

Ökumenische  
Bundesarbeitsgemeinschaft



in der Kirche

**German Ecumenical Committee on Church Asylum**

Basic information on

# Church Asylum

## **German Ecumenical Committee on Church Asylum**

The German Ecumenical Committee on Church Asylum (Ökumenische Bundesarbeitsgemeinschaft Asyl in der Kirche) is a network of associations of German protestant, catholic and free church parishes ready to offer church asylum. Parishes offering asylum to refugees feel bound by their Christian faith to protect people from deportation from the territory, if there is reasonable doubt concerning a safe return. These parishes place themselves between refugees and the authorities in order to bring about a re-examination of cases and to prevent deportation.

We serve those seeking refuge in our parishes and help their friends and supporters. Based on the »Charter of Groningen« (Charta von Groningen), we fight for the rights and human dignity of refugees:

- We provide information on church asylum to the public, offering comments, press releases and publications.
- We offer legal and theological counselling as well as practical assistance to parishes providing church asylum.
- We organise seminars and training courses.
- We document and analyse church asylum cases all over Germany.
- We keep in touch with state and church decision makers.
- We promote exchange of information and cooperation across borders between groups working in the field of church asylum.

Resulting from the courageous action of parishes providing asylum, hundreds of refugees have escaped torture or even death. The church asylum movement needs people who stand side by side with refugees and want them to live their lives unharmed and in dignity and it needs parishes providing a place of refuge or assisting those who can manage with just practical help, prayers and public commitment. Our work is funded exclusively by donations, voluntary contributions and by our network of supporters.

## **Basic information on church asylum**

### **What is church asylum?**

Church asylum is a form of temporary protection for refugees without a legal residence status who would face unacceptable social hardship, torture or even death if forced to return to their country of origin. During the church asylum, all relevant legal, social and humanitarian aspects are examined. In many cases it turns out that the authorities' decisions need to be revised thus giving a new asylum procedure a chance of success.

### **Is church asylum likely to be successful?**

Statistical information gathered by the German Ecumenical Committee on Church Asylum for 1999 and 2001 shows that over 75 per cent of church asylum cases ended with a solution protecting refugees from human rights violations and from danger of physical harm.

### **How long does church asylum take?**

Parishes have to be aware that a church asylum case is unlikely to be solved within a few days. It can last from weeks to sometimes many months. It seems therefore reasonable to periodically re-examine the conditions of church asylum and that of those concerned.

### **What is expected from parishes?**

The parish provides accommodation (living space, cooking and sanitary facilities), basic needs (food, maybe clothing) and in certain cases medical services. It creates a circle of supporters who assist the church board and parish employees and help the refugees in their daily life. Ideally, meaningful sparetime activities should be provided for the refugees.

### **Does a parish need to do it all on its own?**

It would definitely be an asset, if a pastor or other church employees can take part in the legal proceedings (meetings with lawyers and authorities). However, it is also possible to let counselling organisations handle this aspect. The parish of asylum does not have to raise all the funds needed by itself.

### **How is church asylum financed?**

Church asylum is financed by donations. These donations are raised as far as possible by the parish of asylum and by neighbouring parishes. Some local asylum networks have funds at their disposal from which parishes could draw.

### **Are there legal consequences for the parishes?**

Church asylum does not rely on any legal norms other than those of the German constitution and international law. It is, however, based on the assumption that decisions by state actors in individual cases can overlook or even break fundamental legal norms. It is possible that applications for refugee status, for protection from deportation or for a residence permit on humanitarian grounds (according to § 25: 4 or 5 of the German Residence Act/ Aufenthaltsgesetz) as well as claims to special treatment because of unacceptable hardships, have been refused, although the situation does in fact call for protection from forcible deportation. The conscience of Christians could be in conflict with state rulings or actions and may lead to a breach of legal norms.

That is why people acting for a parish providing church asylum have to be prepared to accept the full responsibility for their actions. Investigations related to church asylum cases have so far mostly been closed without ending in a court proceeding. However, in some cases parishes have had to pay a fine.

### **Is church asylum made public?**

In general, church asylum cases should be made public in order to strengthen the protection of the refugees from interventions by the state and to underline the shortcomings of the asylum procedure and of asylum law itself. In individual cases it could nevertheless be more reasonable to opt for a »quiet« church asylum, which is only disclosed to the public when the case is settled. The authorities have to be notified of all church asylum cases, whether they are made public or kept quiet.

# Basic principles of church asylum

- Parishes offering church asylum are committed to serving people who face danger of physical harm or to their freedom in case of a deportation or for whom a deportation would entail unacceptable and inhuman social hardship.
- These parishes also fight for the right to human dignity, freedom and protection from physical harm laid down in the German constitution.
- Parishes offering church asylum place themselves between refugees and the public authorities which have to carry out the deportation in order to gain time for further negotiations, for recourse to legal remedies, for a careful examination of the need for protection and for a fair asylum procedure. (This »standing in« for others is known as »intercessio«.)
- Parishes offering church asylum make their work public in most cases and never use violence. They do not claim exemption from German jurisdiction and the state can exercise its access right at any time in order to carry out the deportation. The parishes use publicity, mainly via the media, in order to protect refugees and to make their course of action transparent, explaining their goals and taking their fair share of responsibility.
- By making their work public, parishes offering church asylum show that their action in individual cases is also aimed at fairer asylum policies in general.
- »Church asylum« is the last legitimate resort (ultima ratio) for a parish in order to protect refugees for a limited time and to bring about a timely re-examination of their protection status as guaranteed by the state.

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