dublin II refugees in Germany are transferred back to Poland, Italy and Greece.

2. Consequence: It is only logical that the States at the outer borders try to prevent the entry of refugees into the EU in a particularly rude manner. Working with the EU border security agency, Frontex, they fend off refugees by not allowing the possibility to start the application for asylum in the first place. A well-known, terrible example is Greece, but also Italy, who signed a Friendship Treaty with Libya's Gaddafi, in order to stop illegal migration to Italy, and makes substantial payments for this service. Libya is the most important transit reservoir for African refugees and is indeed in the position to impede migrants and refugees on their journey over the Mediterranean. The refugee count that landed in Lampedusa and other places in Italy is drastically diminished: from 37,000 in 2008 to a few dozen since the start of 2010. Gaddafi's rude and human rights violating method of fighting immigration is silently tolerated by Italy, but ultimately also by the EU. During his most recent visit to Rome, Gaddafi explained, “Libya demands 5 billion Euros annually from the EU, supported by Italy, in order to fight undesirable illegal immigration.” And to lend force to his demand, he added a threat: should Libya's demands not be realized, Europe could soon become “as black as Africa” (NRZ Neue Ruhr Zeitung Sept. 1, 2010).

Refugees, who despite all this, reach Greece or Italy and are then transferred back there from other EU States, do not receive a procedure for granting the right to asylum even close to European standards – even temporarily not allowed to apply for asylum at all – for instance, in Greece and the Czech Republic. In Greece the social standards for refugees are so disastrous that the German Administrative Court has prohibited a Dublin II transfer in over one hundred cases.

Recently transfers normally ruled under the Dublin II Regulation can be prevented through sanctuary. These transfers must occur within a 6-month period. Afterwards the responsibility of the procedure for granting the right to asylum is given to the State in which the refugee currently is residing. With the help of sanctuary it is repeatedly successful to bridge this 6-month period and prevent a deportation to Greece or Italy, for example.

### ***An example of insufficient human rights protection by the State***

I want to illustrate this with an example of a refugee who from the beginning of August until the beginning of September received sanctuary from us in Duisburg. It is about a 19 year old refugee from Guinea, Mamadou Allareny Diallo, who had been fleeing for over 5 years, since he was 14 years old. He was involved in a

conflict with soldiers in Conakry, the capital of Guinea. The soldiers had stolen the cash box of his boss, a street hawker, and he had to leave his country in a mad rush. As a child he travelled through half of Africa, without finding a secure place to stay, travelled through the Sahara, experienced the shock of racism and violence against black Africans in Libya. He risked his life trying to take a boat too small for him and the 40 other refugees from Libya to Lampedusa and survived the fear of death for 3 days and 3 nights at sea. He applied for asylum in Italy and was quickly refused. Finally in 2009 he reached Germany through Switzerland and hoped to receive protection with us. He was informed in May of this year that Italy was responsible for his asylum proceeding and he would be transferred back there according to the Dublin II Regulation. Diallo was desperate.

According to the Dublin II Regulation there is a 6-month period for the transfer back to the country of entry. We tried everything to prevent the transfer back to Italy: suing the administrative court, psychological examinations to attest that he was not fit to travel, petitioning the state parliament of North Rhine-Westphalia, etc. all without success. What alone could help was finally sanctuary. Luckily, the Free Church congregation of central Duisburg found themselves ready at very short notice to grant him sanctuary. It was successful: the 6-month period for the transfer to Italy elapsed, the Federal Office for Migration and Refugees had to take him out of the Dublin II Process and he can pursue his procedure for granting the right to asylum in Germany and has left the protection of sanctuary.

What would have happened without sanctuary? In Rome Mamadou Diallo would have awaited custody pending deportation. From the report in the “Swiss Observatory for Asylum and Immigration Law” in November 2009, refugees whose asylum attempt is refused in Italy are taken “directly to a CIE (centro d'identificazione ed espulsione – identification and deportation center) and should count on a detention of up to 6 months and then deportation.”

The conditions of the detention center in Rome (“Ponte Galeria”) are catastrophic according to reports from June 2010. It is crowded, detainees are beaten by the police, a prisoner was recently “life-threateningly injured...again burned mattresses and sheets, several people had begun hunger strikes... On the evening of June 6, two Algerian young men tried to hang themselves in the deportation center in Rome...The ombudsman for the detainees in the Lazio Region, Angiolo Marroni, explained on June 17, 2010, that the situation in Ponte Galeria is becoming more unbearable...” (Italian Newsletter, June 2010, pages 4 et seq. collected by J. Gleitze). We are happy that Diallo, who had already suffered enough psychological and physical problems during his 5 year escape, was able to be spared such a situation. Sanctuary prevented a violation of Diallo's human dignity, avoided a violation of human rights. Article 3 of the Universal Declaration of Human Rights reads, “Everyone has the right to life, liberty, and the security of person.”

We are happy about this success, but it begs the next question, how would have Diallo's deportation to Italy been at all possible in a state under a rule of law that knows it is obligated to the inviolability of human dignity and the inviolable human rights? (Article 1, German Constitutional Law) How many refugees in similar situations are *not* saved from deportation because neither congregations nor civil society were aware of their situation and did not intervene? In 2009 alone, at least 374 refugees were transferred to Italy, 200 to Greece.

All this shows the vast divide between Germany and other EU countries' normative aspirations as social states under a rule of law with liberal-democratic, human rights based constitutions on the one hand and the reality of political asylum reality on the other hand. The claim of *universally* applicable human rights is betrayed, the corresponding legal claims of human rights are essentially only implemented in a *particular* sense, i.e., in a way that is restricted to their own citizens. **Human rights are reduced to civil rights.** Nothing harms the idea of human rights in a global context as much as this practice of the Europeans, damaging their credibility beyond repair. As is well known, they do not tire to propagate and demand human rights all over the world, only to then be confronted by others with the reality of how far behind their own standards they remain themselves.

This divide between aspiration and reality is probably most prominent in the treatment of refugees and asylum seekers. In other areas of life, the respect for human dignity plays a more important role. I am thinking, for example, of embryonic or human genome research. In corresponding decisions in the German Parliament (Bundestag), for example, any obligation to vote along party lines is lifted party so that all members of Parliament can freely follow their own consciences. Isn't the treatment of refugees in the same way related to the respect of human dignity and protection of life as embryonic research? What role, however, do they play in the political discussion of the right to asylum? But in the asylum law political discussion, which role do they play? When, if ever, was there no obligation to vote along party lines in the Parliament in order to avoid troubling the consciences of the members of Parliament? And furthermore, what role do they play in our daily fights with immigration authorities at the local level, with our Interior Ministries, with the Federal Office for Migration and Refugees? We are ridiculed as do-gooders, like tree-huggers, when we point out Article 1 of the German Constitutional Law, or human dignity which is ostensibly inviolable or Article 1(3) of the German Constitutional Law. This says, "The following basic rights shall bind the legislature, the executive power, and jurisprudence as immediately applicable law."

However:

The central task of Christians, church organizations and social ethics is and remains to remind anyone and everyone of these normative foundations of our Constitution, time and again and unerringly.

Luckily we stand here with our concept, that sanctuary does not mean breaking the law rather, the opposite: a contribution to legal peace. Leading politicians like Däubler-Gmelin, Jürgen Schmude, Claudia Roth, etc, law academics like Professors Geis and Rothkegel, and both main churches among others also see no breaking of the law with sanctuary. The Council of the Evangelical Church in Germany explained in its 10 Theses of Sanctuary in 1994 that the aiding of the persecuted is a Christian duty and directly covers help for refugees who are threatened by life and limb by the impending deportation (Thesis 1). Such assistance to correct a deportation order (through granting accommodation, care and assistance, legal aid, etc.,) is not illegal (Thesis 2).

In the joint word of the church concerning the challenges of migration and escape, "The practice of so-called "sanctuary" is in the long run not a question for politics to interpellate the affected asylum and immigration law regulations for each person who

comes to us for protection and to prevent persecution, torture, or even death. Congregations who champion for the realization of human and basic rights, do not question the state of law but provide a contribution for the preservation of justice and the basic worth of our society..." (Section 257)

To my posed question, why do we do what we do, here is a first answer:

*We commit ourselves to sanctuary for people who seek our help because they are threatened by deportation and subsequently have justified fear of a violation of their human dignity and human rights.*

### ***Why our sanctuary movement network?***

Despite this clear legitimation of our work, every on site offer of sanctuary is a nail biter: Will the authorities stay quiet or will the police come and evacuate? Is sanctuary the right way, will the refugee be used or worsen their position? Will the public find out about the case, will it be supported by the media or by influential people, or not - will it be met with wide disapproval? Will it be successful or only disappointing for the refugee and end in our own disgrace? Everyone who has at one time worked with us knows: granting sanctuary is always associated with high risk. That is why this action takes courageousness and demands moral courage.

If nothing else that is why an association of those who have granted sanctuary or are granting sanctuary or perhaps will in the future, is important. We need a sanctuary movement network that meets regularly, exchanges experiences, documents those seeking asylum, one that offers advice, theological assurance, solidarity and encouragement, and an organizational structure with offices, boards and coordinating councils. Without this network we would become quickly frustrated and burned-out. *We also need a network at the European level. Because asylum law and political asylum are becoming even more "communitized", that is to say, transferred into the body of the competences of the EU, help for refugees including the European sanctuary movement need to form networks on a European level and cooperate across country borders.* One example is the aforementioned Dublin Regulation. If Dublin Regulation transfers can not be prevented, we need church or secular partners in the country where the refugee is being deported. We need people who can take care of the refugee whom we can no longer support. We need people who can accompany him from the moment he lands at the airport, who can humanely, legally, and materially support him. We need partners who can keep us up to date on the refugee's situation in the deported-to country. In Diallo's case, we knew exactly what would happen to him in Italy. This help came from Judith Gleitze who works in Palermo for "Borderline Europe" and closely follows the refugee state of affairs in Italy.

### ***And where should church asylum go from here?***

In addition to the work up to this point which must be continued, there are new challenges which we have to tackle. The refugee situation of today is different than it was at the beginning of sanctuary work in the 1980's. The decisive change in my opinion is in the constantly increasing perfection of the shuttering of Germany and Europe against refugees. I have already implied this trend, and it is clearly formulated in the Charter:

The situation of migrants seeking asylum in Europe is alarming. The continent has been turned into a fortress to fend off people that flee from political, ethnic or religious persecution, from wars and civil war, from environmental destruction, hunger or poverty. By way of the militarization of Europe's external borders, the nearly unfulfillable conditions for legal entry and through repulsive living conditions for asylum applicants within our borders, the fending off refugees is being continually perfected. Many thousands of people have already lost their lives in the attempt to find refuge with us."

And thus, refugees do not reach us anymore – since 1993 the numbers have drastically declined. The new walls and fences, the militarizing of the outer borders, the readmission agreements with countries of origin, the friendship pact with Libya, the intensifying deterrence – these all show their effects. The numbers of those seeking asylum has been reduced from 438,000 in 1992 to 27,600 in 2009 – a decrease of 93%!

If the refugees can hardly still arrive, will sanctuary become an obsolete model? The count of sanctuary has declined astoundingly to a much lesser extent, as shown in our annual report.<sup>3</sup> However, the main problem is the large numbers of refugees whom we never set eyes on, because from the beginning they fail to make it through Europe's battlement. They will be left alone in their need, their persecution and in danger of body, life and freedom. How are we going to handle this? I hold this as the main challenge of today's refugee solidarity for Christians and for the secular, civil society players.

Meanwhile, the pressure that forces humans to flee still increases. Take, for example, the people of our neighboring continent Africa. I refer specifically to a study from the Federal Office for Migration and Refugees, "At the Gates of Europe."

***A maximum difference in the standard of living between Africa and Europe prevails and the migratory pressure will continue to increase***

**a) Demographic Factors**

The population of Africa will double by 2050, growing to a population of almost 2 billion.

Birth Rate in Africa:	4.6 children per woman
Central Africa:	5.6 children per woman
Europe:	1.5 children per woman
Germany:	1.4 children per woman

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3 The annual report of the Federal Labor Court and the Federal Labor Court study concerning the success and failure of sanctuary. This certainly has to do with the fact that over the years we make churches and congregations aware of and could promote this form of action as a symbolic form of Christian action for people in need. There are always new congregations who changed their minds and had been previously not on our radar. When I wanted to publish my book with rororo in 1993, I wanted to call it, Sanctuary – A Guide. This was unfeasible with Rowoldt because results from an internal questionnaire among the editors showed that hardly anyone understood the term, sanctuary. And so the book was named, "Asylum from Below." It may be, that even today there are people who do not recognize this term but the awareness is disproportionately much higher.

## **b) Economic Factors**

Poverty: gross national income per capita:

Africa: US\$2.430

Europe: US\$24.329

50% African population lives on less than US\$1/day, 80% lives on less than US\$2/day

50% African youth, aged 15-24, are unemployed or “inactive”

## **c) Political Factors**

Violent conflicts and their consequences such as civil war, escape and expulsion.

Dictatorships or defective democracies (violation of human rights, lacking rule of law, corruption, disintegrating statehood – think about the situation in countries like Somalia or the Republic of Congo or Sudan or Zimbabwe and many other African nations)

## **d) Ecological Factors**

Progressive climate change, increasing population pressure on natural resources (water, land), expansion of the desert, halving of crops. Africa is namely the continent with comparatively the least pollution but is affected the most by climate change. Each area that is regularly affected by drought will be affected by a factor of five by the year 2050 (see also: Federal Office for Migration and Refugees: “At the Gates of Europe,” 2010).

How will Europe respond to these dramatic increases of migratory pressure and need in Africa? Naturally the best strategy would be to fight the causes of escape and migration, especially those which are induced by Europe itself. Those from its trade policy, agriculture policy, fishery policy, lifestyle, for example, its CO2 emissions, its delivery of arms in crisis zones (Germany is third of the list of arms exporters and substantially delivers to crisis zones such as Pakistan, Saudi Arabia and Egypt). Without question, this is what we must first address.

But this strategy of fighting causes for escape has been stipulated for decades. Even the European administration itself formulated and ceremoniously announced this political goal at the G8 Summit. But what will become of this announcement? for example, what became of the promises made in Gleneagles 2005? The G8 wanted to raise its aid to developing countries by 50 billion dollars. But then the world economic crisis came and the slated money is now 18 billion dollars less. What's happening with the millennium goals? It has already been admitted that the goals for 2015 will not be reached. According to the new UN statement, one of every three African still goes hungry. “Every six seconds a child dies, still,” Josette Sheeran, the director of the World Food Program, criticizes. “This is and remains the biggest tragedy and the largest scandal of the world.” (Frankfurter Rundschau, September 15, 2010) What has happened to the 40 year old federal republic's promise to raise the development cooperation promise to 0.7% of the gross national product? We are at half of that. Or think about the almost ancient conflict of objectives between European agriculture and development policy that will never be solved given the strong European agriculture lobby. Why is the bar on food speculation not advanced?

That is to say, the dramatically growing standard of living difference between Europe and Africa will end in an even stronger migratory pressure. How will it be handled?

Will the pressure be able to be controlled through further military armament on the outer borders? Is that what we want? Which form of escalation between migratory pressure and migration defense stands before us and how will the credibility of European human rights rhetoric be undermined in the world?

Equally questionable are the cooperation agreements with African countries from where the migration and escape begins. The friendship treaty between Italy and Libya is a catastrophe on the grounds of human rights but is condoned by the federal government. After all, it holds African refugees in Germany by the neck.

Libya is one of the most brutal and longest-lived tyrannies. Reports about the torture and abuse of detained migrants, refugees and those seeking asylum arise publicly time and again. They are awarded no protection according to the international laws on refugees. Libya did not sign the Convention Relating to the Status of Refugees. On January 15, 2008 the authorities stated their intent to deport all "illegal migrants." In connection with this statement a mass expulsion of nationals from Ghana, Mali, Nigeria and other countries took place. At least 700 Eritreans - men, women, and children – were arrested. They were threatened with deportation, although it was suspected that they could be exposed to human rights abuses.

### ***What can we do?***

I think that we have already outlined the most important ideas in our Charter's text, specifically in the form of self-obligation:

- That we, with our work with sanctuary so far – take the scandalous practices of the treatment of refugees on the outer borders of Europe to the public in order to raise awareness. We need more human rights monitoring at the outer borders and more publicity about the results. It is difficult to stand by and watch how for months the media discuss whether or not Michael Ballack or Philipp Lamm should wear the German national team's captain's armband while thousands of deaths at EU's outer borders receive a news flash at most.
- That we stand up for human dignity and human rights-oriented asylum and immigration policy from the local to the European level.
- That we advertise for a perception of these duties in our churches and with our fellow Christians. I find that the question of human rights for refugees is far too absent in our churches and congregations. It is up to us to bring this topic to our congregations, to organize church services and political evening prayers for the victims at the outer borders.

This has apparently had little to do with the previous sanctuary movement's work. For example, as I mentioned we provided sanctuary to a boat refugee in Duisburg who had travelled across the Mediterranean from Libya to Italy. His fate brought the problem of the EU's outer borders to us in Duisburg, raising awareness not only in the congregation and with refugee helpers but also with the local press and the local radio and television (WDR, Studio 47). The learning effect was large, in particular for the congregations and supporting circles. They received an intensive course in German and European asylum law, asylum policy and causes of escape. But this does not mean that our sanctuary movement work may be limited to the providing of immediate help for refugees: this is only the first step. But the bigger connection can also be made clear with this example and thus carried into politics and brought to the public.

In conclusion, our Charter says that we want to be connected on a Europe-wide basis and want to work together united with a sense of duty. Our dream is not only that individual church congregations become a “sanctuary” for refugees, but also Europe as a whole. There were cities, in fact whole states in the USA, which agreed to providing sanctuary and every collaboration with the state authorities resulted in the revoking of the deportation of refugees. Why shouldn't Europe with its Christian heritage and as the cradle of human rights become a sanctuary for humans in plight, need and persecution?

## **Closing Words**

Fanny Dethloff

We have the vision, the dream of a just Europe,  
one that is open for people and refugees.

We dream with open eyes and  
stand by the side of those  
who are disenfranchised,  
who are made illegal,  
who are deported.

We grieve for the dead at our outer borders,  
who die of our ignorance,  
the dead in the detention centers, prior to deportation,  
those who took their own lives,  
who are victims of Europe's restrictive policies.

We are no longer ready to accept this as an expression of the protection of own  
wealth  
and we participate in other concepts of sharing and in taking in people in need.

We advocate  
for a “togetherness” that is shaped as a living entity  
an inclusive society that is stable and accepts foreignness  
and respects the dignity of each individual  
a democratic society  
of different people, cultures and religions  
in our urban districts and regions  
with respect of human rights and with rules of mutual respect and trust.

We are actively involved  
through protection in our churches and spaces,  
to help people in our midst achieve a humane existence  
and share life with them.

We do this on the foundation  
of our Christian biblical understanding  
of the foundation of our chartered humanitarian law.

We also do this with resistance  
but always with an eye on  
temporarily rendering any in applicable official administrative actions and  
strengthening the democratic foundation.

We hold on to the dream,  
that human rights and the Bible in their dialogue lead to  
a concept of humane “togetherness”  
of a life worth living,  
where justice is in full bloom and joy unending.

## Annex

Ökumenische Bundesarbeitsgemeinschaft Asyl in der Kirche  
in Kooperation mit CCME - Churches' Commission for Migrants in Europe



# Charta of the New Sanctuary Movement in Europe

**Because we want to welcome strangers we have agreed this Charta of the New Sanctuary Movement in Europe.<sup>4</sup>**

### ***Europe a Fortress***

The situation of migrants seeking asylum in Europe is alarming. The continent has been turned into a fortress to keep out people fleeing political, ethnic or religious persecution, wars and civil unrest, environmental destruction, hunger and poverty. The militarizing of Europe's outer borders, the practically unfulfillable conditions for legal entry and repulsive living conditions for immigrants continue to be a system abhorrent toward refugees. The attempt to find protection in our countries has cost the lives of thousands. In our society, however, reports of refugees drowning in the Mediterranean, suffocating in containers, or taking their own lives in deportation detention centers are met by what Hanna Arendt has called "the curse of indifference"

### ***Humanitarian Traditions in Europe***

Although Europe contributes greatly to the causes of flight and migration – by delivering weapons to areas of crisis, for example, by supporting governments which violate human rights, by its agricultural and fishing policies, and by forcing climate change through its CO2 emission, – the European contribution to a solution of the worldwide refugee problem is shamefully miniscule. The predominant practice of safeguarding affluence at any cost betrays Europe's best humanitarian traditions – its commitment to universal human dignity and human rights, to freedom, Equality and solidarity. The failure to uphold these values undermines Europe's credibility and endangers peaceful cohabitation on our globe.

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<sup>4</sup> This charta is intended to renew and adapt the Charta of Groningen to the new conditions of asylum seekers in Europe. The Charta of Groningen issued from a conference held in 1987 in the Dutch city of Groningen, in which churches and faith groups pledged to "take in and protect" refugees threatened with deportation, if it is expected that they will not receive humane treatment and that the quality of their lives will be seriously impaired.

### ***Taking Sides with People in Need***

As Christians, we are unwilling to put up with this way of dealing with people in need. We stand together with them. They are made in God's image, as we are. Therefore we as members of churches, parishes, cloisters, communities and solidarity groups are called to accept responsibility and to take sides, not only with the refugees and asylum seekers living among us, but also with those stranded on Europe's outer borders, whom we don't get to see. The right to asylum is worthless, if those seeking protection are denied entry.

### ***Our Pledge***

Therefore we pledge

- to use every opportunity to help refugees in need,
- where deportation looms and human dignity and lives are threatened, to grant refugees sanctuary in our churches until an acceptable solution is found for them. Not to shrink back, should open confrontation with civil authorities become necessary,
- to publicize persistently in order to raise social consciousness of the scandalous practices by which refugees are repulsed at Europe's outer borders and harassed within, such as deportation detention and discrimination in almost all areas of life,
- to strive for policies of asylum and immigration which are oriented on human dignity and human rights, and this at all levels, from the local to the European level,
- to help make refugees feel welcome and be able to participate with equal rights in our society,
- to promote this self-commitment and its goals in our churches and among our fellow Christians,
- to seek cooperation with like-minded people, whatever faith community or world view they adhere to,
- to form European and worldwide networks and work together in solidarity to fulfil these commitments.

All of Europe must become a safe haven, a "sanctuary" for migrant men and women. To this we commit ourselves – in the conviction that God loves the strangers and that in them we encounter God herself/himself (Matt. 25, 31ff.)

**Resolution of the Annual Meeting of the German Ecumenical Committee on Church Asylum, Inc., Berlin, 10th October 2010.**