

Consultation on the Challenges of Migration and Asylum

Liebfrauenberg Declaration

Conference of Rhine Churches

and

Community of Protestant Churches in Europe
- Leuenberg Church Fellowship -

Liebfrauen

**The Gospel «sets Christians free for responsible service in the world...[Christians] stand up for temporal justice and peace between individuals and nations.»
(Leuenberg Agreement 11).**

The biblical message especially emphasises the responsibility of the churches for refugees and migrants.

The churches have suffered persecution and oppression in their own past as individuals, as groups or institutions. They remember with gratitude, however, the shelter, protection and open welcome they received.



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Results of a consultation of the Conference of Rhine Churches and the Community of Protestant Churches in Europe / Leuenberg Church Fellowship from 10 to 12 May 2004, at Liebfrauenberg, Alsace

The Conference of Rhine Churches and the participating members of the Community of Protestant Churches in Europe / Leuenberg Church Fellowship

- describe the challenges of migration and asylum in Europe (1-6)
- recall the biblical message and responsibility of the churches (7-11)
- formulate expectations regarding EU legislation (12-22) on refugee protection (14-18) and migration (19-24) and
- name opportunities and assignments for the churches and their diaconal agencies (25-31).

The challenges of migration and asylum in Europe

1 Migration is a reality. It is a part of the history of humanity and of the history of the European continent. Migrants have always contributed to building up European societies, their cultures and their common values. The future will continue to be characterised by migration. In the globalisation process, migration forms an integral part of pluralist, modern societies, the members of which are expected to show an increasing degree of flexibility and mobility.

2 There are many different reasons for migration. The number of migrants worldwide is estimated at approximately 175 million.¹ Owing to ever more rapid globalisation processes, people no longer live and work in one state alone. They increasingly cross borders to marry and found a family. Demographic development in the countries of Europe will cause member states of the enlarged EU to recruit new migrants from non-European states, in order to cover the rising demand for labour resulting from their own population development. Poverty and a lack of livelihood or future prospects are central reasons why people migrate to other states and regions.

¹ International Organisation of Migration (IOM), Migration Policy Issues, March 2003.



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3 People do not flee their homes voluntarily. There are about 20 million refugees worldwide.² They are forced to seek protection outside their home region or country due to persecution for their political or religious beliefs, ethnic origin, membership of a social group, or their gender. Other reasons are wars and civil wars, environmental degradation or loss of livelihood, and grave human rights violations. This clearly show the need for a considerable increase in efforts towards overcoming human rights violations, violence, poverty and social injustice.

4 Migration is multi-faceted. Quite often the countries of origin lose innovative and well educated people while the receiving countries benefit from this migration. On the other hand, remittances contribute considerably to the economic development of the countries of origin. The churches observe how the industrial states are trying to close themselves to migration and refugees are encountering more and more barriers. At the same time the number of undocumented migrants is increasing. The personal histories of migrants are often success stories. However, the experience of migration is frequently connected with disappointment and the loss of a sense of home. While - in the receiving society - migration may give rise to fears of being "flooded with foreigners", the experience of the migrants themselves is often one of exclusion and rejection.

5 Migration calls for integration. Immigrants have to make a new life for themselves in the receiving societies. The "indigenous population" must create possibilities for the new members to be involved in the process of social development.

Experience gained in working with migrants shows that adequate integration programmes need to be provided for people as soon as they enter the receiving country, in order to provide sustained support for the mutual process of integration. It is therefore important to quickly clarify their status on entering the country, allow access to employment, assistance in learning the language of the receiving country and to enable family reunions and access to the educational and social systems. This way, migrants can gain social skills in their host societies, and be more easily integrated.

6 Migration calls for a plan. The challenges of migration require sustainable rules and interventions at the international level. At the European level, it is the Council of Europe and the European Union that establish these rules. They must go about this with due respect for human dignity.

² People falling under the competence of the UNHCR, including 4.6 million internal refugees, 2.4 million returnees and 1 million asylum seekers, UNHCR 2002 Population Statistics.

The biblical message and responsibility of the churches

7 The Gospel "sets Christians free for responsible service in the world... They stand up for temporal justice and peace between individuals and nations." (Leuenberg Agreement 11). The biblical message calls the churches to responsibility for refugees and migrants in a particularly prominent way. Love of strangers and the consequent ethic are essential features of the people of God in the world. There are very few biblical commands that have the same weight and clarity as the instruction to protect strangers. "When a stranger resides with you in your land, you shall not oppress the stranger; you shall love the stranger as yourself, for you were strangers in the land of Egypt." (Lev 19:33). The New Testament raises love of the neighbour to a command overcoming the borders of difference (Lk 10:25-37). Since God does not look at a person's "status", calling people of all nations and societal groups into the Kingdom (Acts 10:34f; Rm 2:10f), the community of Christians sends a signal around the world, embracing those who were strangers and overcoming any narrow, nationalist thinking and action.

8 For the churches, the biblical message is the basis of human dignity and human rights. Defining people as made in the image of God with their resultant dignity lays the foundation for our life in community (Gen 1:26f). Everyone is by nature a human person and as such enjoys fundamental rights. These are rooted in human dignity and are therefore independent of specific definitions of people (e.g. gender, race, occupation, wealth, health, civil status, membership of a community or state). Fundamental rights are therefore also not "granted" by any worldly authority. For this reason, it is important to the signatory churches that, according to the Geneva Convention relating to the Status of Refugees, people have a right to protection when their physical integrity, their lives or their freedom are threatened due to their ethnic background, religion, nationality, membership to a particular social group, or political convictions.

9 The family is the basic form of human community and mutual responsibility. It therefore requires special protection. People can only fulfil themselves through life in community. That includes the family's right to live together and the right of the parents to raise their children. According to Article 8 of the European Convention on Human Rights, marriage and the family enjoy special protection. When people flee and migrate, these rights are threatened and therefore call for special consideration.

10 The Bible sets boundaries and overcomes borders (Dt 5:6-21; Gal 3:26-28). The same personal dignity is attributed to everyone. Human beings form a unity that transcends all national borders and continents, differences of colour or ethnic origin, of language and culture and religion, of social and economic development. They can lay claim to the same dignity and the same rights. Each group has to take account of the needs and justified claims of other groups and peoples. The responsibility of all people for the Creation entrusted to them commits them to worldwide solidarity. The churches cannot condone violence, exclusion and greed. They work to make visible in human life the prospect of reconciliation that unfolds with faith in Jesus Christ.

11 The churches and their diaconal organisations, individual parishes, and Christians acting in a voluntary capacity have been supporting migrants and refugees for many decades. Our mission, founded in the Bible, is to raise our voice when the rights and dignity of refugees and migrants are violated. With them, we must voice the experience gained in this commitment, for example when it comes to shaping migration policy and thereby changing the legal framework.

For these reasons, and in view of its particular responsibility for its region, the *Conference of Rhine Churches* has joined with member churches of the *Community of Protestant Churches in Europe / Leuenberg Church Fellowship* in expressing their expectations regarding the legislative acts of the European Union and Switzerland.³

Expectations of the churches regarding EU legislation

12 Europe is becoming ever more united. In a common area of freedom, security and law, in which people can move freely, refugee and residence law can only be established together and in joint responsibility. It is on these grounds that the Amsterdam Treaty commissioned the European Union on 1 May 1999 to adopt community legislation on refugee and residence law by May 2004. This date has prompted the signatory churches to establish a progress report on the situation of this legislative process which is not yet completed.

13 The churches expect that the European Council will, from 2004, make use of its ability to take decisions by qualified majority and to go over to codecision, as laid down in the Amsterdam Treaty. The churches expressly welcome the provisions in the Draft Treaty establishing a Constitution for Europe that provide for the normal legislative procedure. The move towards majority decisions in the Council and above all a greater role of the European Parliament may contribute to preventing agreements on the lowest common denominator. Refugees and migrants need democratically legitimised European rules with a high degree of protection.

Refugee protection

14 The signatory churches welcome the fact that the European Council held in Tampere on 15-16 October 1999 opted for "the full and inclusive application of the Geneva Convention". They expect this decision to be instrumental in defining the details of future European law. The proposal for a Directive on the recognition of third-country nationals as refugees or as persons who otherwise need international protection is therefore only consistent when it stipulates that victims of persecution by non-State actors must likewise receive refugee status. Deserters and conscientious objectors refusing to take part in armed conflicts must also obtain recognition as refugees, along with the victims of gender-specific persecution.

³ In Switzerland there are currently plans to adapt the Swiss asylum and alien law to EU legislation. For reasons of simplicity, the expectations set out below also apply to Switzerland.

15 The churches consider the further improvement of subsidiary protection status an urgent matter. The European Convention on Human Rights commits the EU and its members states to protect life and health; it prohibits the deportation of people seeking refuge from the threat of cruel, degrading and inhuman treatment. To the extent to which these persons do not fall under the Geneva Convention on refugees they need subsidiary protection status equivalent to that of recognised refugees. Persons with subsidiary protection status should have the right to take up paid employment and enjoy the same working conditions and standard of social protection as European nationals. They should have the same right to participation in integration measures and family reunion as recognised refugees. The family members should likewise receive subsidiary protection status.

16 Asylum procedure must be transparent, just and fair. The "full and inclusive application" of the Geneva Convention presupposes fair and just asylum procedures with adequately high standards of protection. The central elements here are:

- *Professional advice on procedure* for asylum seekers before their asylum procedure begins. Comprehensive, independent advice gives asylum seekers the necessary transparency for the imminent procedure, thereby avoiding a situation where fundamental statements are only introduced into the procedure at a later stage.
- *A competent individual interview* of the asylum seeker in the presence of a suitable interpreter and the establishing of an individual assessment of risk on the basis of all available evidence. This must also apply in cases in which no grounds for asylum may be presumed.
- *The right to effective legal protection* against negative decisions by an appeal body with judicial independence, extending to a full review of all matters of fact and law.
- *The suspensive character of appeal* as the rule. The asylum seeker must at least be able to apply for legal protection from the appeal authority with judicial independence. Pending a decision on this appeal, the procedure should be suspended.

■ *Non-restricted access by asylum-seekers to lawyers, congregations and non-governmental organisations* in all stages of the procedure and unrestricted access of these groups to the asylum seekers. This should also apply when the latter are detained at the border or have been taken into custody.

■ *The right of the asylum seekers' lawyers and other supporting persons to attend interviews and proceedings and to obtain access to files.*

■ *The right to freedom of movement.* Neither the application for asylum, nor the fact of coming from a certain country, nor the extent of the justification of an application, nor the fact of "illegal" entry justify the detention of the asylum seeker during the procedure.

The amended proposal for a Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status does not do justice to these minimum standards, and therefore requires considerable further amendment.

17 The churches are resolutely opposed to the EU project to delegate the responsibility for receiving refugees to poorer states outside the European Union.⁴ The possibility of declaring non-EU states "safe third countries" or "first countries of asylum" unilaterally transfers the responsibility for protecting refugees to much poorer states. This could encourage other states also to neglect their responsibilities from the Geneva Convention and to pass responsibility in turn to others. "Chain deportations" to the persecutor state would be the natural consequence of this. The above plans are in contradiction to the Geneva Convention and the principles of international humanitarian law. They destroy the basic idea of the right to asylum.

⁴ The proposals of Britain's Prime Minister Blair were in part adopted by the Commission in a Communication entitled "Towards more accessible, equitable and managed asylum systems" of 3 June 2003.

18 The churches welcome the fact that needy asylum seekers have a right to a minimum level of protection in future in the whole of the EU – accommodation, food, clothing, medical care and schooling – and call for the consistent implementation of the Directive on reception conditions for asylum seekers. Its standards are often not observed in practice. Particular attention should be given the situation of people requiring special protection. They include unaccompanied minors, persons with disabilities, elderly people, pregnant women, lone parents with young children and people who have suffered torture, rape or other serious forms of mental or physical violence. The Directive should be amended to allow asylum seekers the opportunity to work in the medium term. Integration into the labour market fosters their mental stability. It makes it easier for the host society to accept them and promotes the acquisition of skills that may be useful in the event of their returning to their country of origin.

Migration

19 EU enlargement may promote peace, stability, prosperity and freedom of all its citizens and of the whole of Europe. EU citizenship should in future guarantee unlimited freedom of movement and the right to vote in the country of residence. The European Union and its members states, the local and regional authorities, organisations and churches are called upon to promote the acceptance of the new members of the EU and foster exchanges between people.

20 The family rightly enjoys special state protection. The signatory churches protest that the protective provisions contained in the Directive on reuniting families have been watered down. Children, in particular, must have the unrestricted right to live with their parents. Instead of restrictions on family reunion there should be a policy to promote the potentials of the families once brought together, in order to do justice to the requirements raised by the integration process. The churches hope that refugees with subsidiary protection status will be granted a legal right to family reunion.

21 The churches call upon the European Union and its Member States without further delay to sign, ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families.

22 The legal position of permanently resident third-country nationals should be considerably improved. The new right of such people to a residence permit after five years is a step in the right direction. This status should also be granted – and must not be withdrawn – when persons cannot live independently of public benefits for health or other reasons. Migrants living permanently in the European Union should have the same status as EU citizens in terms of access to work, education, protection of social rights and the right to vote.

23 The situation of migrants in irregular situations calls for humanitarian improvements. Free advice and support for such persons must not be subject to sanctions. Children of migrants in irregular situations must be able to attend school without any restriction.

The rights enshrined in the UN Convention on the Rights of the Child apply to all children, independently of their status. In order to guarantee that acute illness and pain are dealt with in time "irregular" migrants require risk-free access to the health system. Finally, it must also be possible for them to report crimes and testify as witnesses without this leading to the end of their residence. Programmes for the protection of witnesses should be considerably improved for victims of human trafficking and organised crime.

24 Where people have been shown to have lived in Europe for many years the churches call for solutions allowing them to stay, enabling them to have appropriate future prospects.

Opportunities and assignments for the churches and their diaconal agencies

25 "Whoever puts his/her trust in the Gospel... lives within the fellowship in praise of God and service to others, in the assurance that God will bring his kingdom in all its fullness. In this way God creates new life and plants in the midst of the world the seed of a new humanity." (Leuenberg Agreement 10)

The churches remember with gratitude the shelter, protection and open-hearted acceptance they met with when, in the course of their own history, they suffered oppression and persecution as individuals, groups or institutions. These experiences of migration in distant or recent times have been constitutive for the lives of some churches. At the same time, however, we repeatedly notice visible prejudices against strangers and refugees amongst our own members.

26 A culture of encounter, hospitality and cordial welcome for migrants and refugees sends visible signals of mutual respect and recognition. Initiatives in this direction and interreligious encounters should be fostered by congregations in conjunction with other religions and the local authorities. Further, the expectations Christians cherish in the context of faith, hope and love, both now and for the future, should be expressed more clearly in a kind of theology of encounter and conviviality. Christians, both local and from abroad, belong to the same Body of Jesus Christ and to universal communion. Wherever congregations open themselves up in this way to migrants and refugees there will be feelings of uncertainty. These are to be addressed seriously and sensitively.

27 The churches and their parishes can make a crucial contribution to creating and sustaining a climate of acceptance and tolerance, and to removing prejudices. The signatory churches thank all those who have already lived and worked in this spirit through their personal commitment. Opportunities for action here

are offered in preaching, ceremonial gatherings (baptisms, confirmations etc.), pastoral care, Christian education, youth and women's work, and other forms of community life. Church congregations can create places of encounter to enable mutual learning. The churches feel challenged to extend more invitations to migrants and refugees, to promote dialogue with other denominations and religions, and to open up to intercultural interchange. The presence of migrants offers us the opportunity to get to know our own faith better and to discover together new sources of inspiration. Parishes should make premises available to migrant communities and promote opportunities for exchange. Migrants and refugees are important partners for sharing in the conciliar process for "Justice, Peace and the Integrity of Creation" (JPIC).

28 The churches, with their congregations and diaconal agencies, are challenged to open up to more intercultural exchange, and thus to overcome cultural stereotypes. In this process they should draw on the experience already gained by ecumenical organisations and mission agencies. Equal rights and equal participation presuppose that people with a migrant background can make their own contribution in the life of parishes and church organisations in the same way as local people. Education and training can be enhanced by intercultural teams. These can also encourage learning processes, defuse potential conflicts and enable mediation.

29 The churches oppose racism, xenophobia and anti-Semitism. They also note and denounce cases of racism and xenophobia in the community, raise them in public and take deliberate steps in order to promote an open and tolerant life together.

30 The churches and their diaconal agencies have an advocacy role when the rights of refugees and migrants are violated. Refugees, asylum-seekers and migrants are frequently particularly affected by social and racist exclusion. The churches see themselves as responsible for providing diaconal services to provide practical assistance to asylum seekers and migrants in cooperation with volunteers. Parishes are called upon to engage in advocacy for asylum seekers, refugees and migrants, and to integrate them into the community at large.

31 The churches and their social service agencies see it as their task to communicate the connections between injustice, environmental degradation, war and the phenomena of migration and exile. They work closely with partner churches in the worldwide ecumenical movement and seek to make use of opportunities for cross-border cooperation in border regions. The *Charta Oecumenica – Guidelines for the Growing Cooperation among the Churches in Europe* – is gratefully received as an encouraging basis and helpful orientation in this context.

Jesus says:

«I was a stranger and you welcomed me. ... Just as you did it to one of the least of these who are members of my family, you did it to me.»

(Mt 25:35-40)

The signatories, the Conference of Rhine Churches and the member churches of the *Community of Protestant Churches in Europe / Leuenberg Church Fellowship* commit themselves, in keeping with their responsibility founded in the Bible, to seek appropriate responses to the challenges posed by migration and asylum issues. They will endeavour to make their position publicly known and, if possible, have it considered in the process of European legislation and transposition of directives into national law. They will ask their church districts, parishes and diaconal organisations to show a responsible concern for the activities outlined above.

The signatory churches request the Executive Committee of the *Community of Protestant Churches in Europe / Leuenberg Church Fellowship* to pass on the conclusions of this consultation to the 103 signatory churches in an appropriate manner, and to forward them via their governing bodies and synods to the competent authorities in their own areas.

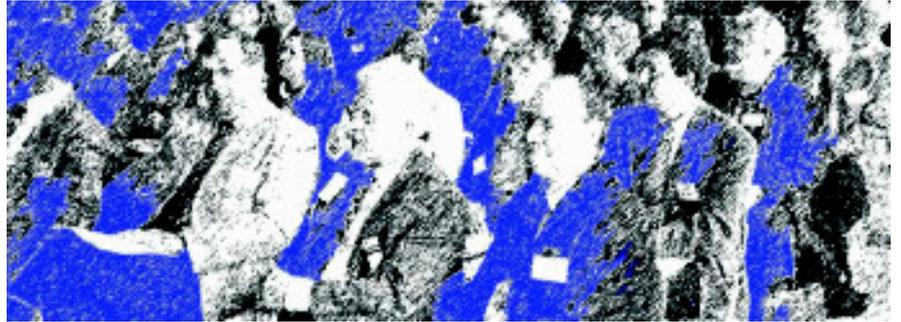
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Consultation documentation

Presentations
Press reports
Programme, further references and links

available at: www.liebfrauenberg-migration.de .

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